

## MESSAGE

OF

## THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*Sundry documents in relation to the affairs with the government of Nicaragua, and information that the new minister from that government had been accredited by this government.*

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MAY 15, 1856.—Read and ordered that the message and documents be printed.

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*To the Senate and House of Representatives:*

I transmit herewith reports of the Secretary of State, the Secretary of the Navy, and the Attorney General, in reply to a resolution of the Senate of the 24th of March last, and also to a resolution of the House of Representatives of the 8th of May instant, both having 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 relate to questions of the highest importance and interest to the people of the United States.

The narrow isthmus which connects the continents of North and South America, by the facilities it affords for easy transit between the Atlantic and Pacific oceans, rendered the countries of Central America an object of special consideration to all maritime nations, which has been greatly augmented in modern times by the operation of changes in commercial relations, especially those produced by the general use of steam as a motive power by land and sea. To us, on account of its geographical position and of our political interest as an American State of primary magnitude, that isthmus is of peculiar importance, just as the isthmus of Suez is, for corresponding reasons, to the maritime powers of Europe. But, above all, the importance to the United States of securing free transit across the American isthmus has rendered it of paramount interest to us since the settlement of the Territories of Oregon and Washington and the accession of California to the Union.

Impelled by these considerations, the United States took steps at an early day to assure suitable means of commercial transit, by canal, railway, or otherwise, across this isthmus.

We concluded, in the first place, a treaty of peace, amity, navigation, and commerce with the republic of New Granada, among the

conditions of which was a stipulation, on the part of New Granada, guarantying to the United States the right of way or transit across that part of the isthmus which lies in the territory of New Granada, in consideration of which the United States guarantied in respect of the same territory the rights of sovereignty and property of New Granada.

The effect of this treaty was to afford to the people of the United States facilities for at once opening a common road from Chagres to Panama, and for at length constructing a railway in the same direction, to connect regularly with steamships, for the transportation of mails, specie, and passengers, to and fro between the Atlantic and Pacific States and Territories of the United States.

The United States also endeavored, but unsuccessfully, to obtain from the Mexican republic the cession of the right of way at the northern extremity of the isthmus by Tehuantepec, and that line of communication continues to be an object of solicitude to the people of this republic.

In the meantime, intervening between the republic of New Granada and the Mexican republic, lie the States of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica, the severed members of the former republic of Central America. Here, in the territory of the Central American States, is the narrowest part of the isthmus, and hither, of course, public attention has been directed as the most inviting field for enterprises of interoceanic communication between the opposite shores of America, and more especially to the territory of the States of Nicaragua and Honduras.

Paramount to that of any European States as was the interest of the United States in the security and freedom of projected lines of travel across the isthmus by the way of Nicaragua and Honduras, still we did not yield in this respect to any suggestions of territorial aggrandizement, or even of exclusive advantage either of communication or of commerce. Opportunities had not been wanting to the United States to procure such advantages by peaceful means and with full and free assent of those who alone had any legitimate authority in the matter. We disregarded those opportunities from considerations alike of domestic and foreign policy; just as, even to the present day, we have persevered in a system of justice and respect for the rights and interests of others as well as our own in regard to each and all of the States of Central America.

It was with surprise and regret, therefore, that the United States learned, a few days after the conclusion of the treaty of Guadalupe Hidalgo, by which the United States became, with the consent of the Mexican republic, the rightful owners of California, and thus invested with augmented special interest in the political condition of Central America, that a military expedition, under the authority of the British government, had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal or railway across the isthmus within the territories of Nicaragua.

It did not diminish the unwelcomeness 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 themselves to have been 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 the State of Honduras, we remembered the many and powerful ties and mutual interests by which Great Britain and the United States are 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 interoceanic 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. We supposed we had accomplished that object by the convention of April 19, 1850, which would never have been signed nor 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.

I have already communicated to the two Houses of Congress full information of the protracted and hitherto fruitless efforts which the United States have made to arrange this international question with Great Britain. It is referred to on the present occasion only because of its intimate connexion with the special object now to be brought to the attention of Congress.

The unsettled political condition of some of the Spanish-American republics has never ceased to be regarded by this 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 are continually agitated, their public authorities are unable to afford due protection to foreigners and to foreign interests within their territory, or even to defend their own soil against individual aggressors, foreign or domestic, the burden of the inconveniences and losses of which, therefore, devolves, in no inconsiderable degree, upon the foreign States associated with them in close relations of geographical vicinity or of commercial intercourse.

Such is, more emphatically, the situation of the United States with respect to the republics of Mexico and of 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 recur to measures of force for the protection of British interests in those countries. France found it necessary to attack the castle of San Juan de Uloa, and even to debark troops at Vera Cruz, in order to obtain redress of wrongs done to Frenchmen in Mexico.

What is memorable in this respect in the conduct and policy of the United States is, that while it would be as easy for us to annex and absorb new territories from America as it is for European States to do this in Asia or Africa, and while, if done by us, it might be justified as well on the alleged ground of the advantage, which would accrue therefrom to the territories annexed and absorbed, yet we have abstained from doing it, in obedience to considerations of right not less than of policy; and that while the courageous and self-reliant spirit of our people prompts them to hardy enterprises, and they occasionally yield to the temptation of taking part in troubles of countries near at hand where they know how potential their influence, moral and material, must be, the American government has uniformly and steadily resisted all attempts of individuals in the United States to undertake armed aggression against friendly Spanish-American republics.

While the present incumbent of the Executive office has been in discharge of its duties he has never failed to exert all the authority in him vested to repress such enterprises, because they are in violation of the law of the land, which the Constitution requires him to execute faithfully; because they are contrary to the policy of the government, and because to permit them would be a departure from good faith towards those American republics in amity with us, which are entitled to, and will never cease to enjoy, in their calamities the cordial sympathy, and in their prosperity the efficient good will, of the government and of the people of the United States.

To say that our laws in this respect are sometimes 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. Suffice it to repeat that the laws of the United States prohibiting all foreign military enlistments or expeditions within our territory have been executed with impartial good faith, and, so far as the nature of things permits, as well in repression of private persons as of the official agents of other governments, both of Europe and America.

Among the Central American republics to which modern events have imparted most prominence is that of Nicaragua, by reason of its particular position on the isthmus. Citizens of the United States have established in its territory a regular interoceanic transit route, second only in utility and value to the one previously established in the territory of New Granada. The condition of Nicaragua would, it is believed, have been much more prosperous than it has been but for the



occupation of its only Atlantic port by a foreign power, and of the disturbing authority set up and sustained by the same power in a portion of its territory, by means of which its domestic sovereignty was impaired, its public lands were withheld from settlement, and it was deprived of all the maritime revenue which it would otherwise collect on imported merchandise at San Juan del Norte.

In these circumstances of the political debility of the republic of Nicaragua, and when its inhabitants were exhausted by long-continued civil war between parties, neither of them strong enough to overcome the other or permanently maintain internal tranquillity, one of the contending factions of the republic invited the assistance and co-operation of a small body of citizens of the United States from the State of California, whose presence, as it appears, put an end at once to civil war and restored apparent order throughout the territory of Nicaragua, with a new administration, having at its head a distinguished individual, by birth a citizen of the republic, D. Patricio Rivas, as its provisional president.

It is the established policy of the United States to recognize all governments without question of their source, or organization, or of the means by which the governing persons attain their power, provided there be a government *de facto* accepted by the people of the country, and with reserve only of time as to the recognition of revolutionary governments arising out of the subdivision of parent States with which we are in relations of amity. We do not go behind the fact of a foreign governments exercising actual power to investigate questions of legitimacy; we do not inquire into the causes which may have led to a change of government. To us it is indifferent whether a successful revolution has been aided by foreign intervention or not; whether insurrection has overthrown existing governments and another has been established in its place, according to pre-existing forms, or in a manner adopted for the occasion by those whom we may find in the actual possession of power. All these matters we leave to the people and public authorities of the particular country to determine; and their determination, whether it be by positive action or by ascertained acquiescence, is to us a sufficient warranty of the legitimacy of the new government.

During the sixty-seven years which have elapsed since the establishment of the existing government of the United States, in all which time this Union has maintained undisturbed domestic tranquillity, we have had occasion to recognize governments *de facto*, founded either by domestic revolution or by military invasion from abroad, in many of the governments of Europe.

It is the more imperatively necessary to apply this rule to the Spanish-American republics, in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo, and the revolutionary nature of most of these changes, of which the recent series of revolutions in the Mexican republic is an example, where five successive revolutionary governments have made their appearance in the course of a few months, and been recognized successively each as the political power of that country by the United States.

When, therefore, some time since, a new minister from the republic

of Nicaragua presented himself, bearing the commission of President Rivas, he must and would have been received as such, unless he was found on inquiry subject to personal exception, but for the absence of satisfactory information upon the question whether President Rivas was *in fact* the head of an established government of the republic of Nicaragua, doubt as to which arose not only from the circumstance of his avowed association with armed emigrants recently from the United States, but that the proposed minister himself was of that class of persons, and not otherwise or previously a citizen of Nicaragua.

Another minister from the republic of Nicaragua has now presented himself, and has been received as such, satisfactory evidence appearing that he represents the government *de facto*, and, so far as such exists, the government *de jure* of that republic.

That reception, while in accordance with the established policy of the United States, was likewise called for by the most imperative special exigencies, which require that this government shall enter at once into diplomatic relations with that of Nicaragua. In the first place, a difference has occurred between the government of President Rivas and the Nicaragua Transit Company, which involves the necessity of inquiry into rights of citizens of the United States, who allege that they have been aggrieved by the acts of the former, and claim protection and redress at the hands of their government. In the second place, the interoceanic communication by the way of Nicaragua is effectually interrupted, and the persons and property of unoffending private citizens of the United States in that country require the attention of their government. Neither of these objects can receive due consideration without resumption of diplomatic intercourse with the government of Nicaragua.

Further than this, the documents communicated show that, while the interoceanic transit by the way of Nicaragua is cut off, disturbances at Panama have occurred to obstruct, temporarily at least, that by the way of New Granada, involving the sacrifice of the lives and property of citizens of the United States. A special commissioner has been dispatched to Panama to investigate the facts of this occurrence, with a view particularly to the redress of parties aggrieved. But measures of another class will be demanded for the future security of interoceanic communications by this as by the other routes of the isthmus.

It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of free communication, by land and sea, between the Atlantic and Pacific States and Territories of the Union. It is a material element of the national integrity and sovereignty.

I have adopted such precautionary measures and have taken such action for the purpose of affording security to the several transit routes of Central America, and to the persons and property of citizens of the United States connected with or using the same, as are within my constitutional power and as existing circumstances have seemed to demand. Should these measures prove inadequate to the object, that fact will be communicated to Congress, with such recommendations as the exigency of the case may indicate.

FRANKLIN PIERCE.

WASHINGTON, May 15, 1856.

*Attorney General's report to the President.*

ATTORNEY GENERAL'S OFFICE, *May 14, 1856.*

In response to so much of the resolution of the Senate of the 24th of March last, and of that of the House of Representatives of the 8th of May, as regards the affairs of the republic of Nicaragua, the Attorney General has the honor to lay before the President copies of correspondence of this office with district attorneys of the United States, on the subject of alleged military enterprises having reference to that republic, together with some letters connected in tenor with the preceding, though relating more especially to the Mexican republic.

C. CUSHING.

To the PRESIDENT.

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*List of papers accompanying the foregoing report.*

Mr. Cushing to Mr. Inge, January 16, 1854.  
 Mr. Inge to Mr. Cushing, March 16, 1854.  
 Mr. Cushing to Mr. McKeon, April 25, 1855.  
 Mr. McKeon to Mr. Cushing, April 28, 1855.  
 Mr. Cushing to Mr. McKeon, May 25, 1855.  
 Mr. Cushing to Mr. McKeon, September 10, 1855.  
 Mr. Cushing, circular to district attorneys, December 8, 1855.  
 Mr. McKeon to Mr. Cushing, December 11, 1855.  
 Mr. Cushing to district attorneys for California, December 14, 1855.  
 Mr. McCoy to Mr. Cushing, December 18, 1855.  
 Mr. Cushing to Mr. McKeon, December 24, 1855.  
 The same to the same, December 24, 1855.  
 Mr. McKeon to Mr. Cushing, December 26, 1855.  
 Mr. Cushing to Mr. McKeon, December 27, 1855.  
 Mr. Cushing to Mr. Cannon, January 14, 1856.  
 Mr. Cannon to Mr. Cushing, January 16, 1856.  
 Mr. McKeon to Mr. Cushing, January 16, 1856.  
 Mr. Inge to Mr. Cushing, February 4, 1856.  
 Mr. Ord to Mr. Cushing, February 16, 1856.  
 The same to the same, February 16, 1856.  
 Mr. Cushing to Mr. Inge, March 1, 1856.  
 Mr. Inge to Mr. Cushing, April 1, 1856.  
 Mr. McCoy to Mr. Cushing, April 9, 1856.  
 The same to the same, April 10, 1856.

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ATTORNEY GENERAL'S OFFICE, *January 16, 1854.*

SIR: I am directed by the President to call your attention to the several acts of Congress for the preservation of the neutral relations of the United States, more especially to the acts of March 3, 1817,

and April 20, 1818, which prohibit the organizing or fitting out, within the United States, of any expedition, military or naval, against the territories of any government with which this government is at peace, and subject all engaged in such acts to punishment as for a high misdemeanor, besides authorizing the employment of the public force for the prevention and arrest of the same.

The President has regretted to perceive that persons in California are charged with engaging or intending to engage in such unlawful enterprises against the territories of the Mexican republic with which this republic is in amity; and, justly solicitous to maintain the honor and the good faith of the American government, as well as to see to the execution of the laws, he expects you to exercise the utmost vigilance in the detection and prosecution of all acts within your official district in violation of the neutral obligations of the United States.

I have the honor to be, very respectfully,

C. CUSHING.

Hon. S. W. INGE,

*United States District Attorney, California.*

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UNITED STATES ATTORNEY'S OFFICE,  
*San Francisco, March 16, 1854.*

SIR: I have the honor to acknowledge your letter of the 16th of January, calling my attention (by direction of the President) to the acts of Congress for the preservation of the neutral relations of the United States, and to the prosecution of offences in violation thereof. The directions of your letter shall be strictly pursued.

I am, sir, your obedient servant,

S. W. INGE.

Hon. C. CUSHING, *Attorney General.*

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SOUTHERN DISTRICT OF NEW YORK,  
*United States District Attorney's Office, April 28, 1855.*

SIR: I have the honor to advise you that the grand jury of this district yesterday came into court and presented an indictment against Henry L. Kinney and Joseph W. Fabens, for beginning, setting on foot, providing, and preparing the means for a military expedition or enterprise within this district, to be carried on from thence against the territory or dominions of a foreign State, namely, the republic of Nicaragua, with whom the United States are at peace, contrary to the 6th section of the neutrality act of April 20, 1818.

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Very respectfully, your most obedient servant,

JOHN McKEON,  
*United States District Attorney.*

Hon. C. CUSHING,

*Attorney General of the United States.*

ATTORNEY GENERAL'S OFFICE, *April 25, 1855.*

SIR: The Secretary of State having referred to me your letter of the 24th instant, with its enclosures, I have taken the directions of the President on the subject, and in accordance therewith have to request you to institute legal proceedings against Colonel Kinney and the steamer "United States," provided, in your judgment, the evidence accessible will suffice to afford probable cause.

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I have the honor to be,

C. CUSHING.

P. S. Since writing the above I have seen the letter of Mr. Fabens in the New York Herald of yesterday, which seems to require that he be proceeded against equally with Colonel Kinney. C. C.

JOHN McKEON, Esq.,

*United States District Attorney, New York.*

ATTORNEY GENERAL'S OFFICE, *May 25, 1855.*

SIR: I am directed by the President to enclose to you the within communication addressed to Captain Boarman, containing proper authority for the detention of the steamer United States.

As the authority thus conferred is of a high and responsible nature, it is not in the present case to be exercised, except it shall appear to you that all ordinary legal means to prevent the departure of the United States shall have been exhausted.

Captain Boarman has been directed to advise with you in whatever he shall have occasion to do in the execution of this order.

The President has authorized the present proceeding under the sense of his general obligation to take care that the laws be faithfully executed, and in discharge of his particular obligation to prevent the fitting out within the United States of any hostile expedition against foreign States in amity with the United States; and he cannot in this case entertain any doubt of his duty to interpose, in view of the fact that the parties now stand indicted before the district courts of the United States for the southern district of New York, and the eastern district of Pennsylvania, on the charge of being engaged in a military enterprise against the republic of Nicaragua, in the prosecution of which they have chartered the steamer United States.

I have the honor to be, very respectfully,

C. CUSHING.

Hon. JOHN McKEON, *United States Attorney.*

ATTORNEY GENERAL'S OFFICE, *September 10, 1855.*

SIR: I have the honor to enclose herewith a copy of a dispatch from the British minister to the Secretary of State, and of letters annexed,

alleging that troops have been recruited in New York by the Accessory Transit Company for services in the State of Nicaragua, and to request you to investigate the fact, and if, on such investigation, it shall appear that any such recruitments have been made, in violation of law, then to institute criminal proceedings against the parties concerned.

I am, respectfully,

C. CUSHING.

Hon. JOHN McKEON,  
*Attorney United States, New York.*

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*Circular addressed to District Attorneys in principal ports of the United States.*

ATTORNEY GENERAL'S OFFICE, *December 8, 1855.*

SIR: Information having been received by the President that preparations are being made in various ports of the United States to recruit men for the invasion of the State of Nicaragua, or otherwise to take part in military operations there, he directs me to call your attention specially to the subject.

He desires you to take measures to detect and defeat, so far as it may be lawfully done, all such enterprises, to bring the parties guilty to punishment, and to detain any vessel fitted out to carry on the undertaking.

You will please to give seasonable notice if, in any case, occasion shall arise for the exercise of the direct authority of the President in the premises.

I have the honor to be, very respectfully,

C. CUSHING.

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SOUTHERN DISTRICT OF NEW YORK,  
*United States District Attorney's Office, December 11, 1855.*

SIR: I this morning received your letter of the 8th instant, conveying to me the President's views respecting a projected invasion of Nicaragua. No evidence of any such act has yet come to me, and I may say that your letter is the first intimation I have of such a contemplated violation of law in this district. If I can have the information in the possession of the President, it would materially aid me.

I have addressed a communication to the marshal of the United States for this district, of which I have the honor to enclose a copy.

Anything that may transpire in the premises will be immediately communicated to you.

I have the honor to remain, sir, your obedient servant,

JOHN McKEON,  
*United States District Attorney.*

Hon. C. CUSHING, *Attorney General.*

SOUTHERN DISTRICT OF NEW YORK,  
*United States District Attorney's Office, December 11, 1855.*

SIR: Information has been received by the President of the United States that preparations are being made, in various ports of the United States, to receive men for the invasion of the State of Nicaragua, or otherwise to take part in military operations there, and I call your attention specially to the subject.

The President desires that measures be taken to detect and defeat all such enterprises, to bring the guilty parties to punishment, and to detain every vessel fitted out to carry on the undertaking.

If occasion should arise, the President will exercise the direct authority vested in him for the prevention of all such violations of our neutrality laws.

With the force of your office you can undoubtedly make inquiries and take such measures as will carry out the views of the President.

I feel assured of your desire to uphold the law, and promise to you my most active co-operation.

I am, very respectfully,

JOHN McKEON,  
*United States District Attorney.*

A. G. HILLYER, Esq.,  
*United States Marshal, &c.*

ATTORNEY GENERAL'S OFFICE, *December 14, 1855.*

SIR: I am directed by the President to address you further on the subject of the illegal military enterprises against the State of Nicaragua, which have been, and, as it appears, still continue to be carried on from the ports of California. He has perceived with extreme regret that a State with which the United States are at peace, and which on other accounts is entitled to the special good will of this government, has thus, in effect, been subjected to invasion.

I am aware of the extreme difficulty of detecting the criminal purpose of any persons engaged in such an undertaking, when they embark without visible organization in passenger steamships, plying between San Francisco and San Juan del Sud.

But the President expects that, by the exercise of particular vigilance in the matter, you will be able to accomplish the desired object.

Suggestion has been made of some complicity of the Nicaragua Transit Company in these acts, and that point may be entitled to your consideration.

I am, very respectfully,

C. CUSHING.

Hon. S. W. INGE, *Attorney United States, San Francisco.*

PACIFICUS ORD, Esq., *United States Attorney, Monterey.*

OFFICE UNITED STATES ATTORNEY,  
*Eastern District, La., December 18, 1855.*

SIR: I have this day sent to the collector of this port the original of the accompanying copy. I trust that its tone will meet the requirements embraced in your communication of the 8th instant.

I am, dear sir, yours, &c.,

TOM. S. MCCOY,  
*United States Attorney.*

Hon. C. CUSHING, *Attorney General, Washington, D. C.*

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UNITED STATES ATTORNEY'S OFFICE,  
*Eastern District, La., December 17, 1855.*

SIR: I have been informed that preparations are being made in and about New Orleans for the invasion of Nicaragua; that a considerable body of men have been recruited here, and are on the eve of departure to take part in the military operations of that partially revolutionized government.

As far as it may be lawfully done, you will detain any vessel now in this port fitted out to carry on the undertaking; and I particularly request that you will detail a special number of inspectors to search and watch the "General Scott" now on the eve of departure, and report to this office the result of your investigations.

I am, sir, your friend,

TOM. S. MCCOY,  
*United States Attorney.*

Col. J. C. PORTER, Esq., *Collector, New Orleans.*

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ATTORNEY GENERAL'S OFFICE, *December 24, 1855.*

SIR: I duly received your communication of the 23d instant, and the documents accompanying the same, having reference to the engagement and preparation of persons in the State of New York for military service in the State of Nicaragua.

You will have received my dispatch by telegraph, notifying you of the order given by the President to Captain Bigelow of the United States navy, to proceed, according to your advice, in the detention of any vessel whatsoever implicated in proceedings contrary either to statute or to treaty stipulations, and desiring you to act in the premises upon all proper information. This applies more especially, of course, to the steamer Northern Light.

If there shall have been occasion to act on the brief order sent to Captain Bigelow by telegraph, or there should be good reason to suppose that there will be occasion so to do in the sequel, orders to the same effect, and in more complete form, will be transmitted by mail.

I have the honor to be, yours, respectfully,

C. CUSHING.

Hon. JOHN McKEON,  
*United States District Attorney, N. Y.*



ATTORNEY GENERAL'S OFFICE, *December 24, 1855.*

SIR: By your communication of the 23d instant, to which a general reply has been made in a previous letter of this date, it appears that Colonel Parker F. French is concerned in the engagement at New York of persons and of arms for transmission to Nicaragua. I reply specially on that point.

Colonel French, by letter of the 19th instant, communicated to the Secretary of State a copy of what purports to be credential letters from D. Patricio Rivas, designated as provisory president of the republic of Nicaragua, accrediting him as minister plenipotentiary of that republic to the United States, and requested an interview preparatory to the formal presentation of said credentials to the President.

To this the Secretary of State replied, by letter of the 21st instant, stating that the President does not yet see cause to establish diplomatic intercourse with the persons claiming at this time to exercise political power in the State of Nicaragua, and that, for sufficient reasons assigned, he does not at present deem it proper to receive any one as a minister to this government duly appointed by that republic.

Copies of those two letters are herewith enclosed.

You will thus perceive that Colonel French is entitled to diplomatic privilege in the United States only in a very qualified degree. He is not an accredited minister, but simply a person coming to this country to present himself as such, and not received, by reason of its failing to appear that he represents any lawful government.

Under such circumstances, any diplomatic privilege accorded to him is of mere transit and of courtesy, not full right; and that courtesy will be withdrawn from him so soon as there shall be cause to believe that he is engaged in here, or contemplates, any act not consonant with the laws, the peace, or the public honor of the United States.

The President entertains all possible regard for the diplomatic character, by whomsoever borne, but he cannot allow it to be made a cloak for the infringement of our laws, or of our international obligations. He therefore desires you to make distinctly known to the principal party the precise relations of the case, and to communicate the same to all other parties concerned, in such manner as you may find to best comport with the public interests.

I have the honor to be, very respectfully,

C. CUSHING.

Hon. J. McKEON,

*United States District Attorney, New York.*

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SOUTHERN DISTRICT OF NEW YORK,  
*United States District Attorney's Office, December 26, 1855.*

SIR: A warrant has been issued by George W. Morton, esq., United States commissioner, against Parker H. French, charged with an offence against the laws of the United States, recently committed.

Mr. French claims to be a diplomatic representative of the State of Nicaragua, and the offence charged against him was committed by him since assuming such character. I have to request to be informed of the President's directions, as to whether said warrant should be executed.

I am, with high respect, your obedient servant,

JOHN McKEON,  
*United States District Attorney.*

Hon. C. CUSHING,  
*Attorney General.*

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ATTORNEY GENERAL'S OFFICE, *December 27, 1855.*

SIR: I have received your letter of the 26th instant, in which you state that a warrant has been issued against Parker H. French, claiming to be diplomatic representative of the State of Nicaragua, for an offence against the laws of the United States, charged to have been committed by said French recently, and since he assumed such character, and as to which you request to be informed whether the said warrant shall be executed.

In reply, the President directs me, in the first place, to refer you to the following paragraphs of my letter of the 24th instant, namely:

"You will thus perceive that Colonel French is entitled to diplomatic privilege in the United States only in a very qualified degree. He is not an accredited minister, but simply a person coming to this country to present himself as such, and not received by reason of its failing to appear that he represents any lawful government.

"Under such circumstances, any diplomatic privilege accorded to him is of mere transit, and of courtesy, not of right; and that courtesy will be withdrawn from him so soon as there shall be cause to believe that he is engaged in here, or contemplates, any act not consistent with the laws, the peace, or the public honor of the United States."

He directs me to say, in the second place, that, proceeding in the spirit of the fullest consideration for the diplomatic character, he desires you to notify Mr. French of the present charge, and to inform him that no process in behalf of the United States will be served upon him, provided he shall not become chargeable with any further offence and shall depart from the country within a reasonable time.

I have the honor to be, very respectfully,

C. CUSHING.

Hon. JOHN McKEON,  
*United States District Attorney, New York.*

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ATTORNEY GENERAL'S OFFICE, *January 14, 1856.*

SIR: I am directed by the President to call your attention to the statement in the Trenton Gazette of the 10th, reproduced in the New York Herald of the 12th, to the effect that a military expedition, in

violation of law, is fitting out by parties in New Jersey, and to request that you will take steps to inquire into the same, and if the statement be true to arrest and prosecute the offenders.

I am, very respectfully,

C. CUSHING.

G. S. CANNON, Esq.,

*United States Attorney, New Jersey.*

BORDENTOWN, *January 16, 1856.*

SIR: I acknowledge the receipt of your letter of the 14th instant, directing my attention to certain publications in relation to the rumored fitting out of a military expedition, by parties in this State, in violation of law.

I will proceed at once to institute a rigid inquiry in relation to this matter, and if I find that the rumors are well-founded, will immediately take measures to arrest and prosecute the offenders.

I am, very respectfully, your obedient servant,

G. S. CANNON,

*District Attorney, &c.*

Hon. CALEB CUSHING,

*Attorney General United States.*

SOUTHERN DISTRICT OF NEW YORK,

*U. S. District Attorney's Office, New York, January 16, 1856.*

SIR: Yesterday the grand jury of the circuit court of the United States for the southern district of New York presented an indictment for setting on foot a military expedition or enterprise against the government of Nicaragua against the following named persons :

John Creighton, Francis B. O'Reefe, Andrew J. Morrison, Charles Walters, William Lyster, Parker H. French, Daniel H. Dillingham, Joseph R. Mali, George B. Hall, Addison Farnsworth, and Louis Schlessinger.

\* \* \* \* \*

With great respect, I am, sir, your obedient servant,

JOHN McKEON,

*United States District Attorney.*

Hon. C. CUSHING, *Attorney General, &c.*

UNITED STATES ATTORNEY'S OFFICE,

*San Francisco, February 4, 1856.*

SIR: I have received your letters of the 10th and 14th of December, in relation to illegal military enterprises against the State of Nicar-

agua. I have no doubt many persons have left this place within the past few months, for the purpose of aiding the military operations of Walker in Central America, but they have all left without organization, without visible arms or military equipments of any description; some, for the avowed purpose of locating as peaceful occupants upon the public lands of Nicaragua, which are offered in certain quantities to all those who may choose to emigrate; and others, with through tickets to New York, claiming to be peaceful passengers. No information which would justify the seizure of a vessel, or the commencement of a prosecution, has come to my knowledge.

I assure you that should such information be obtained the law shall be promptly enforced.

Very respectfully, your obedient servant,

S. W. INGE.

Hon. C. CUSHING,

*Attorney General United States, Washington.*

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OFFICE OF THE ATTORNEY OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

*Los Angeles, February 16, 1856.*

SIR: I have had the honor to receive your letter of the 10th of December last, calling my special attention, by direction of the President, to the subject of the preparations being made in various ports of the United States to recruit men for the invasion of the State of Nicaragua, or otherwise taking part in military operations there, and desiring me to take measures to detect and defeat all such enterprises, and to bring the parties guilty to punishment; and to detain any vessel fitted out to carry on the undertaking; and to give seasonable notice if in any case occasion should arise for the exercise of the direct authority of the President.

I shall use all due diligence to carry out the instructions of the President in the premises.

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

P. ORD, *District Attorney.*

Hon. CALEB CUSHING,

*Attorney General United States, Washington.*

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OFFICE OF THE ATTORNEY OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

*Los Angeles, February 16, 1856.*

SIR: I have had the honor to receive your letter of the 14th of December, 1855, on the subject of illegal military enterprises against the State of Nicaragua originating in California.

I shall use every effort to carry out the directions and wishes of the President in regard to these illegal enterprises.

Up to the present time I am very confident that no vessels have been fitted out or men organized within the southern judicial district of California, nor have any of its citizens embarked in such illegal enterprises.

\* \* \* \* \*

I am, very respectfully, your obedient servant,

P. ORD, *District Attorney.*

Hon. CALEB CUSHING,

*Attorney General United States, Washington.*

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ATTORNEY GENERAL'S OFFICE, *March 1, 1856.*

SIR: Referring to my letters of January 16, 1854, and of December 14, 1855, I have to request of you a brief report of the several prosecutions which have been instituted in your district for imputed violation of the provisions of the act of Congress referred to.

I am, very respectfully,

C. CUSHING.

Hon. S. W. INGE,

*Attorney of the United States, San Francisco.*

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SAN FRANCISCO, *April 1, 1856.*

SIR: I have received your letter of the 1st ultimo, requesting a brief report of the several prosecutions which have been instituted in the northern district of California for violations of the act of 1818.

In reply, I have the honor to state that the first prosecution was instituted in 1853, against one Henry P. Watkins, who organized a force in San Francisco for the aid of Walker in his attempted conquest of Lower California.

This prosecution resulted in the conviction of Watkins, and is the only conviction ever obtained in the United States for a violation of the sixth section of the aforesaid act.

Subsequently, Frederick Emons, who was a confederate of Watkins in the expedition before referred to, "plead guilty" to an indictment founded upon the same section of the said law.

Afterwards, in the year 1854, the consuls of Mexico and France were indicted for violations of the section of the act of 1818, prohibitory of the enlistments of men within the territory of the United States for service in a foreign country, the first of whom was convicted. In the case of the consul of France there was a mistrial, the jury standing upon their discharge one for conviction and two for acquittal.

In the latter part of the year 1855, and in the beginning of the year 1856, many persons availed themselves of the steamers from San Francisco to San Juan del Sur to go to the aid of Walker, then

engaged in the struggle which has since terminated so successfully to the democratic party of Nicaragua.

No effort was made by the United States attorney at San Francisco to arrest the departure of men who embarked at San Francisco to aid Walker in Nicaragua, because, apparently, their purposes and objects were not in violation of the act of 1818.

Walker had been invited to Nicaragua to aid the republican party against the aristocratic party of that State in a domestic revolution. He accepted that invitation, and, with the men who chose to accompany him, proceeded from a port in our country to the theatre of his operations in a foreign country. There was no enlistment or organization within our territory.

Such a case did not fall, in the opinion of the United States attorney, within the prohibitions of the act of 1818, and hence no effort was made to prevent the departure of the men raised by Walker for this purpose, or of those subsequently raised to support him.

I have the honor to be, sir, very respectfully, your obedient servant,  
S. W. INGE.

Hon. CALEB CUSHING,  
*Attorney General of the United States, Washington, D. C.*

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OFFICE U. S. ATTORNEY EASTERN DISTRICT OF LOUISIANA,  
*April 9, 1856.*

SIR: This morning I have given peremptory instructions to the marshal of this district to search the "Charles Morgan," a steamship advertised to leave this port to-morrow morning for Nicaragua, and report to this office by 5 o'clock, p. m., and at 8 o'clock, a. m., to-morrow, the 10th, the result of his investigation.

The object of these instructions, so peremptory, is to carry out *your instructions* of date 8th December, 1855, and to maintain the integrity of the act of Congress of 1818, and our treaty stipulations with Great Britain.

The report, should it be made, will be immediately forwarded to your department.

I am yours, truly,

TOM. S. McCOY,  
*United States Attorney.*

Hon. CALEB CUSHING,  
*Attorney General United States, Washington, D. C.*

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U. S. ATTORNEY'S OFFICE EASTERN DISTRICT OF LOUISIANA,  
*April 10, 1856.*

SIR: In obedience to my instructions to the marshal of this district, of yesterday's date, of which I informed you, the steamship "Charles

Morgan," bound for San Juan, was searched last evening and this morning, within one hour of departure.

The marshal has just reported no violation of law discovered.

I am, sir, very truly, yours, &c.,

TOM. S. McCOY,  
*United States Attorney.*

Hon. CALEB CUSHING,  
*Attorney General, United States, Washington, D. C.*

DEPARTMENT OF STATE,  
*Washington, May 15, 1856.*

The Secretary of State to whom was referred the resolution of the Senate of the 24th of March last, requesting the President if, in his opinion, compatible with the public interest, to communicate to the Senate all the information he has concerning the revolutionary proceedings which have recently occurred in Nicaragua, and especially concerning the recent seizure of the property of the Nicaraguan Transit Company; and, also, the resolution of the House of Representatives of the 8th instant, requesting the President, if not incompatible with the public interests, to furnish that House with such information as may be in his possession, or in that of any of the departments, touching the recent disturbance at Panama, and touching the interruption of either of the routes of transit in foreign territory between the Atlantic and Pacific oceans; and, also, what measures, if any, have been taken for the protection of American interests in relation to the same, has the honor to lay before the President the documents mentioned in the subjoined list.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

CENTRAL AMERICAN PAPERS.

*List of documents accompanying report of Secretary of State, May 15, 1856.*

Mr. Marcoleta to Mr. Marcy, June 2, 1855.

Mr. Marcy to Mr. Marcoleta, June 5, 1855.

Mr. Wheeler to Mr. Marcy, July 1, 1855.

Same to same, (enclosures,) October 14, 1855.

Same to same, (enclosures,) October 23, 1855.

Same to same, (enclosures,) October 30, 1855.

Mr. Marcy to Mr. Wheeler, November 8, 1855.

Mr. Wheeler to Mr. Marcy, (enclosure,) November 8, 1855.

Same to same, (enclosures,) November 12, 1855.

Mr. Irisarré to same, November 30, 1855.  
Mr. Marcy to Mr. Irisarré, December 6, 1855.  
Mr. Wheeler to Mr. Marcy, (enclosure,) November 30, 1855.  
Mr. Marcy to Mr. Marcoleta, December 1, 1855.  
Mr. Marcoleta to Mr. Marcy, December 8, 1855.  
Mr. Molina to same, December 6, 1855.  
Mr. Marcy to Mr. Molina, December 10, 1855.  
Same to Mr. Wheeler, December 7, 1855.  
Mr. Wheeler to Mr. Marcy, (enclosures,) December 15, 1855.  
Mr. French to same, (enclosure,) December 19, 1855.  
Mr. Marcy to Mr. French, December 21, 1855.  
Mr. Molina to Mr. Marcy, December 20, 1855.  
Mr. Wheeler to same, (enclosure,) December 24, 1855.  
Same to same, December 30, 1855.  
Mr. Marcoleta to same, (enclosure,) January 7, 1856.  
Mr. Marcy to Mr. Wheeler, January 8, 1856.  
Mr. Wheeler to Mr. Marcy, (enclosures,) January 15, 1856.  
Same to same, January 15, 1856.  
Mr. French to same, January 18, 1856.  
Mr. Wheeler to same, (enclosures,) January 25, 1856.  
Mr. French to same, (enclosure,) February 5, 1856.  
Mr. Marcy to Mr. French, February 7, 1856.  
Mr. Wheeler to Mr. Marcy, February 26, 1856.  
Mr. Hine to Mr. Marcy, March 9, 1856.  
Mr. Marcy to Mr. Hine, April 11, 1856.  
Mr. Vanderbilt to Mr. Marcy, (enclosures,) March 26, 1856.  
Mr. Wheeler to same, (enclosures,) March 17, 1856.  
Same to same, March 31, 1856.  
Same to same, (enclosures,) April 17, 1856.  
Mr. Molina to same, April 8, 1856.  
Mr. Marcy to Mr. Molina, April 25, 1856.  
Mr. Molina to Mr. Marcy, May 2, 1856.  
Mr. Marcoleta to Mr. Marcy, April 26, 1856.  
Mr. Marcy to Mr. Molina, May 2, 1856.  
Mr. Molina to Mr. Marcy, May 6, 1856.  
Mr. Vijil to same, May 14, 1856.  
President of Nicaragua to President of United States, April 17, 1856.  
Captain Tinklepaugh's protest, May 6, 1856.

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PANAMA PAPERS.

Mr. Ward to Mr. Marcy, (enclosures,) April 18, 1856.  
Mr. Hoadley to same, (enclosures,) May 1, 1856.  
Same to same, (enclosures,) May 2, 1856.  
Mr. Marcy to Mr. Ward, May 3, 1856.  
Same to Mr. Bowlin, May 3, 1856.



CENTRAL AMERICAN PAPERS.

*Mr. Marcoleta to Mr. Marcy.*

[Translation.]

LEGATION OF NICARAGUA,  
New York, June 2, 1855.

The undersigned has, with sorrow and astonishment, been informed of the departure, from the port of San Francisco, in California, of the so-called Colonel Walker, in company with several armed persons, who are on their way to the territory of the republic of Nicaragua, in evident violation of the laws of both countries.

The undersigned, who is, and has been an ocular witness of the efforts made, and of the prompt and energetic measures recently adopted by the federal government in order to restrain and suppress the piratical and criminal expedition formed in New York and other points, by Kinney, Fabens, and associates, who propose to invade, on the Atlantic side, the territory, and to destroy the government of Nicaragua, cannot avoid expressing to the Hon. Secretary of State of the United States the regret he feels at the indifference shown, on this occasion, by the authorities of the State of Upper California, who, had they been better disposed, might have seconded, in that remote part of the American Union, the noble and generous efforts of the federal government in the State of New York.

The undersigned also regrets that the strictest and most imperative duty imposes upon him, on this occasion, the binding obligation of protesting, as he does in fact hereby protest, in the strongest and most energetic manner, against the tolerance of the authorities of San Francisco, and against the departure from that port of a military expedition against a sister nation, who is in the most perfect peace and harmony with the American people and government.

The undersigned avails himself of this occasion to renew to the Hon. Secretary of State the assurances of his most distinguished and highest consideration.

J. DE MARCOLETA.

Hon. W. L. MARCY, &c., &c., &c.

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*Mr. Marcy to Mr. Marcoleta.*

DEPARTMENT OF STATE,  
Washington, June 5, 1855.

The undersigned has the honor to acknowledge the receipt of Mr. Marcoleta's note of the 2d instant, in which he states that he had been informed of the departure from San Francisco for the republic of Nicaragua of the so-called Colonel Walker in company with several armed persons. Mr. Marcoleta does not mention the source from

which he obtained this information, but if it was communicated to him through the newspapers, it had already reached the undersigned through the same channel, but was not deemed indicative of another conspiracy against Nicaragua, inasmuch as the undersigned is under the impression that the announcement of the sailing of Colonel Walker and his associates was followed by the further statement that they were on their way to Nicaragua for the purpose of entering into the military service of the government of that republic. This is a proceeding which is not forbidden by the laws of the United States, and it is presumed, is not one of which Mr. Marcoleta meant to complain. Inasmuch, however, as he seems to suppose that the United States officers at San Francisco were negligent in allowing Colonel Walker to depart, the attorney of the United States at that place will be instructed to report to this department upon the subject.

The undersigned avails himself of this occasion to offer to Mr. Marcoleta a renewed assurance of his very distinguished consideration.

W. L. MARCY.

Señor Don JOSÉ DE MARCOLETA, &c., &c., &c.

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*Mr. Wheeler to Mr. Marcy.*

[Extract.]

[No. 17.] LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*San Juan del Norte, July 1, 1855.*

SIR: \* \* \* \* \*

I would also inform the department that a force of about two hundred and seventy men, under Colonel Walker, had landed near San Juan del Sur, and reports on the day I left were that he had taken Rivas and San Juan del Sur.

With sentiments of high esteem, I am your faithful servant,  
JOHN H. WHEELER.

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*Mr. Wheeler to Mr. Marcy.*

[No. 25.] LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 14, 1855.*

SIR: Since writing my last dispatch events of much importance have occurred; on yesterday, at 6 o'clock in the morning, the forces of Colonel William Walker, amounting to 400 men, (of which 92

were Americans,) attacked this place; after a sharp firing of 15 minutes this city was taken. Walker had two men wounded, the Granadians four killed, many wounded, and about forty prisoners. The president of the republic fled, but some of his chief officers are prisoners, and a proposition of peace has been made by which Walker is appointed provincial president for one month, and an election is to be ordered by the people, and the president elect to take office at the end of one month.

I hope that this may settle this distracted yet beautiful country.

I have the honor to be, very respectfully, your faithful servant,

JNO. H. WHEELER,

*Minister Resident of the Republic of Nicaragua.*

Hon. WM. L. MARCY,

*Secretary of State of the United States, Washington.*

Enclosed is a copy of Walker's proclamation of this date.

[Translation.]

*Manifesto addressed to Nicaraguans.*

At the hour of six o'clock this morning I took possession of this city, after a slight resistance offered to the troops under my command by those of the supposed legitimate government. During the little skirmish, three or four soldiers of the enemy had the misfortune to be killed, but after the triumph which I was bound to obtain no personal molestation has been offered to any one. All those families who were expecting incendiarism, robberies, assassinations, shootings, and unutterable immoralities, as the lying legitimists had repeatedly foretold, have seen and witnessed quite the contrary. My duty as the chief of the extraordinary forces of a government liberal in principles, whose views are to maintain the vital interests of the State, protection to the laboring man, security to the citizen, encouragement of the arts, science, and agriculture, &c., &c., was to preserve and cause to be preserved order. Thus it is, that although I caused the arrest of Messrs. Don Dionisio Chamorro, Don Toribio Jerez, and other personages of high consideration, who were the principal agents of legitimacy, I did nothing with them, except to deliver them to persons of responsibility, to be kept in custody. I shall then continue to occupy the other towns of the State, and death to him that opposes the imperious march of my forces, into which will be admitted, without distinction of color, all who may desire to join them.

The people of Nicaragua must not allow themselves to be deceived, for this is the truth demonstrated by acts, and with that understanding, their happiness is in their own hands. Here it is—a democratic government in its true sense guarantees progress and liberty.

WM. WALKER.

GRANADA, October 13, 1855.

[Translation.]

REPUBLIC OF NICARAGUA, DEPARTMENT OF WAR,  
*Granada, November 2, 1855.*

MOST EXCELLENT SIR: The provisional supreme executive power of the republic has been pleased to issue the following decree:

The government, in view of the urgent necessity which exists for the organization of the executive power, and considering that the appointment made of the licentiate Don Norverto Ramires, as minister of the interior and foreign relations, may be dilatory and injurious to the public peace, in the exercise of its powers

DECREES:

1. The licentiate Don Maximo Jerez is appointed minister of the interior and of foreign relations, *ad interim*.

2. The minister of war, temporarily in charge of the department of relations, will communicate the above to the appointee and to those whom it may concern.

RIVAS.

GRANADA, *November 1, 1855.*

And I do myself the honor of communicating the same to your excellency for your information.

I avail myself of this opportunity to enclose to your excellency the signature of the appointee, and to tender you the assurances with which I am your excellency's obedient servant,

PONCIANO CORRAL.  
 MAXIMO JEREZ.

To the Honorable MINISTER PLENIPOTENTIARY  
*of the Republic of the United States of America.*

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*Mr. Wheeler to Mr. Marcy.*

[No. 26.]

LEGATION OF THE UNITED STATES OF AMERICA,  
 NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 23, 1855.*

SIR: Fearing lest, by the tumults of war that still disorder this unhappy country, my last dispatch miscarried, I forward a duplicate. This dispatch will inform you of the attack on this city by the forces under the command of Colonel Walker, and its capture, and the proposition by its chief citizens to make him provisional president. At the request of the chief officers of the late government, the clergy,

and citizens, I endeavored to make peace by conveying their resolves to General Corral. A copy of our correspondence is herewith enclosed, marked A, B.

The depositions of Captain George B. Slocum, marked C, of Eli Birdsall, marked D, prove most violent bloodshed at Fort San Carlos.

The depositions of John F. Moore, marked E; William H. Burt and others, marked F; Clark Hill, marked G; Theron Wales, marked H; William Fitts, marked I; Jonathan G. Kenrick, marked J, of Gilbert H. Plank, marked K, prove violent bloodshed at Virgin bay; all are herein enclosed.

These outrages have produced the effect of a severe recrimination on the part of the invading forces, and on yesterday morning the minister of foreign affairs, Don Mateo Mayorga, was shot in the public Plaza.

I enclose to you the first English newspaper ever published in Granada.

My position has been faithfully maintained amid all these tumults, though far from being agreeable or safe.

I have written to the navy agent at San Francisco, that a ship of the Pacific squadron be sent to San Juan del Sur, and to the consul of the United States at Havana for any United States vessel that may touch at Havana.

Be pleased to repeat these requests to Mr. Dobbin.

I have the honor to be faithfully yours,

JOHN H. WHEELER,

*Minister of United States near Republic of Nicaragua.*

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A.

HEADQUARTERS, *marching, October 17, 1855.*

I am placed in the imperious necessity to manifest to the minister of the United States of America, that in consequence of his return to the city of Granada, in the steamer of the Accessory Transit Company, taken by the chief commanding the forces who occupy that place, with the object to hurt the forces of the supreme government, who I have the honor to command in Rivas, I will now inform you that I am not, or will not be responsible for what may happen to you personally, for having interfered in our domestic dissensions to the prejudice of the supreme government who has recognized and admitted him; as much as the same made himself bearer of communications and proclamations against the legitimately recognized authority; therefore, I now protest, and I give you notice, that on this same date I informed the Secretary of State of the United States, Governor Marcy, and the newspapers of New York.

I am your dear servant,

D. F. I.

PONCIANO CORRAL,

*Commander-in-chief of the army of the Republic of Nicaragua.*

To the MINISTER OF THE UNITED STATES OF AMERICA in Nicaragua.

## B.

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Virgin Bay, October, 1855.*

I have the honor to acknowledge the receipt of your letter of yesterday, in which you inform me that you are "compelled to manifest to me your protest against my return to the city of Granada with the object of injury to the forces under your command in the town of Rivas."

I reply that I had no such object in visiting Rivas, as will appear more fully by a letter which I wrote to the military governor of that department, a copy of which I enclose to you. I had no personal desire to leave Granada, but influenced by the chief citizens of Granada, (your own friends,) the venerable fathers of the church, the tears of your sisters, daughters, and others, I consented to visit you in company with Don Juan Ruiz, the minister of war and your superior in office, bearing the olive branch of peace, and a proposition from the commander general of the democratic forces, to make you the provisional president of the republic.

When I found that you were absent, and when I desired to return to this place, judge my surprise when I was informed both by the prefect and the governor, that I could not return, and was thus held for two days actually a prisoner of war, with my secretary, servants, and my national flag. For this gross act of the violation of the laws of nations and my rights as an ambassador, I protest, and be assured, general, that my government will hold you and your government to a severe responsibility for this lawless act.

You further inform me that if I return to Granada that you will not be responsible for my personal safety; and you will inform Governor Marcy, the Secretary of State, and the newspapers of New York, of my proceedings in this matter.

In reply, I inform you that when I have kept my word of honor, given to the governor of Rivas, to remain here two days to await your reply, I shall return to Granada; and that I do not request, nor have I ever requested, of you, to be responsible for my personal safety; the flag of the United States is sufficiently powerful for my protection, backed as it is by a patriotic President and thirty millions of people.

I have myself informed Governor Marcy of these matters, and I feel no way responsible to you or to the newspapers of New York for my official conduct.

Yours, faithfully,

JOHN H. WHEELER,  
*Minister United States of America,  
near Republic of Nicaragua.*

General PONCIANO CORRAL.

## C.

REPUBLIC OF NICARAGUA, *Granada*:

This day came before me George B. Slocum, captain of the steamer vessel San Carlos, native of Rhode Island, and thirty years old, who, being duly sworn, says: That on Thursday, October 18, 1855, he, in command of said steamer, left the Toro Rapids at 1 o'clock, p. m., with about 500 passengers from New York bound to California; that, when within three miles of the Fort of San Carlos, having on board also the commandant of the Castillo fort and nine soldiers belonging to the army of the republic, he took on board, from a canoe in the river, Colonel Bosqu, commander-in-chief of the northern forces; when within hailing distance of San Carlos fort, he stopped the engine and ordered the anchor to be let go, and the boat to be lowered to go on shore to report to the custom-house; while in the act of doing this, a heavy cannon (24-pounder) was discharged from the fort, which struck the steamer, disabled the engine and steering gear, and from there the ball went upon the upper deck, killed Mrs. White, a cabin passenger, and her daughter, and wounded her son, (having taken off his foot.)

Immediately after the shot was fired I took a boat and went ashore to report to the custom-house the number of passengers, and to inquire the reason I was fired into; they said, in reply, that the La Virgin had been there in the morning with fillibusters on board, and they had fired at her; that they had the captain of the La Virgin on shore, and that they would not surrender him, as they intended holding him prisoner; they insisted on my returning to the Toro Rapids, and sending the passengers back to New York; I begged of them to let me pass with the steamer and passengers to take them to Virgin bay, and, after detaining the steamer eight hours, they consented to let me go, on condition that I would return as soon as possible with the steamer, having no passengers on board; that I must not bring any of the passengers from California with me.

I could not return on account of the engine being so much damaged that it required two days to take it apart for repairs; it being so much damaged that we were compelled to work it to Virgin bay by hand.

The conclusion this affiant makes is, that there is implacable hatred to all Americans, a fixed purpose to destroy the transit route on the part of the Nicaraguan government and its officials.

GEO. B. SLOCUM.

Sworn and subscribed to before me this 23d October, 1855.

JNO. H. WHEELER.

—

D.

REPUBLIC OF NICARAGUA, *City of Granada*:

This day came before me Eli L. Birdsall, a native of New York, aged thirty-one, who, being duly sworn, says that he is the engineer

of the steamer San Carlos, plying between Toro Rapids and Virgin bay, on Lake Nicaragua, and he has read and examined the affidavit of Captain Slocum, taken this day, relative to attack of authorities at San Carlos upon the steamer, the murder of a passenger and daughter and wounding her son, and the great peril in which the lives of all the Americans, passengers, and others, are exposed; that said affidavit is true; and it is his deliberate opinion, that if not promptly overawed by force, that the complete destruction of the transit route will be effected by the Nicaraguan government and its officials; and that, at this time, all communication from the Pacific to the Atlantic ocean is destroyed.

ELI L. BIRDSALL.

Sworn to and subscribed before me this 23d October, 1855.

JNO. H. WHEELER.

—  
E.

REPUBLIC OF NICARAGUA, *City of Granada*:

This day came before me John T. Moore, a native and resident of Louisville, Kentucky, aged twenty-eight years, being duly sworn, says: That he left San Francisco, California, on the 5th of October, 1855, in the steamship Uncle Sam, and landed at San Juan del Sur on Tuesday, 16th instant; and, on 17th, left Virgin bay at night, and on the morning of the 18th, while off San Carlos, several cannon were discharged at the steamer, which compelled her to return to Virgin bay. The fort at San Carlos being in possession of the government of Nicaragua. On the evening of the 19th instant, while at Virgin bay, an attack was made by the forces of Nicaragua, and as many as fifty shots or more were fired upon the unarmed passengers, none making any resistance or effort except to escape; there was a grand stampede on the occasion by the passengers, five or more were killed dead, and seven to nine were wounded. The affiant was taken a prisoner; when, on the next morning, they returned to their quarters at Rivas, taking with them the person of Hon. Courtland Cushing as a prisoner, for whose fate this affiant has much anxiety. On the next morning the passengers went on board of the steamer, which went to the island of Ometepe; on the 20th we returned to Virgin bay, and finding the troops at Virgin bay we left for Granada, where we understood the United States minister resided, to place ourselves under his protection, where we now are, and where we have been received with all the kindness and protection we could anticipate or desire.

JOHN T. MOORE.

Sworn to and subscribed before me this 23d October, 1855.

JNO. H. WHEELER.



F.

REPUBLIC OF NICARAGUA, *City of Granada:*

This day came before me W. H. Burt, native and resident of New Hampshire, aged thirty-one years; O. F. Moore, native of New York, and resident of Indianapolis, Indiana, aged thirty-two; Augustus Elliott, native of Massachusetts, and resident of Boston, Massachusetts; David F. Little, native of the State of Louisiana, and resident of Clermont, New York, aged thirty-three years; Walter J. Myers, native of Ohio, and resident of Indiana; and Frederick Lockhart, native of Philadelphia, being duly sworn, say: That they have read the affidavit made this day by John T. Moore, before the American minister, relative to the attack by the troops of the government of Nicaragua on the unarmed passengers on the evening of the 19th October, 1855, and the same is verily true in every part and particular.

The affiants, Wm. H. Burt and O. F. Moore and David F. Little, stood within six feet when the captain of the forces gave the order to his men to fire, his men numbering at least one hundred, no effort or resistance being made by the passengers, by which five or more were killed dead and seven or nine wounded. Mr. Burt received a ball in his coat.

The affiant, David F. Little, baggage and freight agent on the isthmus, was on board the steamer San Carlos, and has read the testimony of Captain Slocum and Mr. Birdsall; that said affidavits are true; and, further, he saw a volley of at least fifty muskets fired from the fort at the steamer by the soldiers.

W. H. BURT,  
O. F. MOORE,  
AUGUSTUS ELLIOTT,  
D. F. LITTLE,  
W. S. MYERS,  
FREDERICK LOCKHART.●

Sworn to before me this 23d October, 1855.

JNO. H. WHEELER.

G.

LEGATION OF UNITED STATES, *Granada:*

This day came before me, Clark Hite, native and resident of Jefferson county, Kentucky, 22 years old, being duly sworn, says that he has read the testimony of J. T. Moore, taken this day before the minister of the United States, relative to the outrage on the California passengers at Virgin bay, on the evening of the 19th October, 1855. He was also a passenger, and said affidavit is true in every particular; and he furthermore swears, that the said soldiers took said Hite by force, and robbed him of his revolver, passage tickets, and his money, forty-four dollars in cash.

CLARK HITE.

Sworn to before me this 23d day of October, 1855.

JOHN H. WHEELER.

## H.

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 23, 1855.*

Theron Wales being duly sworn, doth depose and say, that I am a citizen of the United States; that I am a passenger from San Francisco to New York. I was at Virgin bay on the evening of the 19th instant; I was standing in the company's office, when we were suddenly attacked by a party of men, natives of this country, who fired a volley of balls at the persons standing in front and in the office; a ball struck me on the arm, a little below the shoulder, making a dangerous wound and breaking my arm. I arrived in this place on Sunday night, on board the San Carlos, and I am now under medical attendance, under the care and protection of the American minister.

Theron Wales.

Sworn to and subscribed before me, this 23d August, (October,) 1855.  
JOHN H. WHEELER.

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## I.

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 23, 1855.*

William Fitts, a citizen of Georgia, being duly sworn, doth depose and say, that in the evening of the 19th instant, about sunset, I was standing at the door of the Accessory Transit Company in Virgin bay, with a number of persons near to me, when we were attacked by a party of native soldiers; I received a musket ball in my arm, of which wound I am now suffering.

I am a passenger of the Transit Company from San Francisco to New York, and was detained at Virgin bay on account of the steamer that conveyed us from the latter place being fired into at San Carlos, by the troops of the legitimate party of this republic, and we were compelled to return to Virgin bay to wait until we could pass the fort of that place without endangering our lives.

William Fitts.

Sworn to before me and subscribed, this 23d October, 1855.  
JOHN H. WHEELER.  
*Minister of United States near Republic of Nicaragua.*

J.

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 23, 1855.*

Jonathan G. Kendrick being duly sworn, doth depose and say, that I am a citizen of Cincinnati, State of Ohio; that I am a passenger of the Nicaragua Transit Company from San Francisco to the city of New York; that at the time the attack was made upon us at Virgin bay, in the evening of the 19th instant, by the troops of the legitimate party of this country, I was standing nearly opposite the door of the company's office, and was suddenly surprised by a loud discharge of musketry and at the same time I received a ball in my left shoulder, it passing out of my breast; that after I was wounded I was robbed of my money and my transit ticket; I was left laying for two or three hours outside of the office, when I was carried in by five Frenchmen, who were soldiers; they seemed to be friendly towards me; I remained in the office all night and part of the next day, when I was taken on board of the steamer La Virgin; during the time I was in the office I saw one of the natives rob the office of a black and a white carpet bag.

I saw a party of soldiers take Judge Cushing away with them, and prior to his departure he told one of his clerks to take care of the papers, as he expected as soon as he arrived at Rivas he would be allowed to return.

I arrived here in the steamer on Sunday night.

J. G. KENDRICK.

Sworn and subscribed to before me this 23d day of October, 1855.

JOHN H. WHEELER,  
*Minister of United States of America,  
resident near Republic of Nicaragua.*

—

K.

GRANADA, October, 1855.

This day appeared before me Gilbert H. Plank, aged 24, native of New York, who being duly sworn, says that he left San Francisco on the 5th instant, in the steamship Uncle Sam, and that on Friday last, (the 19th instant,) as he was crossing the isthmus from San Juan del Sur to Virgin bay, about a mile and a half from Virgin bay, he was met by an officer and twenty men, who arrested him, and demanded if he was a passenger; on his replying he was, he inquired if they intended to trouble or harm the passengers; he (the officer) then replied, that orders had been issued that *no more passengers should pass the transit route*, and when I arrived at Virgin bay as a prisoner, I heard the rapid firing of arms, and five passengers were killed, four of whom I aided to bury. The guard took me to the company's of-

fice, and when they found me to be a passenger I was released and went on board the steamer San Carlos, in which I came to this place, where I claim the protection of the American minister.

GILBERT H. PLANK.

Sworn to before me this 23d October, 1855.

JOHN H. WHEELER,  
*Minister resident.*

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*Mr. Wheeler to Mr. Marcy.*

[No. 27.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, October 30, 1855.*

SIR: My last dispatch (No. 26, dated 23d instant) gave to you, with its enclosures, evidences of fearful outrages and murder, at San Carlos and Virgin bay, of American citizens by the officers of the legitimate government of Nicaragua.

I have the satisfaction to inform you that a treaty of peace was formed on the 23d instant between the generals of the two parties, General Walker on the part of the democratic party, and General Corral on the part of the legitimate party. I enclose a copy of this treaty herein; and on yesterday the treaty was consummated by General Corral, who marched, with his whole force of 500 men, into this city, and united with the troops of General Walker; the two chiefs embraced on the field, and then "proceeded to the church to return thanks to the God of armies for the termination of the war."

Don Patricio Rivas, the provisional president, has arrived in this city, and entered upon the discharge of his duties. He is esteemed as one of the best men of the republic. As soon as the departments are filled, the republic will be under another set of rulers than those recognized by the United States, and if no event of importance intervenes to call for any diplomatic action on my part, *I shall await instructions from you.* By that time, too, it will be ascertained if the people of Nicaragua have now substantially made another change, or whether it be only a successful foray of arms, ultimately to be overcome by a superior force.

It is confidently believed that the present condition of things will be permanent, and that substantial peace, for the first time in thirty years, reigns in Nicaragua; that at least three of the five Central American States will form a federal union (San Salvador, Honduras, and Nicaragua) under one president.

I also report, in the absence of any consul here, to the department, the death of the following American citizens: Nicholas Carroll, native of New York, and resident of San Francisco, California; 2. John L. Boyce, of Wayne county, Indiana; 3. William De Bois, of Great Bend, Susquehanna county, Pennsylvania. They left some effects, an

inventory of which I will forward as soon as I hear from Virgin bay, where some of them died. They were passengers from San Francisco to New York; as you will observe from the affidavits enclosed in my last, these passengers had many severe trials. They could not proceed, since the fort of San Carlos had fired on them; and when they returned to Virgin bay, they were attacked by the troops; many killed, many robbed, and some wounded. They then proceeded to this place, and 250 Americans sought my house for protection.

The promptings of my own nature, as well as those of humanity, caused me to open my doors to my homeless, wounded, plundered countrymen.

Two of them died, which I had buried at my own expense; two of them severely wounded, who have received every attention from me and every aid.

Those robbed of clothes have been furnished by me, and all entertained for two days and two nights at my cost. Upon what period shall I draw for reimbursement?

I have the honor to be, very faithfully yours,

JNO. H. WHEELER.

Hon. WM. L. MARCY,

*Secretary of State of the United States, Washington City.*

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TREATY.

Generals William Walker and Ponciano Corral, being animated with the most sincere desire to put an end to the war which has destroyed Nicaragua, and anxious to remedy so great an evil, the first in virtue of the faculties given him, and the second fully empowered by the government which resided in this city, have agreed, after mature discussions, in celebrating the following treaty:

1. From this day are suspended hostilities, and there shall be peace and friendship between the belligerent armies.

2. Patricio Rivas is named provisional president of the republic of Nicaragua for the term of fourteen months, unless the president, in full council of ministers, should resolve to call an election before the end of the term.

3. The ministers of State will be appointed by the president, and will be taken from the four departments of which is composed the republic: one of war, one of foreign and internal affairs, one of treasury, and the other of public credit.

4. The provisional government will respect, and have respected, the chapters 2d, 3d, and 4th, and sections 2d and 3d of the general dispositions of the constitution of 1838.

5. There will be a general oblivion of all that has taken place to this day for political faults and opinions, and no one will be molested or troubled for such.

6. The contracting parties and the provisional president oblige

themselves to recognize all debts contracted by the belligerent parties, whether it be for loans, exactions, or any other cause.

7. The President will recognize the commissions and military appointments of those who have served under the belligerents.

8. All those chiefs, officers, or citizens who may wish to return from the republic or cities, may do so with the guarantee and security of their persons and property.

9. The French Legion may continue serving the republic, should they manifest a desire to become citizens of Nicaragua, and in this case the government will give to each the portion of land that has been offered them. The arms they now use, as they belong to private individuals, will be returned to their owners.

10. General Walker will give orders to the forces that are attacking Managua to withdraw themselves to Leon, and reduce their number to one hundred and fifty men; when this will be done, General Corral offers to reduce the forces of Managua to the precise number of one hundred men, under the command of General Martinez, those of Masaya to fifty men, under command of Colonel Don Lini Cezar, or another honorable chief.

11. The forces of Rivas will remain under the command of General Hartruch, and the provisional government will appoint the chief officer, and regulate the number of men that will be on duty in that department.

12. The governments that have heretofore existed in Nicaragua during this war will cease when the generals shall notify them of this treaty.

Done in the city of Granada, this twenty-third day of October, in the year of our Lord one thousand eight hundred and fifty-five.

#### ADDITIONAL ARTICLES.

1. Twenty-four hours after the arrival in this city of the provisional president of the republic, the army that General Corral commands in Masaya will enter this city, when, united with that of General Walker, the president and both generals will proceed to the church to return thanks to the God of armies for the termination of the war.

General Walker will be recognized as general-in-chief of the army of the republic, and named by a decree of the government.

General Corral will deliver the command, armament, and munitions of war, unless the government disposes otherwise.

2. The government of the republic will reside in this city, and will here receive the ministers and consuls of foreign nations.

3. Both armies will use no other device than a blue ribbon, with the inscription, "Nicaragua Independiente." The great seal, the arms and inscriptions of the banners and standards will also have the same motto.

WM. WALKER,

*Commander-in-chief of the democratic army that occupies Granada.*

PONCIANO CORRAL,

*General-in-chief of the forces of the republic.*

GRANADA, October 23, 1855.

In virtue of the full powers that, by decree of yesterday, were conferred upon me, I oblige myself to respect and have complied with the foregoing.

PONCIANO CORRAL, *General-in-chief*.

GRANADA, October 23, 1855.

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*Mr. Marcy to Mr. Wheeler.*

[No. 13.]

DEPARTMENT OF STATE,  
Washington, November 8, 1855.

SIR: I have received and laid before the President your dispatches numbered 25 and 26, together with their enclosures. The miserable condition of Nicaragua is much regretted, and devolves upon this government perplexing duties. While adhering to our settled policy of leaving to every nation the management of its own internal affairs, we have important duties to perform in regard to our citizens who may be resident within or passing through its territories. The recent murders and outrages committed upon them in the State of Nicaragua must be atoned for by the authorities of that country. The perpetrators of these crimes must be punished, the sufferers indemnified, and the families of the murdered be provided for. Whenever that country has a responsible government, a due measure of satisfaction will be demanded. In the present condition of affairs there, it is difficult to decide who has the responsible government on which the demand for satisfaction can be made.

It appears that a band of foreign adventurers has invaded that unhappy country, and, after gaining recruits from among the residents, has by violence overturned the previously existing government, and now pretends to be in possession of sovereign authority. The knowledge we have of their proceedings does not authorize the President to recognize it as the *de facto* government of Nicaragua, and he cannot hold, or permit you to hold, in your official character, any political intercourse with the persons now claiming to exercise the sovereign authority of that State. It appears to be no more than a violent usurpation of power, brought about by an irregular self-organized military force, as yet unsanctioned by the will or acquiescence of the people of Nicaragua. It has more the appearance of a successful marauding expedition than of a change of government or rulers.

Should the mass of the people of Nicaragua be unwilling or unable to repel this inroad or shake off this usurpation, and ultimately submit to its rule, then it may become *de facto* a government, and responsible for the outrages which have been committed upon the rights and persons of American citizens. Then this government will demand and exact ample indemnity and satisfaction from it.

The President instructs you to abstain from any official intercourse with the persons now exercising a temporary control over some parts of Nicaragua. In such a dubious state of affairs, you cannot be expected to act in your official character until you receive instructions

from your government, but you will be entitled to all the immunities of a minister if you do no act to forfeit them. You will remain in the country, and keep your government well advised of the actual condition of affairs therein. You will observe great circumspection in your conduct. You cannot retain a right to the privileges of a minister if you intermeddle in the concerns of any of the parties. The difficulties you have already encountered arose, as it appears, from an apprehension that you had improperly interfered in the conflict between the contending parties. Though the President has no doubt that you acted from the purest motives, intending only to subserve the cause of humanity, yet your course was aside from that which your duty as the representative of a foreign government imposed upon you. It has exposed you to the charge by one party of interfering in the concerns of the other, and on this ground an attempt will be made to justify the restraint put upon you. In regard to this matter, the President will hereafter take such a course as is dictated by a regard to your rights as a public functionary of this government.

Orders have been issued for some of our public ships to visit the Atlantic and Pacific coasts of Nicaragua. They will have instructions to look to and protect the persons and property of our citizens, but there should be no misapprehensions as to the extent to which they have a right to interfere. The commanders of such ships have no right, except in very extraordinary cases, to send forces to operate on land, and in no case could they be permitted to take any part in the conflicts of the contending parties within the limits of the country. They can, and should protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our citizens who wish to escape from scenes of violence and bloodshed, and secure a depository for their property.

Should the officers of the national armed ships, sent to the coast of Nicaragua, confer with you as to acts proper for them to do in any emergency, you will be careful in the advice you may give them. 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.

I am, sir, your obedient servant,

W. L. MARCY.

JOHN H. WHEELER, Esq., &c., &c., &c.



*Mr. Wheeler to Mr. Marcy.*

[Extracts.]

[No. 28.]      LEGATION OF THE UNITED STATES OF AMERICA.  
NEAR THE REPUBLIC OF NICARAGUA,  
Granada, November 8, 1855.

SIR: Your dispatch No. 12, has been received.

I enclose (marked A) a copy of the original resolutions adopted by the principal citizens of Granada, on the 14th ultimo, at whose earnest entreaties, in company with the late minister of war, Don Juan Ruiz, I bore these resolutions to the camp of General Corral.

In my dispatch No. 26 (marked A, B) is a copy of my correspondence with Corral, to which you will be pleased to refer. For this violent outrage to my flag and the laws of nations, I shall expect that my government will demand such reparation as its dignity demands.

The provisional government has been formed, and in full exercise of its powers:

Don Patricio Rivas, as president.

General William Walker, as commander-in-chief.

General Max. Jerez, as minister of foreign affairs.

General P. Corral, as minister of war.

Colonel P. H. French, hacienda.

Don Fermin Ferrer, public credit.

And I have been officially notified of these appointments. Affairs of the utmost moment demanding the attention of a minister, in accordance with the example of Mr. King with the provisional government of France in 1850, and the instructions from your department, that "the principle has always been acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change its institutions at discretion, and to transact its business through whatever agents it may think proper," (see Wheaton's Elements of International Law, 276,) I shall feel authorized to present myself to the president of the provisional government, believing that this course will meet your entire approbation.

I regret to inform you that General Corral, the late commanding general of the legitimate army and the secretary of war under the present government, was arrested day before yesterday for treason. He was tried by a court of his own choice. His letters inciting his late officers to *attack this city and developing plans* for its capture were acknowledged by him. The sentence of the court was that he should be shot, and on this day, at 2 o'clock, p. m., on the public plaza, the sentence was carried into execution.

\*      \*      \*      \*      \*      \*      \*

In addition to the persons named in my last as dead, I would report as killed at San Carlos, on 18th October, Mrs. Alexander White and child, of Sharon, Schoharie county, New York, and son badly wounded.

As killed at Virgin bay, on 19th October, ——— Howard, Covington, Kentucky, H. B. Davis, Van Buren county, Iowa.

Wounded—B. D. Henry, residence unknown; Charles Steward, (or Stonard,) residence unknown; — Fitz —, residence unknown; Cornelius Ross, Boonville, Cass county, Missouri; J. G. Kenrick, Cincinnati, Ohio; Theron Wales, Southwaywork, Massachusetts.

Very respectfully,

JOHN H. WHEELER.

Hon. W. L. MARCY,

*Secretary of State of the United States.*

[Translation.]

In the city of Granada, on the 14th day of the month of October, 1855, the undersigned being assembled in the court-house, and taking into consideration the critical position in which the city finds itself invaded by the forces of the provisional supreme government, which are in possession of the same, have agreed and resolved what follows:

Art. 1. Having succeeded in obtaining from the commander-in-chief of the democratic forces, which occupy this place, propositions of peace, on conditions that read literally thus:

1st. William Walker shall be appointed provisional director of the republic for the term of one month. Immediately after his installation, all the people of the State shall be convened, in order that they may elect the director who is to take possession at the expiration of the term for which the provisional director has been appointed.

2d. All rights of person and of property of both parties shall be guaranteed, and a veil shall be thrown upon all political offences.

3d. The army of the provisional government shall be organized under the direction of the provisional director. And the undersigned being convinced that, under circumstances so embarrassing, this is a means of obtaining peace and the consequent guarantees of person and of property, have thought proper to appoint the minister of the government of the United States, Don Jacinto Chomorro, Don Juan Ruiz, Don Fran. Pecovini, and Don Santiago Solorsano, as commissioners near the chief of the belligerent forces which are under his orders, in order that they may make propositions of peace, on the bases above mentioned, each of them using all his influence in order to obtain so precious a boon, to which effect they shall carry with them an authenticated copy of the present act.

Art. 2. The inhabitants of this city are very well satisfied with the conduct of the actual prefect, Don Firmin Ferrer, in consequence of his discharging the duties of said office according to the wishes of the aforesaid inhabitants, and his maintaining order at all risk, with which this session was brought to a close, the same being presided over by the prefect, whose signature follows, together with that of the municipal officers and other concurring inhabitants.

F. Ferrer, R. Vivas, Sebastian Moreno, Fran. Calonge, Lorenzo Guerrero, M. Benard, T. B. E. Thomas, Hilario Selva, Juan Gribarran, P. Quadra, Bernabé Manuel, Sebastian Escobar, T. Arguello

Arca, Pedro Lugo, Jose M. Reyes Alvarado, Santiago Solersano, D. Chamorro, P. Lacayo, Agustin Vijil.

True copy, municipal department,

FRS. GARCIA CALONGE.

GRANADA, October 25, 1855.

*Mr. Wheeler to Mr. Marcy.*

[Extract.]

[No. 29.] LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, November 12, 1855.*

SIR: \* \* \* \* \*

As I advised you in my last, (No. 28,) I was formally received on Saturday last as minister of the United States by Don Patricio Rivas, president of this republic. Enclosed are copies of my address and his reply, also the last number of "*El Nicaraguense*," a weekly paper published here, which must interest you.

Don Buenaventura Silva has been appointed minister of war, vice General Corral shot. Señor Silva had been minister of war under the provisional democratic government at Leon.

In my opinion the present government of Nicaragua will be permanent, and I trust that the influences that may guide her councils may be so tempered by law and justice that the change of rulers will not be regretted either by their own sons or the civilized world. San Salvador and Honduras have congratulated this government on its success; Costa Rica must fall in; Guatemala, the determined foe of Nicaragua, will seek and find ready cause of quarrel, and will attack her—in which, aided by San Salvador and Honduras, and the adventurous spirits from the United States and elsewhere, Guatemala will be badly whipped. Then will come a confederated union of the five republics, and with it, I trust, peace, science, and civilization.

I am gratified to know that the United States steamer-of-war, the *Massachusetts*, S. Swartwout, lieutenant commanding, is at San Juan del Sur, and that the frigate Independence is expected soon. If there ever was a time and place that American citizens or property required the protection of our naval force, it is now and here. I hope that soon a ship-of-war will be at San Juan del Norte. In which event, as I learn from good authority that the present government of Nicaragua will asserts its rights to the town and port of San Juan del Norte 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.

Colonel Kinney sent a deputation (Fabens and Swift) to this city by the last steamer. I understand, from good authority, that Mr. Swift stated for Colonel Kinney, "that if the government of Nicaragua would recognize his grants from Shepard, that he would recognize the present government of Nicaragua," and that General Walker replied, "that Kinney should be distinctly informed that if he was caught in Nicaragua, (and he considered San Juan del Norte as a part of her territory,) that he would treat him as a traitor, and hang him in five minutes."

I have the honor to be yours faithfully,

JOHN H. WHEELER, *Minister.*

P. S. Since the foregoing was written I have received the enclosed communication from the minister of foreign affairs, recalling Mr. Marcoletta as the minister of this republic to the United States.

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*Mr. Wheeler's address to Don Patricio Rivas.*

MR. PRESIDENT: I congratulate you upon your accession to the presidency of the republic of Nicaragua.

I had the honor of presenting, in May last, to the government of this city, a letter from the President of the United States, accrediting me minister resident near this republic.

The diplomatic usages of the United States, from the earliest period, have always acknowledged that every nation possesses the right to govern itself according to its own will, and to transact its business through whatsoever agent it may think proper to employ.

In conformity to ancient and honorable precedents, I request that you will regard the letter of the President of the United States, now on file in the archives of your State Department, as addressed to you, as president of the republic of Nicaragua; and that you rely with confidence on his sincerity in the expressions of friendship entertained by him, and the people of the United States, for this republic, and the desire of the President and our government, to cultivate the harmony and good correspondence which now so happily subsists between us.

From the period of her independence from Spain, in 1821, to the date of the treaty, by virtue of which you, Mr. President, hold your office, Nicaragua has been the scene of revolution and warfare, of intestine convulsion and blood. If there were, at some short intervals, a temporary cessation of hostilities, it was only to enable the political storm to gather fresh fury by repose.

I hail the treaty of the 23d ultimo, between the chiefs of the respective armies, as was the sacred dove bearing the olive branch of peace, proving that the bitter waters of desolation and of destruction had subsided; and I trust that the ark which has been so long tossed upon the troubled ocean of political strife, may now rest secure in the enjoyment of peace and prosperity.

With a soil as fertile as any on earth, abundant in mineral wealth,

the "El Dorado" of the hopes of Columbus, a salubrious climate, a geographical position so important that it is the "golden gate" between the Atlantic and Pacific oceans, which opens the commerce of the world. Your republic, "the centre of Central America," only requires peace, industry, and enterprise, to take its appropriate position among the nations of the earth.

The example of the "great republic of the north," like the north star to the sea-tossed mariner, plainly points to you the true way of national greatness. The interests are the same—their principles should be, also.

Our true policy is to declare and to *maintain* that the people of American republics can govern themselves; that no foreign power shall be allowed to control, in the slightest manner, our views, or interfere in the least degree with our interests. Our dignity, our rights and security as republics demand this, and the idea of any interference or colonization by any foreign power on this side of the ocean is utterly inadmissible.

Be assured, Mr. President, that nothing shall be wanting on my part to advance the interests of both republics, and as the representative of the United States to discharge my important and delicate duties in a manner agreeable to you and satisfactory to my own government.

To which the President made the following reply :

MR. MINISTER : With particular pleasure I have listened to the expression of those generous sentiments with which your excellency congratulates my accession to the presidency, and for which I return to you my sincere thanks, and so far as in my power, in the position in which I find myself placed, nothing will be more grateful to me, than to maintain cordial relations with your excellency, who so worthily represents the government of the illustrious American nation.

If these relations have at all times been considered by Nicaragua as of great importance, for her improvement and well-being, how much, without doubt, more important are they now, when an extensive and disastrous civil war is just terminated by the means of fraternal understanding in favor of the republic; upon whose young and powerful elements of liberty and order hopes are founded that this country will march with a firm step to the same elevation of advancement which its free institutions and natural advantages present.

Several years since, by a solemn declaration of the legislative power, those principles which flow from the liberty and independence of the American continent were adopted; they strengthen the chains which unite us to the great republic of the north, who was the first to proclaim such principles, and which has been constant in maintaining them.

Nicaragua, as other sections of Spanish America, following the example which had been set by the magnanimous nation of the north, declared her independence and established liberal institutions; and since then both nations have considered themselves identified by such

peaceful interests, and every day their mutual welfare becomes more immediately connected.

Firm in these convictions, I flatter myself that your excellency, when treating on the appropriate subjects of your important mission, will find me always animated by the same sentiments which you have already expressed in favor of the two countries.

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[Translation.]

REPUBLIC OF NICARAGUA, DEPARTMENT OF RELATIONS,  
*Granada, November 13, 1855.*

In consequence of the establishment of a new political order of things in Nicaragua, the functions of Señor Don José de Marcoleta, minister of this republic near the government of the United States, have necessarily ceased, seeing that the powers which had been conferred upon him have not been confirmed.

I make this known to your excellency by order of the provisional president, hoping that you will be pleased to communicate the same to the government of the United States as soon as possible.

I avail myself of this occasion to renew to the Hon. Mr. Wheeler my respects and consideration, remaining his obedient servant,  
MAXIMO JERES.

Hon. J. H. WHEELER,

*Minister Resident of the government of the United States.*

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*Mr. Irisarré to Mr. Marcy.*

[Translation.]

NEW YORK, *November 30, 1855.*

The undersigned, minister plenipotentiary of the republics of Guatemala and Salvador, has the honor to address himself to the most excellent minister of foreign relations of the United States, for the purpose of stating to his excellency that the events which have lately taken place in Nicaragua, where a party of adventurers from these States have caused the overthrow of the legitimate government of that republic, committing unheard of atrocities against the defenders of their own nationality, and their inalienable rights, will place the republics of Guatemala and Salvador, as well as the other Central American republics, and those contiguous thereto, under the necessity of opposing with all their forces and means the existence of the usurped authority which those adventurers have acquired over Nicaragua, taking advantage of the weakness and confusion which a civil war had entailed upon that country.

The right which some men, not a few of them citizens of the United States, have assumed, to meddle with the domestic question of Spanish America, by setting on foot warlike expeditions, in support of parties

that are forming there for the purpose of overthrowing the established governments, is an absurd and impolitic right, which no enlightened nation can acknowledge, and which all nations, whether civilized or otherwise, must resist at every hazard ; because it is better to cease to exist than to be at the mercy of such interlopers.

It is well known that the government of the Union has disapproved the conduct of Colonel Walker and of the other invaders of Nicaragua, but this disapproval has not prevented the overthrow of the legitimate government of that republic, with the assistance of these foreigners ; it has not prevented these same foreigners from barbarously murdering the loyal defenders of the established government ; it has not prevented the North American Steam Company, styled *accessory of the transit*, from facilitating the invasion of those adventurers ; it has had no effect in inducing the authorities of California to prevent, as they ought to have done, the departure of the invading expedition, and finally, it has not prevented the representative of the United States at Nicaragua from giving his sanction to the scandal, in recognizing as legitimate the government created by those intrusive regulators of the nation.

The undersigned hopes that, in view of the good friendship which subsists between the United States and the republics of Central America, this government will be pleased solemnly to declare its disapproval of the conduct of the authorities of California in tolerating the setting on foot of the aforesaid expedition, of the assistance given to this expedition by the Nicaragua Steam Company, and of the recognition by the representative of the United States of the authority usurped by those adventurers without national character, giving at the same time more stringent orders with a view of preventing the disturbers of the legitimate government of Nicaragua from being reinforced by new gangs of fillibusters.

The aforesaid republics cannot lay down their arms until they have driven from Nicaragua the intrusive rulers of the country ; and the consequences of this war will be the more serious in proportion of the amount of resistance offered by these.

The undersigned expects a reply to this note, in order that he may communicate the same to the government he represents, renewing in the mean time to the most excellent Secretary of State of the United States the assurances of his perfect consideration.

A. J. DE IRISARRÉ.

W. L. MARCY, *Minister of Foreign Relations*  
of the United States of America.

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Mr. Marcy to Mr. Irisarré.

DEPARTMENT OF STATE,  
Washington, December 6, 1855.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Irisarré, minister plenipotentiary of the republics of Guatemala and Salvador, of the

30th ultimo, in which he states that these republics, the other Central American States, and those contiguous thereto, will be under the necessity of opposing what Mr. Irisarré calls an authority wrested in Nicaragua from the legitimate government of that State, by a party of adventurers from this country. Mr. Irisarré also animadvertes upon the supposed neglect of the authorities of California to prevent the departure of the adventurers referred to, and upon the recognition, by the United States' minister in Nicaragua, of the government created, as Mr. Irisarré says, by those intrusive regulators of the nation.

In reply, the undersigned has the honor to acquaint Mr. Irisarré that it is apprehended he is mistaken in supposing that the individuals who recently left California for the purpose of entering into military service in Nicaragua departed with the knowledge of the authorities of California as to their hostile purposes, or with the connivance of those authorities. On the contrary, the undersigned is assured that when there was reason to believe that such purposes were entertained by parties embarking in the steamers at San Francisco for San Juan del Sur, every exertion was made, and in many instances with success, to prevent their departure. The fact that these well-meant endeavors in some instances failed, should, as the undersigned conceives, be imputed, not to neglect or bad faith on the part of the proper authorities, or to the insufficiency of the law, but to circumstances which could not be controlled. Mr. Irisarré is aware that many, if not most of the passengers in the steamers which depart from San Francisco for San Juan del Sur are miners returning to their original homes in the Atlantic States. It is probable that the persons of whom Mr. Irisarré complains belonged to this class. It is not certain, however, that in every instance they left San Francisco with an illegal design, and even if they did, it is not likely that they could be so far distinguished from persons of a similar class, embarking in the same steamers, who were quite innocent of any such design as to warrant judicial proceedings against them.

The undersigned has the honor to assure Mr. Irisarré that, in recognizing the new government in Nicaragua, the minister of the United States in that country did not act pursuant to the instructions of this department. On the contrary, express instructions have been given to him to abstain from doing so, though these had not reached him when he acted in that matter. Although the prevalence of civil war in that republic and in other Spanish-American States is deeply to be deplored, and all friends of humanity would greatly prefer that changes there, if expedient, in the forms of government and in the persons to be entrusted with their administration should be wrought by peaceful means, the United States do not feel called on to interpose against the employment of others for that purpose, provided the law of nations, including the laws of war, so far as their rights and those of their citizens may be affected, shall be duly observed by the contending parties.

The undersigned avails himself of this occasion to renew to Mr. Irisarré the assurances of his very high consideration.

W. L. MARCY.

Señor DON ANTONIO J. DE IRISARRÉ, &c., &c., &c.



*Mr. Wheeler to Mr. Marcy, with an enclosure.*

[No. 31.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, November 30, 1855.*

SIR: The enclosed decree of the government of this republic will inform you of the appointment of Parker H. French, esq., as envoy extraordinary and minister plenipotentiary from this republic to the United States.

Mr. French leaves in this steamer for Washington. He bears with him the treaty made by me under your instructions of 20th June last, ratified by this government, and is prepared to exchange the ratifications, which by the terms of the treaty must be done at Washington city.

I enclose you the last newspaper, with passages marked with red pencil, to which your attention is respectfully drawn.

I have the honor to be, faithfully, yours,

JOHN H. WHEELER,

*Minister of the U. S. A., near the Republic of Nicaragua.*

Hon. WILLIAM L. MARCY,

*Secretary of State U. S., Washington city.*

—  
[Translation.]

[No. 56.]      REPUBLIC OF NICARAGUA, MINISTRY OF RELATIONS,  
*Granada, November 23, 1855.*

The most excellent president has been pleased this day to issue the following decree:

*“ The Provisional President of the Republic of Nicaragua to its inhabitants: ”*

“ Considering it of the highest importance that a diplomatic agent should be accredited from this republic near the government of the United States, for the purpose of maintaining and strengthening the good relations which subsist between both countries, and having the greatest confidence in the qualifications and patriotism of Señor Parker H. French, colonel of the army of the republic, and at present minister of finance of the supreme provisional government, in the exercise of his functions,

“ DECREES :

“ ARTICLE 1. Señor Parker H. French, colonel of the army of the republic, and at present minister of finance of the supreme provisional government, is nominated minister plenipotentiary from this republic near the government of the United States of America, in order that,

agreeably to his instructions, which will be communicated to him, he may attend to the objects of his mission.

“ARTICLE 2. The secretary of state is charged with the execution of the present decree.

“Done at Granada, the 23d November, 1855.

“PATRICIO RIVAS.

“To the SECRETARY OF RELATIONS.”

And I communicate it to Señor Colonel French, by the direction of the provisional president, who anticipates, from his sentiments in behalf of Nicaragua, that he will be pleased to accept the important mission to which he has been named.

I embrace the present occasion to offer you the assurances of my distinguished consideration, and subscribe myself your obedient servant,

MAXIMO JEREZ.

Señor Colonel PARKER H. FRENCH,

*Minister of Finance of the supreme provisional government.*

*Mr. Marcy to Mr. Marcoleta.*

DEPARTMENT OF STATE,  
*Washington, December 1, 1855.*

The Secretary of State presents his compliments to Señor Don José de Marcoleta, and, in compliance with his oral request, has the honor to enclose a copy of the note\* of the Nicaraguan minister for foreign affairs to the minister resident of the United States, announcing the termination of Mr. De Marcoleta's diplomatic functions.

*Mr. Marcoleta to Mr. Marcy.*

[Translation.]

WASHINGTON, *December 8, 1855.*

The undersigned has received the copy which, at his own request, the honorable Secretary of State of the United States did him the honor of transmitting to him on the 1st instant, of the letter which Don Maximo Jerez, called secretary of state of the pretended government of the republic of Nicaragua, addressed to Colonel Wheeler on the 13th of November last, informing him that, in consequence of the new political system inaugurated at Nicaragua, the undersigned had ceased to perform his diplomatic functions in the United States, the

\* For a translation of the note referred to see accompaniment to Mr. Wheeler's, No. 29, ante.

powers which had previously been conferred upon him not having been ratified anew.

The undersigned, while he hastens to express his gratitude for the kind condescension of the honorable Secretary of State, cannot avoid stating here that, being the true and only representative of the legitimate government of the republic of Nicaragua, recognized as such, even at this day, by the diplomatic agents of Guatemala, Costa Rica, and St. Salvador, he cannot, nor must not, in any way whatever, submit to and much less recognize, the spurious authority whence said document emanates, because it does not proceed from the national and legitimate government, nor from a government *de facto*, resulting from the triumph of either of the political parties which, under various forms and aspects, are struggling for power everywhere and among all nations; but from a pretended, intrusive, and usurping administration, brought into existence by fraud and treason, created and subjected to the pressure and influence of the bayonets of a savage horde of pirates, imbued and stained with the noble and innocent blood of illustrious Nicaraguan patriots, inhumanly, cruelly, cowardly, and shamefully assassinated and immolated on the altars of the country.

The undersigned will abstain from entering into any digression relative to the means employed by the internal conspirators and foreign pirates, all of the same nationality and proceeding from the same place, all American citizens, who have placed the republic on the borders of a precipice; the honorable Secretary of State is perfectly well informed of all the facts and circumstances connected with this temporary catastrophe, and does not require other details than those which are to be found on file in the archives of the Department of State.

There is, however, one fact of the greatest gravity and importance in the opinion of the undersigned, such as the premature and hasty recognition, by Colonel Wheeler, of the order of things now existing in Nicaragua; and however obvious and notorious it may be, that it was a spontaneous and voluntary act which could not have been prompted by instructions or orders emanating from the Department of State of the Union, nevertheless, the undersigned cannot do otherwise than to request the honorable Secretary of State of the United States to be pleased to inform him, whether his government approves and confirms the recognition made by Colonel Wheeler, and, consequently, the authority from whence the letter of the 13th of November last, signed by the so-called secretary of state, Maximo Jerez, emanates, and the consequences which, in the opinion of the Secretary of State of the United States, said letter introduces in the diplomatic relations with the government of the Union, and in the public and official character of the envoy extraordinary and minister plenipotentiary of the legitimate government, always existing in principle, of the republic of Nicaragua.

The undersigned avails himself of this opportunity to renew to the honorable Secretary of State the assurance of his most distinguished consideration.

J. DE MARCOLETA.

Hon. WM. L. MARCY, &c., &c., &c.

*Mr. Molina to Mr. Marcy.*

[Translation.]

WASHINGTON, December 6, 1855.

The undersigned, chargé d'affaires of the republic of Costa Rica, finds himself under the necessity of calling the attention of the Hon. Secretary of State of the United States to the events that are taking place in Nicaragua.

Costa Rica, as a descendant of the same stock, the heir of the same religion, language, laws, and customs, cannot remain passive to the aforesaid events, which threaten to destroy, by violent means and forever, these bonds of fraternity between the two countries, the independence of Nicaragua, already undermined, and successively, that of Costa Rica and the other Central American States.

Force, aided by fraud and treason, has temporarily triumphed over every principle of justice and legality, giving untimely birth to the semblance of a government, which did not hesitate in crouching before an unlawful assembly of adventurers, wading in the blood shed by the most horrible murders.

The government of Costa Rica hopes that this situation will not prove a subject of indifference to the government of the United States, seeing that it is the result of a great crime, complex and multiform, which was hatched and set on foot within the territory of the United States, and continued without interruption in a foreign land, by North American citizens, with means and assistance, and, to a certain extent, with the moral force of the nation, against the existence of peaceable and friendly States.

The nationality of the adventurers is not a matter of doubt; they themselves avow the fact, and the whole world considers them as citizens of this republic; and although they may have forfeited the right to be protected by this government, their national character cannot be so easily lost; it consists in traits deeply drawn, cherishing the ties which bind them to this nation; and, in the opinion of the undersigned, their allegiance still continues, not being able to conceive how they can be exonerated from such allegiance in consequence of a crime. If they are disowned by the government to-day, they hope, not without cause, to be received with open arms to-morrow, arrayed in holiday attire for annexation, and to be exalted, their booty being legitimized.

The undersigned does not think it necessary to engross the precious time of the Hon. Mr. Marcy with a narrative of facts that are notorious, nor to enquire whether the outrages to which he alludes have originated in the United States, through the deficiency of the laws, or through the neglect of the authorities. It is sufficient for him to show that an evil exists—a serious evil—not only as regards weak nations, which it threatens to destroy, but also with respect to the great republic in whose bosom the demoralizing principle of filibusterism is fermenting and developing itself, in contempt of the authorities,

the laws, the international relations and pledges, and of the principles of eternal justice which all civilized nations observe.

The government of the undersigned would deem it a grievous insult offered to the Hon. Secretary of State, if it did not expect from his sense of justice that he will denounce these occurrences in the most severe terms, and that he will be the last to sanction, by his recognition, their actual and ephemeral results; and that, by devising legal means of suppressing, proportionate to the immensity of the evil, he will adopt effective measures, in order to prevent the evil from extending further, to the injury of Costa Rica, and of the other republics of Central America, and in order that the people of Nicaragua may recover the liberty of governing themselves.

In making this urgent request, in the name of justice, and the relations of friendship which exist between the republics of Costa Rica and the United States, the undersigned cannot avoid mentioning how very much surprised he has been to learn, through the newspapers, of the participation in the events that have taken place in Nicaragua, by the minister resident of this republic at Granada, who went so far as to recognize, with no less haste than ceremony and complacency, the farce of a government of fillibusters. The undersigned is well aware that this act could not have taken place in virtue of special instructions; but the silence of the government of the Union leaves it to be inferred by the public, and might induce thoughtless and ill-disposed persons to believe that the fillibusters were acting under the approbation of this government. This belief will have the effect to increase the number of adventurers who threaten to lay all Central America in blood.

The undersigned requests the Hon. Secretary of State to be pleased to induce the enlightened government of the United States, as speedily as possible, to take solemn and public notice, by a note announcing its disapproval of the fillibustering enterprise which originated in Nicaragua, its bloody deeds and lawless ephemeral results, and that it will condemn the conduct of its minister, adopting effective measures in order to prevent North American fillibusters from making that State a point of reunion where they may assemble.

The undersigned tenders to the Hon. Secretary of State the assurance of his high consideration and distinguished regard.

LUIS MOLINA.

Hon. W. L. MARCY,  
*Secretary of State of the United States.*

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*Mr. Marcy to Mr. Molina.*

DEPARTMENT OF STATE,  
*Washington, December 10, 1855.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, chargé d'affaires of the republic of Costa Rica, of the 6th instant, inviting the attention of the undersigned to current events in Nicaragua.

The motives which Mr. Molina assigns for this proceeding are natural, and are appreciated by the undersigned. It is apprehended, however, that he is mistaken in ascribing, as he apparently does, the recent revolution in Nicaragua solely to the armed intervention of citizens of the United States. The undersigned is informed that such of those citizens as took part in the contest which led to that result were invited by citizens of that republic as auxiliaries. If, in accepting this invitation, they should have violated their duties as prescribed by the laws of the United States, they will be called to account on returning within the jurisdiction of those laws.

The government of the undersigned regrets that persons who may owe it either temporary or permanent allegiance should proceed from the United States to any foreign country for hostile purposes, and acknowledges its obligation to prevent this misdemeanor by all proper means. The laws of the United States by which this policy and obligation are declared and acknowledged are believed to be ample for their purpose. Circumstances, however, imputable neither to the inadequacy of those laws nor to the want of good faith in the persons charged with their administration, may occasionally enable offenders to escape detection. In the case under consideration, Mr. Molina will acknowledge the force of such circumstances. The United States citizens who have taken part in the recent commotions in Nicaragua were most, if not all of them, passengers in the steamers between San Francisco and San Juan del Sur. On embarking, they were, to all appearance, peaceful citizens returning to their original homes in the Atlantic States. There was nothing connected with their embarkation which would justify their arrest, for this, as Mr. Molina is aware, under the Constitution of the United States, could only be done with the existence of probable cause, supported by the oath or affirmation of a credible witness. It is understood, however, that many persons against whom reasonable suspicion existed, were, in point of fact, prevented from proceeding from San Francisco to San Juan del Sur.

In regard to the recognition of the new government of Nicaragua, by the United States minister in that republic, the undersigned has the honor to acquaint Mr. Molina that that proceeding was not authorized by, but was contrary to, the instructions of this department.

The undersigned is aware that the independence of States which may be comparatively weak in physical power is as dear to them as that of the strongest. It is the desire, the determination, and, the undersigned will add, the interest of the United States to respect that independence. If they were to disregard it by any culpable act or omission, they would forfeit the respect of other civilized States, and would also lose that moral strength which, with the amplest physical resources, is indispensable for national respectability, and even independence.

The undersigned, &c.,

W. L. MARCY.

Señor Don LUIS MOLINA, &c., &c., &c.

*Mr. Marcy to Mr. Wheeler.*

[No. 16.]

DEPARTMENT OF STATE,

*Washington, December 7, 1855.*

SIR: In my dispatch of the 8th ultimo (No. 13) you were instructed to abstain from all official intercourse with the persons now exercising control over some parts of the State of Nicaragua. By your dispatch (No. 29) it appears that before my communication was received you had resumed diplomatic functions as minister of the United States. The dispatch in which that fact is announced (No. 28) has not reached this department, and the government has not, therefore, your reasons for such an unexpected course.

The information we have here relative to the state of affairs in Nicaragua leads to the conclusion that such a course was unadvisable. It is strongly objectionable, because it may be construed to imply, in some degree, an approval by the United States of the proceedings of those—mostly foreigners—who have by violence overturned the former government of that State and assumed control over it. A very different view is taken here of the political condition of things in Nicaragua.

Considering the means by which the power that now predominates in that State was obtained, and the manner in which it is exercised, it can have no just pretension to be regarded as even a *de facto* government. You will, therefore, on the receipt of this dispatch, at once cease to have any communication with the assumed rulers of that country.

Until you are instructed to establish diplomatic intercourse with those who exercise political power in Nicaragua you will strictly observe the course of conduct enjoined in my dispatch to you of the 8th ultimo.

You will please transmit a duplicate of your No. 28 to the department.

I am, sir, your obedient servant,

W. L. MARCY.

JOHN H. WHEELER, Esq., &c., &c., &c.

*Mr. Wheeler to Mr. Marcy.*

[Extract]

[No. 32.]

LEGATION OF THE UNITED STATES OF AMERICA,

NEAR THE REPUBLIC OF NICARAGUA,

*Granada, December 15, 1855.*

SIR: I received by the last steamer your dispatch, No. 13, dated the 8th ultimo. Its delay in reaching me was caused by its being enclosed to the United States commercial agent at San Juan del Norte, by which, without any fault of his, it was delayed two weeks in reaching me.

From its importance, it received my careful attention. When my subsequent dispatches, Nos. 27, 28, and 29, have been received and examined, I feel well assured that such a condition of things will be evident as existing here that no other course could be taken than that which was pursued by me. Both of the belligerent parties had, by the treaty of peace of 23d October, (a copy of which you will find in my dispatch, No. 27,) united in forming a government, the members of which were composed of the chief officers of both of the parties (the democratic and legitimate) that distracted this republic. The president (Don Patricio Rivas) of the legitimate party, and the minister of foreign affairs (General Jerez) of the democratic party, and thus, by uniting both parties, permanent peace was expected. So far the results have proved favorable.

I was officially informed of this organization of the government under Rivas by the note of the minister of war (General Corral) of 2d November, which I herein enclose, marked A.

You, as well as the President, are aware that I had no personal or political sympathies with General Walker; that he had no favorable feelings towards my official conduct here is very evident from a letter which he addressed to you, and which was published by him in the New York Herald, dated San Juan del Sur, 11th September. But personal or political feelings should not influence matters of national importance.

I, however, declined all official communication with the provisional government here, and placed my refusal on the ground, as stated in my note to Señor Jerez, a copy of which is enclosed, marked B.

The ground of this refusal being removed, as by order of the President, the obnoxious officials were removed; the President expressed the hope that no cause further existed to embarrass the diplomatic intercourse of the two republics.

Matters of deep importance to American citizens here called for the constant and vigilant exercise of the interference of the minister, (see letter of Mr. McCarty, agent of the house of Churchill, Roberts, Mills & Co., of New York, enclosed, marked C,) and according to the precedent of Mr. Rush, in France in 1848, and the positive instructions of your department, (see Mr. Webster to Mr. Rives, Wheaton 276,) I acted as the circumstances and a sense of duty required.

I feel assured, therefore, that the President and you, on a full knowledge of the facts and history of the case, will justify and approve of my course.

The condition which you state constitutes a *de facto* government has occurred; as such it was recognized by me; as such it is in the full, peaceful and prosperous exercise of all the functions of government.

By every steamer from California, New Orleans, and New York, numbers are flocking here; from these the army of the government receive constant and able reinforcements; and the mining, commercial and agricultural interests, capital, enterprise and labor.

This city was recently visited by the commanding officer of the United States (steamer) Massachusetts. This officer had lost some men by desertion, as also an American merchant ship lying at San Juan



del Sur. Some of these deserters had found their way into the army here, at the time men were needed in the army, yet these deserters were promptly given up.

Any act of impropriety, much less of guilt or crime, has been promptly punished.

An office for colonization is opened and 250 acres of land offered to every actual settler. Surveyors are in the field making surveys of the unappropriated lands; the gold mines are being worked, and are valuable beyond all question, and a contract has been formed to work another portion of them with a Philadelphia company.

Not a single prisoner, for any offence, is in confinement in the republic, a circumstance unknown before in the government. Recently three steamers were seen at one time in this harbor, a circumstance also unprecedented, and at this time a New York sail vessel is at anchor here, a yacht.

I shall strictly obey all instructions from the President or your department, as I have always done. But I cannot but regret that in addition to the perils I have encountered and indignity to my flag, you should have to inform me in relation to my detention at Rivas, "though the President has no doubt that I acted from the purest motives, intending only to subserve the cause of humanity, but that my course was aside from that which my duty as the representative of a foreign government imposed upon me." I receive this rebuke with proper respect.

If my "course was aside from duty" it had liked to have proved of most serious personal consequences.

If "grievous was the fault, grievous has the expiation been," for imprisonment was the consequence and my life had nearly paid the forfeit of an intention "only to subserve the cause of humanity." My letter to General Corral (copy of which is enclosed, marked D) will show the motives which influenced me.

Had I met him at Rivas I would not have been imprisoned, nor would the murder of Mrs. Smith and child at San Carlos, or the massacre of unarmed passengers at Virgin bay ever occurred.

To save the lives of the innocent, the plunder of the unarmed, to secure a peace to a distracted people, were, surely, motives sufficient to cause my course to step aside for a moment from the strict line of duty. I encountered willingly the personal risk for such high promptings. Had I succeeded I should have received the heartfelt thanks of every man, woman, and child, of Nicaragua, and secured that blessing which is promised to the children of God.

I trust and believe that the President will take such a course as will be dictated by a regard to my rights, and feel sure that with his generous sympathies, had he been in my position, that he would have gone further than I did in the cause of humanity.

I enclose you the last newspapers, which will give you all the local news of importance here.

\* \* \* \* \*

Very respectfully,

JOHN H. WHEELER.

Hon. WM. L. MARCY,

*Secretary of State of the United States, Washington city.*

## A.

[Translation.]

REPUBLIC OF NICARAGUA, DEPARTMENT OF WAR,  
*Granada, November 2, 1855.*

MOST EXCELLENT SIR: The provisional supreme executive power of the republic has been pleased to issue the following decree:

The government, in view of the urgent necessity which exists for the organization of the executive power, and considering that the appointment made of the licentiate D. Norverto Ramirez, as minister of the interior and of foreign relations, may be dilatory and injurious to the public peace, in the exercise of its powers,

## DECREES:

1. The licentiate de Maximo Jerez is appointed minister of the interior and of foreign relations, *ad interim*.

2. The minister of war, temporarily in charge of the department of relations will communicate the above to the appointee, and to those whom it may concern.

GRANADA, *November 1, 1855.*

RIVAS.

And I do myself the honor of communicating the same to your excellency for your information.

I avail myself of this opportunity to enclose to your excellency the signature of the appointee, and to tender you the assurances with which I am your excellency's obedient servant,

PONCIANO CORRAL.  
 MAXIMO JEREZ.

To the HONORABLE MINISTER PLENIPOTENTIARY,  
*of the Republic of the United States of America.*

## B.

[No 19.] LEGATION OF THE UNITED STATES OF AMERICA,  
 NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, November 2, 1855.*

SIR: I have the honor to acknowledge the official dispatch of the Hon. Ponciano Corral, as minister of war, of this date, announcing to me the organization of the government, and your appointment as minister of the interior and foreign relations. I sincerely rejoice that peace now reigns in this beautiful country, and trust it may be permanent.

I learn from the treaty of peace and other authentic sources that the prefect (Castillo) and the military governor (F. Xatruche) are re-

tained in command of the department of Rivas, acting under the authority and enjoying the confidence of the present provisional government.

The gross outrage offered by these two officials to my character and my flag while at Rivas, on the 15th, 16th and 17th ultimo, by detaining me against my will and consent, thus violating all the laws and usages of civilized nations, has been *reported to my government, and will be promptly and properly resented by it.*

This compels me to decline all other official communications with you until I am assured the authorities of Nicaragua so far respect her own high regard for the rules of national laws and the comity of nations, by promptly withdrawing all confidence and countenance from these persons.

The undersigned begs that the Hon. Señor Jerez will not regard this note as any mark of personal feeling, but impelled by a just respect to the acknowledged and well defined rights of an ambassador, and the respect due to the great nation which he has the honor to represent.

He takes this occasion to assure Señor Jerez of the high consideration which he entertains personally for him, and subscribes himself, very sincerely, his faithful servant,

JOHN H. WHEELER,

*Minister Resident of the United States of America.*

Hon. MAXIMO JEREZ,

*Minister of the Interior and Foreign Relations  
for the Republic of Nicaragua.*

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C.

GRANADA, *December 10, 1855.*

SIR: I have been in this city for the last two and a half years, engaged in merchandise to the amount of seventy-five thousand dollars annually, unmolested by the old government. That when the treaty of peace was made on the 23d of October last, I, in common with every American citizen resident in this place, considered the government on a solid basis, and a substantial peace restored in Nicaragua, and as such we deemed it very important for our interest and the interest of all Americans passing, that our minister should be recognized as such, and in the full exercise of his duty.

Any other course would have been most fatal to our interest, safety and happiness. Contributions levied upon all, foreigners included.

On the house of Churchill, Roberts, Mills & Co., merchants of New York, who I have the honor to represent at this place, was an assessment of two thousand dollars, the firm of Churchill, Roberts, Mills & Co. owning no real estate in this country. By your prompt attention and protest it was reduced to two hundred and fifty dollars, which was paid with your protest and mine, for which act of kindness and duty you have the gratitude and thanks of your friend.

JOHN McCARTHY.

Hon. JOHN H. WHEELER,

*Minister of the United States.*

*Parker H. French to Mr. Marcy, with an enclosure.*

WASHINGTON CITY, December 19, 1855.

SIR: I have in my possession credentials from the supreme government of Nicaragua, appointing me as the minister of that republic near the government at Washington, and accompanying this you will please find an autograph\* letter from the president of Nicaragua to the President of the United States of America. The object of this note is to request an interview with your excellency before laying my credentials before your government, and in granting it at an early hour, I have no hesitation in saying that you are advancing the best interests of our respective countries.

I am, sir, with respectful consideration, your obedient servant,  
PARKER H. FRENCH.

Hon. WM. L. MARCY,  
*Secretary of State of the United States of America.*

—  
[Enclosure.—Translation.]

PATRICIO RIVAS, PROVISIONAL PRESIDENT OF THE REPUBLIC OF NICARAGUA  
IN CENTRAL AMERICA.

GREAT AND GOOD FRIEND: I have the sincere satisfaction of informing your excellency that I have nominated Señor Parker H. French minister plenipotentiary of the republic of Nicaragua near the government of the United States of America. He is well informed of the friendship which we profess for the government of your excellency, and of our desires to cultivate the harmony and good understanding which so happily subsists between us. From the knowledge which I have of his fidelity and integrity, I trust that he will be received by your excellency, and that, in accordance with the views which we entertain, he will exert himself to promote the well-being and happiness of both republics. I beg, therefore, that your excellency will be pleased to give entire credit to all that Señor French may say in the name of the government of Nicaragua, especially when he assures your excellency of our friendship and fervent desires for the prosperity of your republic.

And I pray God to preserve your excellency's valuable life.

Done in Granada, the 23d November, in the year of our Lord 1855, and of independence the 34th.

PATRICIO RIVAS.

By order of the President.  
True copy.

MAXIMO JERES, [L. s.]  
*Secretary of State.*

His Excellency the PRESIDENT OF THE UNITED STATES OF AMERICA.

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\*Note by Department of State.—The letter enclosed is not an "autograph" from the president of Nicaragua, but an attested copy.

*Mr. Marcy to Parker H. French.*

DEPARTMENT OF STATE,  
*Washington, December 21, 1855.*

SIR: Your letter to me of the 19th instant, with the enclosed copy of "an autograph letter from the President of Nicaragua to the President of the United States of America," has been received and laid before the President. I am directed by him to reply to your communication, that he has not yet seen reason for establishing diplomatic intercourse with the persons who now claim to exercise the political power in the State of Nicaragua.

Those who were chiefly instrumental in suspending or overthrowing the former government of that State were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is known here, freely expressed their approval of, or acquiescence in, the present condition of the political affairs of Nicaragua. Until such shall appear to be the case, the President does not deem it proper to receive you, or any one, as a minister to this government duly appointed by the supreme government of Nicaragua.

I am, sir, your obedient servant,

W. L. MARCY.

PARKER H. FRENCH, Esq., *Washington.*

*Mr. Molina to Mr. Marcy.*

[Translation.]

WASHINGTON, *December 20, 1855.*

The undersigned, chargé d'affaires of the republic of Costa Rica, had the honor to peruse the esteemed note of the Hon. W. L. Marcy, Secretary of State of the United States, dated the 10th instant, relative to the position of Nicaragua, and he deems it his duty to make some explanations in reply.

In his note of the 6th instant the undersigned made no statement, but allusions; and the word treason, used by him, is only applicable to the faction which invited the filibusters, and to those who facilitated their success. He expressed no opinion, nor does he think that this circumstance is anything to his purpose, or that it can affect the question. The infractors of neutrality laws are always invited, and even seduced by the enemies of the country against which they go to operate. This, as the Hon. Mr. Marcy knows, does not lessen the crime, nor does the fact that those who tender the invitation not only bear the character of enemies, but that most hateful one of traitors to their native country produce such a result.

It is never great national parties, but factious, rebellious, blind, and impotent minorities, that have furnished history with examples of high treason, nor are the former under the necessity of turning a

suicidal hand upon themselves, by calling in the intervention of foreign forces in domestic questions. The government of the United States acknowledged this truth when it treated with the legitimate government which has disappeared, and the results prove it. Who exercise mere dominion, taking away the life of Nicaraguans at their own will? Who dispose of the revenues of the State and the property of its inhabitants as their own fancy may dictate? Who, in short, instituted, arranged, and rule, through terror, the semblance of a government? The adventurers, the dross of European refuse Americanized.

The undersigned cannot, he must own it, contemplate, without a blush and profound indignation, the stigma which has been inflicted upon Nicaragua. But he could not avoid showing that the traitors constitute an insignificant minority of that nation.

Among the Central American States there exist bonds of fraternity which political exigencies have not been able to rend asunder, and these ties unite them into an indivisible whole, with regard to their permanent welfare, their prosperity, and their existence. Under this aspect, even the whole people of a minority of the States into which the country is unfortunately divided lack the right of surrendering their independence, because it would compromise that of their brethren.

The undersigned has read with satisfaction that the recognition made by the minister of the United States in Nicaragua was contrary to the instructions of the Secretary of State. He has since read, with equal satisfaction, the proclamation of the most excellent President, dated the 8th of this month. All that he has to do now, is to wait to see that this proclamation and that declaration have the desired effect and produce the consequences that are naturally to be expected from them. With this hope the undersigned will, with pleasure, communicate the aforesaid documents to his government, as they are calculated to strengthen the friendship and to heighten the esteem which the government of Costa Rica entertains for that of the United States.

While the social cancer called filibusterism is seen, by incontrovertible evidence, taking deep roots, ramifying, developing itself, and increasing in the United States in the face of their laws and their authorities, the undersigned cannot do otherwise than to consider the question he had the honor to touch upon, because it interests Costa Rica, as worthy of the attention of the government and the study of statesmen anxious for the good name and tranquility of this republic.

The undersigned acknowledges that all laws may sometimes be ended by sagacious delinquents, who avail themselves of circumstances which cannot be imputed to any defect in said laws, nor to any dereliction on the part of the authorities charged with the administration of the same. But the facility which the steamers of the Nicaragua Transit Company afford for infringing the law is voluntary and culpable. Not one of Kinney's adventurers, nor Walker and his followers obtained passage in said steamers, because then the company judiciously thought that its interests were linked with those of the legitimate government. Subsequently, being called to account, said company saw that it could not impose conditions on the government, and

being compelled to enter upon a lawsuit which it dreaded, its loyalty was converted into treason; it furnished twenty thousand dollars and the lake steamers for the purpose of taking Granada by surprise; and it began to convey fillibusters from San Francisco. French, Fry, and Kewen thus brought armed adventurers and munitions of war.

The undersigned has not learned that any of the adventurers were detained at San Francisco at the time of their embarkation for San Juan del Sur. On the contrary, his recollections and impressions agree with the article styled "Administration of the law," which the "National Intelligencer" of the 15th instant copied from the "Journal of Commerce."

The impudence of the fillibusters is only to be compared with their confidence of escaping punishment. There is the fugitive French, who comes with a piratico-diplomatic mission near the government of the United States. Kewen has returned to California to recruit more adventurers.

This confidence is very natural on their part, seeing that, besides the recognition by the minister of the United States in Nicaragua, the commander and three officers of the ship-of-war Massachusetts (if the undersigned has not been misinformed) remained three days in Granada, fraternizing with the fillibusters.

The undersigned has designated the culprits, and he trusts that they will be called to account, according to the laws which they have violated and which they are ready to continue to violate. He trusts, likewise, that the most stringent preventive measures will be enforced, and that the company will be compelled to give guaranties for the future.

The Hon. Mr. Marcy, who has so very properly expressed the duty, the wish, the determination and the interest which the United States have for respecting the independence of the Central American nations will be pleased to acknowledge that the undersigned asks nothing more than prompt and full justice.

The undersigned takes pleasure in renewing to the Hon. Mr. Marcy his sentiments of the highest regard and consideration.

LOUIS MOLINA.

Hon. W. L. MARCY,

*Secretary of State of the United States.*

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*Mr. Wheeler to Mr. Marcy.*

[No. 35.]

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, December 24, 1855.*

SIR: Your dispatch, No. 16, has been received.

I enclose, as desired by you, a duplicate of No. 28, which you advise me has not reached the department.

My dispatch, No. 32, dated 15th instant, gives at large a full history of the circumstances of the country, and the course that I deemed

it my duty to pursue, and I trust that my government will, on reading these dispatches, be satisfied with my course, as the only one that could be pursued. Since the reception of your dispatch, No. 13, of the 8th ultimo, I have abstained from all official intercourse with the persons now exercising control over this republic, and will not establish diplomatic intercourse until instructed, and shall strictly observe the course of conduct enjoined in your dispatch of 8th ultimo, (No. 13,) "remain in the country, and keep my government well advised of the actual condition of affairs."

And in keeping the latter part of my instructions, I enclose the decree of this government of 28th ultimo, as to donation of lands, and a circular of the department of colonization.

Also the last number of the "*El Nicaraguense*," of 22d instant.

The last steamer from California brought many persons to this place; some to engage in business, some in the mines, and one hundred and ten men, exclusive of officers, for the army.

San Salvador, as also the republic of Honduras, have congratulated Señor Rivas on his accession to the presidency; and General Cabannas, the president of Honduras, has been spending several days in this place. This is a fit commentary upon the acts of the ministers from those countries, in protesting against my act recognizing the present authorities of Nicaragua, as the public journals have advised me they have done.

Although matters intimately affecting my government and its citizens resident and passing through Nicaragua require the constant exercise of the functions of the minister, yet I shall faithfully regard your instructions, and hope soon to be advised that you approve of all my acts.

I am, very faithfully yours,

JOHN H. WHEELER.

Hon. WM. L. MARCY,

*Secretary of State of the United States, Washington City.*

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DEPARTMENT OF COLONIZATION,  
*Granada, December 22, 1855.*

SIR: I have the honor to transmit herewith, for the information of those interested, a translated copy of a decree of the supreme government of Nicaragua, relative to colonization. It will be seen that this republic, now that the restoration of peace within her boundaries has offered time for the sober consideration of the leading interests of the State, has been enpleased to invite an immigration of persons of thrift and industry to become settlers upon its soil. The inducements offered are such as will, it is believed, if properly made known, bring many emigrants to our shores.

It is unnecessary at this day to enumerate in detail, the advantages possessed by Nicaragua as a field for colonists. They are suggested, in general terms, in the truthful and eloquent address made by the Hon. Mr. Wheeler, on the occasion of his official reception as Ameri-



can minister by the present government. I quote his own words: "With a soil as fertile as any on earth, abundant in mineral wealth, the El Dorado of the hopes of Columbus, a salubrious climate, a geographical position so important that it is the 'Golden Gate' between the Atlantic and Pacific oceans, which opens the commerce of the world, your republic, the centre of Central America, only requires peace, industry, and enterprise, to take its appropriate position among the nations of the earth."

It will be the aim of this department to furnish to persons desirous of settling in the State all possible facilities in the prosecution of their business; and to aid in the matter, any specimens of seeds, plants, slips, &c., likely to become articles of successful culture in this country, as well as any plans of agricultural and mining implements, supposed to have advantages over those now in use, together with information, printed or otherwise, relative to the same, will be gratefully received, and the favor will be reciprocated in such way as may be designated. A report from this department, embracing the result of experiments with these specimens, &c., will be made from time to time, and a copy forwarded to each donor.

A minimum price for public lands, not subject to donation, will be fixed upon by the government, so that settlers may have an opportunity of purchasing tracts adjoining their grants, at the lowest rates.

I am, sir, respectfully, your obedient servant,

J. W. FABENS, *Director*.

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#### DECREE.

The supreme government of the republic of Nicaragua, to encourage the immigration of persons of thrift and industry to become settlers and inhabitants within its territorial limits, to the end that its resources may be more fully developed and its commerce increased, and to promote the general welfare of the State, has decreed:

ART. 1. A free donation or grant of 250 acres of public land shall be made to each single person who shall enter the State, (during the continuance of this decree,) and settle, and make improvements upon the said tract, the same to be located by the director of colonization, hereafter to be named, and immediate possession given.

ART. 2. Each family entering the State and settling upon its territory, shall receive 100 acres of land in addition to the 250 granted to single settlers.

ART. 3. A right to occupy and improve shall be issued to applicants, and at the expiration of six months, upon satisfactory evidence being presented to the director of colonization of compliance with the provisions of this decree, title will be given.

ART. 4. No duties shall be levied on the personal effects, household furniture, agricultural implements, seeds, plants, domestic animals, or other imports for the personal use of the colonist, or the development of the resources of the land donated, and colonists shall be ex-

empt from all extraordinary taxes and contributions, and from all public service except when the public safety shall otherwise demand.

ART. 5. The colonists being citizens of the republic cannot alienate the land granted to any foreign government whatever, and shall not alienate the said land or their rights thereunto, until after an occupancy of at least six months.

ART. 6. A colonization office shall be established and a director of colonization appointed, whose business it shall be to attend to the applications from emigrants, to collect and dispense seeds, plants, &c., and to keep the registry books of the department.

Done in Granada, 28th day of November, 1855.

PATRICIO RIVAS,  
*President of the Republic.*

NAVY DEPARTMENT, *May 15, 1856.*

SIR: I have the honor to submit, herewith, extracts from the orders issued by this department to officers in command of national vessels, in reference to the protection of the rights and interests of our countrymen in Central America. It will be seen, sir, that our interests in that region have not merely recently attracted the attention of the department, but that frequent orders, for several years, have been issued to the commanders of the Pacific and home squadrons to show our flag at Panama, Aspinwall, and San Juan, as often as consistent with a due regard to the interests of our country in other parts. The sloop-of-war *St. Mary's* is now at Panama and will remain as long as she is needed. The other points are also receiving attention.

I am, sir, with great respect, your obedient servant,

J. C. DOBBIN.

The PRESIDENT.

*Extracts from letters addressed to the Secretary of the Navy to naval commanders, to visit San Juan del Norte, Aspinwall and Panama, from March, 1853, to May 13, 1856.*

*March 16, 1853.—To Commodore J. T. Newton, commanding home squadron.*

“You will be pleased to consider it a part of your duty as commander of the home squadron of the United States, to make occasional visits to the port of San Juan del Norte, and afford full protection to the rights and interests of all our citizens engaged in lawful trade between the Atlantic and Pacific coasts of the United States, keeping a watchful guard over such as may rightfully pass through the territories of Nicaragua.”

*April 4, 1853.—To Commander G. N. Hollins, commanding United States ship Cyane.*

“The United States will be represented in Central America, immediately, by a minister plenipotentiary. In the meantime you will consider it as the desire of the government that you should remain in the vicinity of San Juan or Greytown, so long as your presence may be deemed necessary to protect the property and persons of American citizens.” “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 very 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 the country.”

*April 13, 1853.—To Commander Thomas A. Dornin, commanding United States ship “Portsmouth,” San Juan del Sud.*

(Your letters written at San Juan del Sur and Panama, 21st ultimo and 9th February, have been received.)

“The department approves your proceedings as indicated therein, and has but to remark that your course should be marked with caution, that at the same time the impression should be very distinctly made, that the United States are both able and determined to protect the property and rights of American citizens.”

*April 15, 1853.—To Commodore John T. Newton.*

“Your attention is again invited to the orders of the department, requiring occasional visits by the vessels of the home squadron to the port of San Juan de Nicaragua, for the purpose of affording full protection to the rights and interests of all our citizens engaged in lawful trade between the Atlantic and Pacific coasts of the United States.”

*June 1, 1853.—Commodore J. T. Newton ordered to convey Hon. S. Borland to San Juan del Norte.*

*June 8, 1853.—Commodore Bladen Dulany, commanding Pacific squadron, ordered to direct the commanders of vessels under his command “to touch at Panama as frequently as may be practicable, for the purpose of affording protection to American citizens and interests.”*

*December 17, 1853.—Commander Hollins, United States ship Cyane, sent to Carthagena, Caledonia Bay, Isthmus of Darien, with Lieutenant Strain’s party.*

*June 10, 1854.—Commodore J. T. Newton informed that, “the condition of affairs at San Juan or Greytown, Carthagena, and Aspinwall, and the general interests of our country in the south, render it*

desirable and important that the home squadron should proceed in that direction and show the American flag."

*October 23, 1854.*—Commodore Newton ordered to convey Mr. Wheeler and Mr Fabens in the *Columbia* to San Juan or Greytown.

*December 1, 1854.*—Commander T. D. Shaw, Falmouth, ordered to visit "Carthagena, Aspinwall," &c.

*December 26, 1854.*—Lieutenant J. K. Mitchell, United States steamer *Fulton*, ordered to search for the *Albany*, "to Carthagena, Aspinwall, Gulf of Darien, into the Bay of Guatemala, along the Mosquito coast and Honduras," &c.

*November 16, 1855.*—To Commodore Hiram Paulding, commanding home squadron.

"Reliable information has reached the government of the existence of a state of affairs in Central America, and especially in Nicaragua, rendering it important that our flag should be shown in that region. The course of events occurring for a few years past, and the regular transit of a large 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. 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 flag ship, the *Potomac*, to San Juan del Norte."

"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."

*May 1, 1856.*—Commander R. G. Robb, United States ship "*Cyane*," at San Juan del Norte.

"On receipt of this order you will, without delay, proceed to the port of Aspinwall, New Granada, and remain there so long as you may deem the presence of the United States sloop-of-war '*Cyane*,' under your command, necessary for the protection of American citizens and their property at that point, having due regard to the health of your ship's company."

*May 1, 1856.—To Commodore L. Rousseau, navy yard Pensacola.*

“Send the ‘Fulton’ to Aspinwall immediately, to remain there so long as American interests require, and the health of her crew will permit.”—(Telegraph.)

*May 1, 1856.—To Commander Theodorus Baily, United States ship St. Mary’s, Panama.*

“You will remain at Panama with the United States sloop-of-war ‘St. Mary’s,’ under your command, so long as in your judgment the presence of the ship is necessary for the protection of American citizens and their property at that point.”

*May 1, 1856.—To Commodore Hiram Paulding.*

“It is highly important that the vessels of the home squadron should visit and be in the immediate vicinity of San Juan and Aspinwall during the deranged condition of affairs which now distract that region. You will, therefore, in distributing the vessels of the home squadron, give particular instructions to each of the commanders to touch at those ports as often as it can be done without neglecting other important points.”

*May 1, 1856.—To Commodore Hiram Paulding.*

“The department has this day dispatched an order to Commander Robert G. Robb, commanding the United States sloop-of-war Cyane, addressed to him at San Juan del Norte, Nicaragua, to proceed without delay to the port of Aspinwall, New Granada, and remain there so long as he may deem the presence of the ‘Cyane’ necessary for the protection of American citizens and their property at that point, having due regard to the health of his crew. Should the ‘Cyane’ be within reach of the flag-ship of your squadron, you will be pleased to expedite the movement to the port of Aspinwall.”

*May 5, 1856.—To Commodore H. Paulding.*

“Circumstances have occurred that render it important that Aspinwall and San Juan del Norte should receive as much of the attention of the vessels of the home squadron as possible consistent with the public interests.”

*May 13, 1856.—To Commodore Hiram Paulding, commanding home squadron.*

“I send you a copy of a statement made by Captain Tinklepaugh, of the ‘Orizaba,’ which presents a case making it manifest that our flag should be shown at San Juan de Nicaragua.”

“In consideration of the above facts, and with a view to the general

interests of our country, the department desires that you should proceed to San Juan de Nicaragua with the frigate Potomac."

May 13, 1856.—Captain Sands, of the steam frigate Susquehanna, ordered to San Juan to watch over the interests of our country until relieved by a vessel of the home squadron.

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*Mr. Wheeler to Mr. Marcy.*

[Extract.]

[No. 37.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
Granada, December 30, 1855.

SIR: The United States frigate Potomac arrived at San Juan del Norte on the 21st instant.

On the 22d instant, Commodore Paulding dispatched Surgeon Thomas Dilliard, fleet surgeon of the home squadron, to visit me, with dispatches, requesting the facts as regards the recent outrages committed on our citizens who were passengers on the steamers of the Transit Company, and I have forwarded by Dr. Dilliard copies of the papers on file in the archives of this legation, which will fully apprise him of all the facts in relation to a matter which has occasioned so much concern to our government.

The officer who ordered the attack at San Carlos, (Captain —) as well as the officer in command at Virgin bay, (Captain Francisco Gutierrez) have fled to Guanacasta or Costa Rica, and it may be necessary that the Navy Department should know this, in order to take such steps as may be necessary.

\*                      \*                      \*                      \*                      \*

I have the honor to be your faithful servant,

JOHN H. WHEELER.

Hon. WILLIAM L. MARCY,

*Secretary of State of the United States, Washington City.*

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*Mr. Marcoleta to Mr. Marcy.*

WASHINGTON, January 7, 1856.

Mr. Marcoleta presents his compliments to the Hon. W. L. Marcy, Secretary of State of the United States, and has the honor to send him the news brought lately from Nicaragua, through some strangers and natives of Nicaragua who are now in this country.

[Translation.]

President Estrada, who escaped from Granada on the very day when Walker entered it, has reorganized the national government in the department of Segovia. He is accompanied by the secretary of the treasury, by Don Fulgencio Vega, the commandant general of the eastern department, and by the principal and richest proprietors of Granada, by General Martinez, and by almost all the officers of Corral's army, who are organizing fresh forces. Many proprietors and distinguished persons of Nicaragua also accompany President Estrada.

The governments of San Salvador and Honduras, so far from sympathising with Walker, have acknowledged the legitimate government of President Estrada, and Honduras has sent him considerable forces. Costa Rica has 3,000 men in Guanacasta, and Guatemala has put her best troops in motion.

Two expeditions sent by Walker against the department of Segovia and Matayalpa have been defeated by the troops of President Estrada, and Valle, *alias* Chelon, the denouncer of Corral, is among the killed.

Don Ramon Rivas, oldest son of the nominal President Rivas, subject to the tyranny of Walker, has organized in San Juan a flotilla of six large boats, manned with eighty men, which have ascended the river for the purpose of taking possession of Castillo Viejo and Castillo of San Carlos.

The towns which are under the yoke of Walker have been spontaneously abandoned by their inhabitants. Walker has caused a decree to be published ordering the absentees to return to their homes, and condemning them, in case of refusal, to a fine of from \$50 to \$10,000. No one has obeyed the decree, and Walker has taken possession of the property of the absentees and has offered it for sale at auction, but no one was willing to buy national property of that description.

The money obtained by the contributions paid to, and by the rapine of, Walker, has been divided among the principal leaders of the pirates. The soldiers are offered large pecuniary rewards, but so far nothing but a miserable farm has been given them. Many adventurers who had joined Walker, on witnessing the devastation and robberies, have returned to California.

The few unnatural Nicaraguans, who solely through a spirit of vengeance and ambition invited Walker, now bitterly deplore their blindness, and are at present animated with the same instinct of self-preservation and interest as the other citizens. Walker is now surrounded by numerous secret or open enemies, who are only waiting for a favorable moment, for arms and munitions, to strike a decisive blow and put an end to him.

The reaction is complete and threatens to be terrible; the want of arms, the distances, and the insecurity of the roads, alone have delayed the complete destruction of Walker.

*Mr. Marcy to Mr. Wheeler.*

[No. 18.]

DEPARTMENT OF STATE,  
*Washington, January 8, 1856.*

SIR: It is very important that this government should have the most accurate information in regard to the actual political condition of the State of Nicaragua. The accounts which have been sent on here are conflicting. While some of them represent that the present political organization is satisfactory to the people of that State, others represent that it has no foundation in the hearts of the people, who would very generally shake off the power of Walker if it were possible for them to do so, and that terror is its sole foundation. Your situation is favorable to the acquisition of a correct knowledge of the internal affairs of that country.

Your dispatches, of which No. 31 is the last received, have not gone so much into detail as is desired.

It is reported here, not however on very reliable authority, that Estrada is exercising the authority of president in some parts of the State of Nicaragua, and that the other Central American States are confederating against the government of which Rivas is the nominal, but Walker the real, head. I hope to hear from you soon, and to be furnished with the full account of affairs in Nicaragua.

I am, sir, your obedient servant,

W. L. MARCY.

JOHN H. WHEELER, Esq., &c., &c., &c.

*Mr. Wheeler to Mr. Marcy.*

[No. 38.]

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, January 15, 1856.*

SIR: The actual condition of affairs in this republic is the same as when I last wrote. The whole country is quiet, and for the first time, for many years, Nicaragua enjoys profound peace.

You will observe, from the enclosed newspaper, the resignation of General Maximo Jerez, as minister of relations; and the reasons given for his course, which, although very honorable, cannot be judged at this time wise, to engage in another war with Honduras, as he desired, for the purpose of reinstating Cabañas in power, would not meet the approval of judicious men. This republic is too much exhausted by the late intestine war again to engage in another so soon. That the minister of relations wished this, and that it was not conceded by the president and his colleagues in the cabinet he resigned; but in perfect good feeling towards his associates, who could not agree with him in a question of policy.

As I informed you in my last, (No. 37,) Commodore Paulding dispatched the fleet surgeon with dispatches for this legation. At the commodore's request, and a sense of duty, I visited San Juan del



Norte, and conferred freely with him relative to various matters, one of which was a homicide at Castillo. I enclose a copy of a communication made by General Walker relative to the same, and Commodore Paulding's reply, A, B.

I beg leave to report a fact, somewhat significant as to the feelings of the English at San Juan del Norte. Commodore Ogle, of her Britannic Majesty's sloop-of-war Arab, called upon me while on board of the Potomac, and during the conversation he stated, that "he should be happy to see me on board of his ship as a *private individual*, but not as minister of the United States, as he could not extend the salute due to me, since I was then not in the country to which I was accredited." Of course the visit was declined.

I have the honor to be, very respectfully, your faithful servant,  
JNO. H. WHEELER.

Hon. W. L. MARCY,  
*Secretary of State of the United States, Washington city.*

—

A.

HEADQUARTERS OF ARMY OF NICARAGUA,  
*Granada, December 30, 1855.*

SIR: I am informed by the commandant of San Carlos, that a few days since an American sailor, belonging to the United States frigate Potomac, was shot at Castillo. The sailor was shot by the guard, and the offender, if he be such, must be tried by a military tribunal. Although satisfied that the act was justifiable, I have ordered a formal investigation of the matter, and if any evidence for the prosecution is in the possession of the United States officers it should be produced at Castillo, and be furnished to the commandant of that garrison. The commander-in-chief is the proper officer to give you, and through you, other United States officers, notice of the legal inquest to be held at Castillo. In addition to this, as the only surviving sponsor of the treaty of peace, signed in this [city] on the 23d of October last, I, and I alone, am responsible before Nicaragua and the rest of the world for the fulfilment, by the existing government, of the stipulations therein contained.

The treaty guarantees protection to persons and property within the State; and having undertaken to have its terms performed in every particular, I think it due to myself to inform you that proper proceedings have been instituted in relation to the affair at Castillo.

As your excellency has been among the first to recognize the provisional government, it is proper to manifest to you, promptly, that your confidence in the existing administration was not misplaced.

I have the honor to remain your excellency's most obedient servant,  
WM. WALKER,

*General Commander-in-chief of army of Nicaragua.*

His Excellency JOHN H. WHEELER,  
*Minister Plenipotentiary for the United  
States of America near the Republic of Nicaragua.*

B.

FLAG SHIP POTOMAC,  
*San Juan del Norte, January 4, 1856.*

SIR: I have the honor to acknowledge the receipt of your letter, with the information conveyed of the prompt action of General Walker in regard to the homicide of our seaman, Clark, at Castillo.

The investigation the general has ordered will so far be important as to illustrate the facts in the case, and whilst it will probably justify the officer in killing Clark as an act of self-defence, I trust it will, at the same time, expose the culprits who wantonly mutilated a fallen man incapable of defence or resistance. 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.

With high respect, your obedient servant,

H. PAULDING,  
*Commanding Home Squadron.*

To his Excellency the Hon. JOHN H. WHEELER,  
*U. S. Minister Plenipotentiary to the Government of Nicaragua.*

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GRANADA, *January 8, 1856.*

With no other cause than my want of conformity to the resolutions that have been adopted relative to the affairs of the State of Honduras, which, to my understanding, affect most deeply the honor and true interests of Nicaragua, I regret to have to tender my resignation of the department of relations, with which the supreme provisional government was pleased to distinguish me; being, as I am, convinced that under such circumstances I am the most improper person to discharge the functions of the same.

The frankness and length with which the matters alluded to by me have been treated absolve me from the necessity of elaborating my opinions.

I cannot doubt but that the provisional president will deign to receive this resignation, together with the most sincere thanks for the honor and confidence he has conferred upon me.

MAXIMO JEREZ.

To the PROVISIONAL PRESIDENT OF THE REPUBLIC.

*Mr. Wheeler to Mr. Marcy.*

[No. 39.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, January 15, 1856.*

SIR: Mr. Thomas Manning, her Britannic Majesty's vice-consul for the republic of Nicaragua, is at present in this city.

He resides in Leon, and has resided thirty years in this republic, and has recently travelled through its whole length and breadth, and is supposed to know well the opinions of the inhabitants of Nicaragua, and he assures me that the present condition of political affairs in this republic meets their hearty approval and acquiescence.

I have the honor to be, very respectfully, your obedient servant,  
JOHN H. WHEELER.

HON. WILLIAM L. MARCY,  
*Secretary of State of the United States, Washington city.*

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*Mr. French to Mr. Marcy.*

WASHINGTON, *January 18, 1856.*

I had the honor to address your excellency a note, under date of the 19th of last month, the sole object of which was to request an interview with your excellency "before laying my credentials before your government." To my astonishment you placed a different interpretation on the note from my intent. Your excellency's reply, under date of the 21st of the same month, informed me of this fact. Your excellency's reply, also, establishing a new and startling precedent, that is, that you cannot hereafter receive *any* diplomatic agent, unless the government he represents is represented by the untrammelled expression of democratic will. It seems to me that the following extract from your letter is conclusive of the new rule for recognition as just alluded to. You say: "Those who were chiefly instrumental in suspending or overthrowing the former government of that State (Nicaragua) were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is known here, freely expressed their approval of, or acquiescence in, the present condition of political affairs in Nicaragua. Until such shall be the case, the President does not deem it proper to receive you, or any one, as a minister to this government, duly appointed by the supreme government of Nicaragua." Thus your excellency will perceive that, under the same ruling, the minister of England, France, or Russia, should not be recognized by your government, because you have no assurance that any part of the people of those countries have "freely expressed their approval of, or acquiescence in, the present condition of political

affairs'' governing them at this moment. You thus necessarily interfere with the internal affairs of other nations.

Regretting that you should have misconstrued my last communication, and that you authorized the late arrest of my person in New York, and thereby the indignity shown against the government I have the honor to represent, therefore, I respectfully request that you will not consider my credentials as before your government for the present.

I am, sir, your obedient servant,

PARKER H. FRENCH.

Hon. W. L. MARCY,

*Secretary of State of the United States.*

*Mr. Wheeler to Mr. Marcy.*

[Extract.]

[No. 40.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, January 25, 1856.*

SIR :

\* \* \* \* \*

The political condition of Nicaragua is the same as when I last wrote. Peace within her borders and friendship with the neighboring States. The statements circulated by designing men as to the hostility of Costa Rica, San Salvador, Honduras, or Guatemala are miserable falsehoods. So far from this, in Guatemala, the most puissant of the States of Central America, and hostile to free governments, recently a proposition was made to raise forces and attack the party in power in Nicaragua, aided as it is by foreigners. It was sternly opposed by the government ministry, and only received two votes.

I enclose the newspapers.

In a late dispatch I informed you General Jerez, the minister of foreign affairs, had resigned his place in the cabinet of Señor Rivas, on the sole ground that Walker's forces were not allowed to attack Honduras and reinstate Cabañas in power. This has done much to establish General Walker in the good opinion of the adjacent States, and render confidence in the pacific intentions of Nicaragua.

Emigrants are flocking in from New Orleans in every steamer, California, and some from New York. The effective force of the army is 481 American rifles and 900 native troops, which at any moment can be swelled to three times that number.

The last dispatch informed you of the presence of the British vice-consul (Thomas Manning) here. In an official note he formally recognized the present government of Nicaragua, so far as the only diplomatic representative of England in Nicaragua could do. Enclosed

is a copy of his official note, cut out of the official paper of this government. (Marked B.)

Enclosed is a decree of this government, (No. 150,) declaring that all communication is suspended with your minister resident here; and placing this extraordinary act on the ground that the government of the United States has failed to recognize the actual administration of Nicaragua, and refused to receive Mr. French, her actual minister, accredited near our cabinet. (Enclosed, marked C.)

This decree is accompanied by an official note of the minister of foreign relations. (Enclosed, marked D.)

Official dignity and personal respect would have prompted me on the reception of that document to have demanded my passports. But I could not do this without violating the express instructions of the President "to abstain from all official intercourse with this government," as conveyed in your dispatch, No. 13, (dated November 8, 1855,) but "remain in this country and keep *my* government well advised of the actual condition of affairs *herein*." The course of this government brings this legation to the exact *status* which the instructions of the President had placed it, it was accompanied by expressions of much personal regard to me from the minister.

How far the late visit and presence of the English consul might have influenced this course I can only conjecture. I know, from himself, that he had frequent interviews with those holding power; and I also know, from those high in power, that liberal promises were made of the countenance and favor of Great Britain.

So far as my official act in recognizing this government is concerned, I feel gratified that the government of Great Britain has followed me.

\* \* \* \* \*

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

JOHN H. WHEELER.

*Minister Resident near Republic of Nicaragua.*

Hon. WM. L. MARCY,

*Secretary of State of United States of America.*

B.

VICE-CONSULATE OF GREAT BRITAIN,  
*Realejo, January 10, 1856.*

SIR: I take great pleasure in acknowledging the receipt of your official communication of the 3d of November ultimo, the duplicate of which only has reached me up to this time, enclosing, for the information of this consulate, copy of a treaty, entered into between the leaders of the belligerent forces, Generals Ponciano Corral and William Walker, for the restoration of peace and the establishment of a provisional government under the presidency of Don Patricio Rivas.

As an eye witness of all the horrors and the events which have transpired in this unfortunate country since the commencement of the

revolution in May, 1854, no one can better than I appreciate the re-establishment of order and tranquility. It is to be hoped that through the enlightened members of the cabinet now in power prosperity will be carried to the threshold of the humblest inhabitant of the land. Be assured that the government of her Britannic Majesty will yield equal sympathies, so long as the affairs of the country shall be conducted in keeping with the usages and in conformity with the laws of nations.

Meanwhile I shall, by next mail, transmit to the chargé d'affaires of her Britannic Majesty, Charles Lemor Wyke, residing in Guatemala, the treaty, and the accompanying communication, for his information and guidance.

I have the honor to be your most humble servant,

THOMAS MANNING,  
*In charge of the vice-consulate.*

His Excellency Don MAXIMO JEREZ,  
*Secretary of Relations of the supreme provisional government.*

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C.

[Translation.]

*The President pro tem. of the Republic of Nicaragua to its inhabitants.*

Whereas, it is positively ascertained that the government of the United States, in opposition to the public sentiment of that country, declines a recognition of the existing administration of Nicaragua, and refuses to enter into communication with the Hon. P. H. French, at present its accredited minister to said government, therefore he, in the exercise of his powers, decrees :

Art. 1. All official communication with the Hon. J. H. Wheeler, minister resident of the government of the United States in this republic, is hereby suspended.

Art. 2. All powers conferred on Col. P. H. French, as minister plenipotentiary to said government, are revoked.

Art. 3. Let this decree be made known to whom it may concern, as also to said Mr. P. H. French, in order that he may repair to this capital to report on his mission.

Given in Granada, on the 22d day of the month of January, 1856.

PATRICIO RIVAS.

To the Minister General, Don FERMIN FERRER,

Correct

F. FERRER.

D.

[Translation.]

REPUBLIC OF NICARAGUA, GENERAL DEPARTMENT,  
*Granada, January 22, 1856.*

SIR: My government being amply convinced that the recognition of its existence by the present cabinet at Washington is declined in opposition to the popular wishes of the country, I deem it proper to inform you that the powers conferred on Mr. P. H. French, the present minister of Nicaragua to the government of the United States, were this day revoked, and that the minister is instructed to repair to this city.

In the name of my government, I also communicate to you, that in view of the course pursued by the government which you represent, all communication with you, in the character of a minister resident of the United States in Nicaragua, is suspended from this day forth.

I have the honor to tender to you the assurances of my very high regards.

F. FERRER.

Hon. JOHN H. WHEELER,  
*Minister resident of the U. S. in Nicaragua.*

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*Mr. French to Mr. Marcy.*

WASHINGTON, *February 5, 1856.*

SIR: Events make it necessary for me to say, that the revolution that had been desolating the republic of Nicaragua for more than two years past was brought to a happy termination by a solemn treaty of peace, signed in the city of Granada by the only two contending parties on the 21st day of October, 1855, and the provisional government then formed, under the terms of said treaty, in the full exercise of its functions, did duly appoint myself as its minister plenipotentiary near your excellency's government.

But when I arrived in the city of New York, on the 11th of last December, I found myself surrounded by a strange position of affairs. As I understood, your government and that of Great Britain were involved in a delicate and embarrassing negotiation relative to a portion of the territory of Nicaragua; and neither your excellency or the people of the United States was fully informed of the exact state of things as they existed in my country. Thus my judgment convinced me that it would be expedient to defer the presentation of my credentials until a reasonable length of time should have elapsed, so that your excellency's government might obtain correct information with regard to us, and be satisfied of the legitimacy and permanency of the government that I have the honor to represent, and for some other reasons.

But the period has now arrived when I must, in obedience to my instructions, formally present my credentials before your excellency, and respectfully ask the recognition of my government.

I have in my possession an autograph letter from the President of Nicaragua to the President of the United States, a copy of which I herewith send to your excellency, requesting that you will communicate the contents of this letter to your government, and signify to me at what time I may have the pleasure of laying the original before his excellency the President.

I subscribe myself your excellency's humble servant,

PARKER H. FRENCH.

His Excellency W. L. MARCY,

*Secretary of State of the United States.*

[NOTE by Department of State.—For enclosure referred to see accompaniment to Mr. French's letter of December 19, 1855, *ante*.]

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*Mr. Marcy to Mr. French.*

DEPARTMENT OF STATE,  
*Washington, February 7, 1856.*

SIR: I have received your letter of the 5th instant, with a copy of your letter of credence, and laid them before the President. I am directed by him to reply to your request to be received as a minister plenipotentiary to this government from the republic of Nicaragua, that he has again taken the subject into deliberate consideration, but has not seen sufficient reasons for changing the determination made known to you in my letter of the 21st of December last.

I am, sir, your most obedient servant,

W. L. MARCY.

PARKER H. FRENCH, Esq., *Washington.*

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*Mr. Wheeler to Mr. Marcy.*

[Extract.]

[No. 42.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, February 26, 1856.*

SIR: The condition of this country is (as when I last wrote to you) tranquil. You will observe from the enclosed newspaper, marked A, a decree\* of this republic, of date 18th February instant, revoking and annulling, for causes therein stated, the charter of the Accessory Transit Company.

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\* Note by Department of State.—This decree will be found with the accompaniments to Mr. Vanderbilt's letter to the Secretary of State, March 26, 1856, *post*.



Being positively instructed under yours, No. 13, (of the 8th November last,) "to abstain from any official intercourse with the persons now exercising a *temporary* control over some parts of Nicaragua," I shall endeavor to keep you well advised of the actual condition of affairs herein, and respectfully await your further instructions.

I have availed myself of the present condition of the relations between the two governments to visit Leon and other portions of Nicaragua. I went as a private person, without any form or parade, in order to ascertain, if possible, the real condition of political affairs. I conversed freely with persons of all ranks; I find the substantial, peaceful, industrious, and thrifty persons of the country entirely satisfied with the present condition of affairs, assuring me that if the present foreign force was not in the country civil war would again break out and devastate the whole republic; and they rejoice that permanent peace is now established. The constitutional assembly or congress will soon assemble in this city, who will re-establish the constitution and sanction the recent proceedings of the executive and military power of the country.

I am satisfied that negotiations are now on foot between Nicaragua and England to settle the Mosquito question on the basis proposed by Messrs. Crampton and Webster, but rejected at the time by Nicaragua.

I would suggest that instructions be given to open diplomatic intercourse with this government, in which event a minister will be promptly dispatched from this government to the United States, and all unpleasant sensations removed.

\* \* \* \* \*

I have the honor to be, your obedient servant,

JNO. H. WHEELER,  
*Minister of the United States of America,  
near the Republic of Nicaragua.*

Hon. WM. L. MARCY,  
*Secretary of State of the United States, Washington City.*

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*Mr. Hine to Mr. Marcy.*

[No. 7.]

CONSULATE UNITED STATES OF AMERICA,  
*San José, March 9, 1856.*

SIR: I have the honor to enclose copy, No. 1, of a communication received from the minister of foreign relations of the government of Costa Rica, in which, under date of the 3d instant, I am informed that upon the same day official notice was given to the agent of the Accessory Transit Company of Nicaragua, that in consequence of the steamers of the said company having been used for the transportation of the "bandits" who have taken usurped possession of Nicaragua, the transit of the said steamers upon the river and lake of San Juan and Nicaragua will be suspended during the continuance of hostilities

against the said "bandits," and disclaiming the responsibility of all damages that may ensue to the said steamers or the passengers on board, in case this notice should be unheeded ; a translation is also transmitted, No. 2.

The hostilities to which I have referred in previous communications as imminent have commenced. A body of 3,500 troops are marching for the frontiers of Nicaragua. The president will take command personally. No declaration of the war will be made, upon the ground that no government exists in Nicaragua, and the only object avowed is the extermination of the "fillibusteros." It is said that no quarter will be given, and that all prisoners will be shot.

Will your excellency, who is perfectly conversant with the history of Walker's expedition, favor me with the views of the Department of State upon this mode of warfare, and instruct me whether my interference in behalf of those who may have been American citizens would be authorized by my government.

In the absence of special instructions, I shall consider it my duty to avail myself of such means as are in my power to prevent the infliction of barbarities upon such as have been born citizens of the United States, although their rights of citizenship may have been forfeited.

I must again repeat my solicitude in regard to American citizens resident in this country.

My communications (from the United States) for some time past have been intercepted. This will be forwarded under cover of the British consul, and a duplicate via Panama by first opportunity.

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

MARQUIS L. HINE,  
*United States Consul.*

Hon. WM. L. MARCY,  
*Secretary of State, Washington.*

[Translation.]

[No. 2.]

NATIONAL PALACE, COSTA RICA,  
*San José, March 3, 1856.*

SIR: On this date we have given the agent of the "Compania Accessorio de Transito de Nicaragua" the following notice :

"The government of Costa Rica, united with the rest of the Central American States, has resolved to drive out from Nicaragua the bandits, who, thanks to an intestine war, have treacherously possessed themselves of that unfortunate country.

"Not only the authorities of the United States, but also public opinion declares unanimously that the steamers of the 'Compania de Transito,' both on the Atlantic and Pacific sides, have been perpetual conductors of these bandits.

"This being the case, my government publicly gives you notice, as the representative of the company, that while the hostilities against

the invaders of the Central American soil exist, the transit of the steamers that navigate the river of San Juan and the lake of Nicaragua must remain suspended, it being our resolution to use all means in our power to prevent it, in the incredible case of the company not complying with this disposition, in not being responsible for the consequences that may occur to the company or passengers, though great they may be.

“In order that hereafter the plea of ignorance may not be put forward, we remit a copy of this notification to all foreign governments and consuls.”

And for your intelligence I have the honor of communicating this to you, being always your most obedient servant,

JOAQUIM B. CALVO.

MARQUIS L. HINE, Esq.,

*Consul of the United States in Costa Rica.*

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*Mr. Marcy to Mr. Hine.*

[Extract.]

DEPARTMENT OF STATE,  
*Washington, April 11, 1856.*

SIR :

*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*

“The proceedings of the Costa Rican government with reference to Nicaragua, and especially its decree against the Transit Company, of which an account is given in No. 7, are to be regretted. If that decree should be carried into effect against the steamers of the company or the passengers on board of them, such a proceeding might give rise to serious questions between this government and that of Costa Rica, for although the right of the latter government to jurisdiction over the right bank of the river San Juan from the sea to the mouth of the Serapiqui may be good, this right, if admitted, is limited, in the river itself, to the middle of the stream. The claim of that government, therefore, to put a stop to the transit of steamers on the river cannot be acknowledged. It was to have been hoped that Costa Rica would have maintained a strictly defensive attitude in respect to Nicaragua. Inasmuch, however, as she has thought proper to decide otherwise, it is expected that, in waging hostilities against Nicaragua, her authorities will not lose sight of moderation, and will avoid trenching upon the rights of neutrals who may be proceeding to Nicaragua for peaceful purposes, or with a view to mere transit between Oregon and California and the Atlantic States of the Union. You are authorized and directed to make these expectations known to the Costa Rican government, and will so inform that government.

Although some persons claiming to be citizens of the United States may be engaged in hostility against Costa Rica, and may have com-

mitted a misdemeanor in leaving their own country for that purpose, it is expected that the laws of honorable warfare in regard to them will be observed in case they should be taken prisoners. If, however, they should be shot, as you say is the purpose of the Costa Rican government, such a proceeding would not be regarded with indifference by the government of the United States, and would certainly occasion more or less of a resentment in this country, which might tend to disturb our amicable relations with that republic.

You will please accept the thanks of this department for the valuable report contained in your No. 6, of the American and foreign trade with Costa Rica, and also for the interesting information which you have from time to time communicated respecting the combined movements of the governments of Costa Rica, Guatemala, and San Salvador, to overthrow the "Walker party" in Nicaragua.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

MARQUIS L. HINE, Esq.,  
United States Consul, San José, Costa Rica.

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*Mr. Vanderbilt to Mr. Marcy.*

WASHINGTON, *March* 26, 1856.

SIR: I beg leave to lay before you a full and correct statement of the great and violent outrage upon the rights of American citizens recently perpetrated in the State of Nicaragua, in the unlawful seizure of a large amount of property belonging to the Accessory Transit Company, and I respectfully request at the hands of the government of the United States such interference and redress as may be consistent with their duties and obligations.

The Accessory Transit Company is an association composed of American citizens, whose principal business is that of common carriers of passengers and freight from New York to California. For convenience of transit across the isthmus, the company found it necessary to obtain a charter and acts of incorporation from the State of Nicaragua, a copy of which you will find accompanying this, marked "A, No. 1."

All the conditions and obligations imposed upon the company by the charter and acts of incorporation have been faithfully fulfilled and discharged by the company.

Nevertheless, in the year 1855, a controversy arose between the Nicaraguan government and the Transit Company about the condition of the accounts between the two parties.

The government offered to settle for "forty thousand dollars, deducting from this sum what the company" had "already paid."—(See the letter of their commissioners, with translation, marked "A, No. 2.")

This offer the company declined.

By reference to article XXXIII of the charter you will see that any dispute or controversy between the State and the company is to be

determined by reference to five commissioners; two to be named on the part of the State, two by the company, and a fifth to be selected by the four others thus appointed.

In pursuance of this provision, in the month of November, 1855, Royal Phelps and Theodore W. Riley were named as commissioners on the part of the State, and Francis B. Cutting and Nathaniel H. Wolfe were chosen by the company to determine questions then pending in relation to the neutral accounts.—(See papers marked "A No. 3.")

Before these four commissioners had proceeded at all in the duties of their appointment, or even so much as met to choose the fifth commissioner, as provided by the charter, a change occurred in the condition of public affairs in Nicaragua, which has prevented their action up to this time. One William Walker usurped the power in that State, and set up what has since been generally known as the Rivas-Walker government.

I was at that time a stockholder, but not an officer, of the Transit Company. In the month of January last, from information communicated to me by the directors, I had cause to suspect that certain agents of the company were aiding Walker at the expense of the company. Twenty thousand dollars in specie, while *in transitu* on one of the company's boats, and for the safe carriage of which the company were responsible, were taken by Walker. Investigation confirmed and increased my suspicions. I communicated them to other stockholders, and in consequence, on or about the first of February, I was appointed agent in place of Mr. Charles Morgan, and a few days subsequently I was elected president of the company.

Almost my first act after accepting these offices was to write the following letter to the Hon. John McKeon, United States district attorney for the southern district of New York:

"No. 5 BOWLING GREEN, *February 6, 1856.*

"DEAR SIR: I have taken the presidency of the Transit Company as well as the agency. I am desirous to have no difficulty with the ships.

"Any mode you may point out to save trouble that may arise I will most cheerfully join you in.

"Therefore, if at any time you see or hear of anything wrong, you will always find me ready to make it right as far as is in my power.

"Truly, yours,

"C. VANDERBILT.

"Hon. JOHN McKEON."

The Rivas-Walker government, so called, still held sway in Nicaragua, and they were making urgent demands upon the company to carry men on their account. Of course we were obliged, to some extent, to regard the actual power in Nicaragua, whatever might be the character of its origin or of its purposes. I refused, however, to take any passengers, on any account, whose fares were not prepaid, unless they went unarmed and avowed a peaceable intent. I have heard it suggested that all who went, whatever purpose they may

have declared, must really have had the design of joining Walker's army. This is not so. False and exaggerated representations as to the climate and soil of Nicaragua had become so wide-spread and general, that hundreds of men who had no idea of bearing arms were rushing there to make their fortunes. I took pains to warn such as I had an opportunity to converse with of their delusion. Some were dissuaded; others persisted in their determination to go.

Subsequently, on ascertaining more exactly the views of our own government on the subject, I determined to carry no more men whose fare was not prepaid. Accordingly I had a resolution passed by the company to that effect. From the time of its adoption, this resolution has been acted on to the very letter.

On the 18th day of February last the Rivas-Walker government, so called, made 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."—(See "B No. 1.")

The causes alleged in said decree for its issue are not true:

1. It is said that the company have not constructed a ship canal across the territory of the State, nor a railroad or rail and carriage road, as imposed by their charter.

You will perceive by the terms of the charter, that the company are allowed twelve years from the 26th day of September, 1849, in which to construct a canal of given dimensions, and if that is found impossible they have the same length of time in which to construct a railroad or rail and carriage road and water communication.—(See charter, articles II., X., XXX.)

More than five years of the time yet remains. A ship canal of the requisite depth was found to be impracticable. The company have already prepared the bed of the railroad, and will fulfil this condition of the charter according to its terms and long before the expiration of the time allowed. At all events, it is more than five years too early for any complaint to lay under this head.

2. It is said that the company have not made the payments of ten thousand dollars annually and ten per cent. of nett profits, which they were bound to make.

In refutation of this allegation, I call your attention to the certificate of Isaac C. Lea, the secretary, under the seal of the company, (marked "B No. 2,") that the ten thousand dollars were regularly paid annually from the year 1849 to 1854, both inclusive; and that in the year 1855 the money was ready, but the company were enjoined by a court of the city of New York, at the suit of Messrs. Manning, Glenton & Company, to whom the demand had been assigned by the State, from paying it over to any person or persons whatever.

By proofs to which I have already referred, it appears that the whole demand of the State in November last amounted to only forty thousand dollars, subject to certain deductions, and that the demand had been referred to commissioners, the special tribunal provided by the charter itself for the adjustment of all matters of controversy. The company have ever been and are ready to abide by and fulfil any award of their commissioners.

Furthermore, to show how utterly groundless must be any accusa-

tion of indebtedness on the part of the Transit Company, either to the Rivas-Walker government, so called, or to any other government of Nicaragua, I invite you to examine the accompanying document, "B No. 3." This is an assignment by the Nicaraguan government, in 1852, of the ten thousand dollars per annum to be paid by the Transit Company, commencing with the year 1854, and of all other claims, past and prospective, against the company, and in favor of the State, to Messrs. Thomas Manning and Jonas Glenton, to secure to them a debt of \$164,092 03. You will observe, also, that no longer ago than the 15th day of January last, the Rivas-Walker government, so called, issued a decree confirming this assignment, and which you will find prefixed to it. You will, I think, agree with me that the question of indebtedness, to say nothing of its now being in the hands of the commissioners to whom it was referred, is thus entirely disposed of. Moreover, when the accounts shall be adjusted a balance will be found due the company.

3. Follow allegations that the company have refused to appoint commissioners. These I have already completely refuted.

In obedience to this decree, all the property of the company on the isthmus has been seized. Inventories of the same, taken in compliance with a decree of the government, so called, I send you, marked "B No. 4."

The value of this property is between \$700,000 and \$1,000,000. It is still withheld by fraud and force of arms from the possession of its true and rightful owners. Thus, in open defiance of all law and all authority, citizens of the United States are deprived of their property to a large amount.

I respectfully request the interposition of the government. I rely with confidence upon your prompt and wise interference to wrest from the aggressors their plunder, and to restore us to the enjoyment of our outraged rights.

I have the honor to remain, very respectfully, yours, &c.,  
C. VANDERBILT,  
*President Accessory Transit Company.*

Hon. WILLIAM L. MARCY,  
*Secretary of State, &c.*

P. S. I transmit herewith, for your convenience, a copy of my letter addressed to you on the 17th instant.

C. V.

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*List of documents accompanying the communication of C. Vanderbilt to Hon. W. L. Marcy, Secretary of State, March 26, 1856.*

1. A No 1. Charter and acts of incorporation of Accessory Transit Company.

2. A No. 2. Letter of Nicaraguan commissioners, with propositions for settlement of disputed accounts.

3. A No. 3. Appointment of commissioners (or arbitrators) to adjust accounts.
4. B No. 1. Copy of decree of confiscation of company's property.
5. B No. 2. Certificate of secretary of company of annual payments.
6. B No. 3. Assignment of the claim of the government of Nicaragua to Manning and Glendon.
7. B No. 4. Inventories of property.
8. B No. 5. Copy of letter of C. Vanderbilt to Hon. W. L. Marcy, dated March 17, 1856.

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A No. I.

*Charter and act of incorporation of the American Atlantic and Pacific Ship Canal Company, as amended; also, treaty of protection negotiated between the United States and Great Britain, and charter granted by the State of Nicaragua to the Accessory Transit Company.*

The supreme director of the State of Nicaragua and the "American Atlantic and Pacific Ship Canal Company," composed of Cornelius Vanderbilt, Joseph L. White, Nathaniel H. Wolfe, and their associates, being always citizens of the United States, desiring to settle the terms of a contract for facilitating the transit across the Isthmus of Nicaragua, from the Atlantic to the Pacific oceans, by means of a ship canal or railroad, have appointed as commissioners, on the part of the supreme director of the State of Nicaragua, Messrs. Hermenegilda Zepeda and Gregorio Juarez, and on the part of the said company, Mr. D. L. White, with full powers to arrange and conclude a contract for the above named purposes; which commissioners, having exchanged their respective powers, have agreed upon and concluded the following articles:

ARTICLE 1.

The State of Nicaragua grants to the said company the exclusive right and privilege of constructing a ship canal across its territory by a single route, and at its own expense, from the port of St. John's of Nicaragua, or any more feasible point on the Atlantic, to the port of Realejo, Gulf of Amapala or Fonseca, Tamarinda, St. John's of the south, or any other point on the Pacific ocean which the engineers of the company may decide upon; by means of the St. John's river, Lake Nicaragua, river Tipatapa, Lake of Leon or any other lakes, rivers, waters and lands situated within its territory, with the object of connecting the two oceans; and to make use of, for its construction and navigation, said rivers, lakes, waters and lands, both public and private. And the State also grants to the company the exclusive right to the administration, management and control of said canal, according to the following articles:



## ARTICLE II.

The dimensions of the canal shall be such as may be necessary for the passage of vessels of all sizes; and the point at which it shall terminate on the Pacific, in the event that the engineers of the company shall decide upon two or more points as equally practicable, shall be that one most consistent with the mutual interests both of the State and the company.

## ARTICLE. III.

The company binds itself to construct, at its own expense, in the harbors at the extremities of the route of said canal, custom-house buildings, of the necessary capacity, for the use of the State and the company.

## ARTICLE IV.

The exclusive rights and privileges herein granted to the said company by the said State shall be enjoyed by the same for the fixed term of eighty-five years, counted from the day in which the canal shall be completed and put in use.

## ARTICLE V.

The company hereby agrees to pay to the said State for the said grant, the following sums of money, viz: 1st. Ten thousand dollars by draft on the said company in the city of New York, as soon as this contract shall be ratified by the legislature of the State. 2d. Ten thousand dollars at the expiration of one year from this same date; and ten thousand dollars each year thereafter until the completion of said canal—the above sums to be paid to the State in the city of Leon, or in the city of New-York, as the State may elect. Also, the said company makes a free donation to the said State of two hundred thousand dollars of stock *in the canal*, which shall be delivered to the State as soon as the certificates of stock shall be distributed by the company.

## ARTICLE VI.

Said State shall receive for its proportion of the income of said canal, after the same shall be put in use, the following interests, viz : for the first twenty years, twenty per cent. annually out of the net profits, after deducting therefrom the interest of the capital employed in its construction, at the rate of seven per cent. per annum; and twenty-five per cent. each year thereafter out of the said net profits, after deducting the said seven per cent. until the expiration of the full period of the term herein above granted. And the State shall also receive ten per cent. of the net profits, without any deduction of interest, of any route which the company may establish between the two oceans, whether it be by railroad or carriage road, or by any other means of communication, during twelve years herein granted for the construction of said canal.

## ARTICLE VII.

The said company shall be bound to make and present an annual report and account to the government of Nicaragua, setting forth the receipts and expenditures, as well as a statement of the condition of the works of the canal; which report shall be certified by the proper officers of the company. The State, however, shall have the right, through any commissioners which it may appoint for that purpose, to inspect and examine at any time the books of the company, to satisfy itself of the correctness of said receipts and expenditures.

## ARTICLE VIII.

It is hereby stipulated, that the State of Nicaragua shall have the privilege of taking stock in the said canal to the amount of five hundred thousand dollars, *provided that the said State shall subscribe to and take said stock within sixty days after the opening of the stock books for subscriptions, of which said opening and the time thereof due notice shall be given to said State*; which stock it may distribute as it may deem proper among any of its native citizens, or the citizens of the adjoining States.

## ARTICLE IX.

*Stricken out.*

## ARTICLE X.

The company binds itself to commence the preliminary surveys for said works within the period of twelve months from the date of the ratification of this contract, and also to complete the said canal within twelve years from the same date. But if any fortuitous or unforeseen events beyond the control of the company, as, for example, earthquakes, epidemics, wars, or any other event of this nature, should appear during the progress of the work, to suspend its execution, the time thus lost shall not be reckoned as a part of the stipulated time above given for its completion. In case such event shall occur, the company shall give immediate notice to the government of the same, for the purpose of deciding, in connexion with the company, upon the nature of such event.

## ARTICLE XI.

If none of the events which are expressed in the preceeding article should occur, and the work shall not be completed within the said period of twelve years, then whatever may have been done by the company up to that time in the prosecution of the work shall be forfeited to and become the property of the State, without any indemnity.

## ARTICLE XII.

The State gives to the said company the right to take, free of any charge or indemnity, from any of the public lands or forests within the State, all the wood, stone, lime, timber, or any other materials which they may require for the construction and the use of said canal and its dependencies. And the State hereby further gives to the company the right to take and make use of such portions of the public lands as they may require for the establishment or erection of houses, stores, docks, wharves, stations, and all other useful objects connected with the works of said canal.

## ARTICLE XIII.

In case the company shall require any materials, such as wood, lime, stone, &c., which may be found in or upon the lands of particular individuals, it shall be obligated to pay for the same, at such price as may be agreed upon between the company and such individuals; but all the lands which may be required for the passage of the canal, in its entire route, shall be at the expense of the State, and the company shall not be liable to pay any indemnity for the same.

## ARTICLE XIV.

All the articles that the company may require, both for the surveys and explorations, and for the construction and use of the works of the canal, *or such other route as the company may establish*, such as machines, instruments, tools, &c., and all other necessary materials, shall be admitted into the State free of duties of all kinds, and may be discharged in any of its harbors, or at any other point within its territory that the company may select; in this last case, however, giving notice of such intention to the proper government officer. But the company shall have no right to introduce within the territory of the State any goods, merchandise, or any other articles of commerce for sale or exchange, without paying the duties established by law. And they are also prohibited from importing any articles or materials which may be monopolized or prohibited by the State, for any purpose, except for the use of the works of the canal.

## ARTICLE XV.

The State binds itself to facilitate and aid, in every possible way, the engineers, contractors, employees and laborers, who may be employed in the explorations and surveys of the route, and in the construction of the works of the canal; and to this end stipulates, that all citizens of the country, who may be so employed by the company, shall be free and exempt from all civil or military service of the State whatsoever; but to entitle them, however, to the right of exemption from such military service, they shall have been previously in the employ of the company for at least the period of one month. The State also guarantees to all foreigners who may be employed on the

works of the canal, the same rights, liberties and privileges as are enjoyed by the inhabitants of the country, and also that they shall not be molested or disturbed in their labors while thus employed by any internal commotions or disorders of the country; and at the same time that they shall be free and exempt from all taxes, duties or direct contributions whatsoever during the time they may be in the company's employ.

#### ARTICLE XVI.

The said company agrees to receive from the State, as laborers upon the works of the canal, any convicts who may be capable of labor, upon such terms as may be agreed upon between the company and the State.

#### ARTICLE XVII.

The said company agrees to transport, *or permit to be transported*, across the said canal, all passengers, goods, merchandise and materials of every description, and also stipulates that the canal shall be open to the transit of vessels of all nations, subject only to fixed and uniform rates of tolls that may be established by the company.

#### ARTICLE XVIII.

The company shall establish a tariff of fees or tolls for the transportation of all passengers, goods, wares, merchandise and property of every description, and for vessels of all kinds passing through or along said canal, *or any part thereof*, which shall have the force of law from the moment in which it shall be communicated to the government of Nicaragua, which shall be obliged to sanction the same within eight days after its reception. And at the same time, with the view to induce the largest and most extended business by this route, the said company agrees to fix the said tariff or tolls for the same at the lowest possible rate, consistent with the mutual interests both of the State and the company; and in case that the company should determine at any time to alter such tariff, it shall be incumbent upon it to give six months' previous notice of such determination in the State paper of Nicaragua, and in the principal seaport towns of the United States.

#### ARTICLE XIX

The rate of tolls and charges for the transit of the products and manufactures of the State of Nicaragua and the adjoining States shall be regulated by a particular and more favourable tariff, which shall be agreed upon between the State and the company.

#### ARTICLE XX.

The State grants to all steamers and vessels of the company, during the continuance of this contract, the right of ingress and egress

to, from, and through all its harbors, rivers and waters, both on the Atlantic and Pacific oceans, and the interior, and the use of the same, free of all duties or charges of any kind whatsoever, as, for example, anchorage, tonnage, &c.

#### ARTICLE XXI.

The State stipulates that all vessels and steamers of the company, and also all goods, merchandise, manufactured articles, *vessels* or any other property, *whether of the company or not*, passing through said canal, *or otherwise conveyed by the said company*, from one sea to the other, in either direction, to any foreign country, shall be free and exempt from all kinds of government duties or taxes whatsoever; and shall also be secure and protected from all interruption or detention in their course on the part of the State.

#### ARTICLE XXII.

The company shall furnish to the State, annually, a list of all its vessels employed in the navigation of the route, containing the names and description of each of such vessels, which shall be registered in the archives of the State; and that thereupon the State shall give to the company a separate certificate of the register of each one of said vessels, signed by the proper officer of the government; which certificate shall serve always as a passport for said vessels through all the harbors of the State, upon presenting the same to the custom-house or harbor officer.

#### ARTICLE XXIII.

The exclusive right which the company has acquired by this contract of navigating said lakes, rivers and waters of the said State, by means of steam vessels, from one sea to the other, is understood as not to exclude natives of the country from free interior navigation, by means of sailing or any other vessels, excepting steam vessels.

#### ARTICLE XXIV.

The company binds itself to transport by the said canal, on board of any of its vessels, all the principal officers of the government and its subalterns, in case of government necessity, from one point of said route to any other one, at which said vessel may stop without any charge to the State therefor.

#### ARTICLE XXV.

The company is to convey, by any of its steamers or vessels, free of cost or charge, over the route of the said canal, all the official correspondence of the State; in consideration of which, the State agrees not to collect or recover any postage or duties of any kind upon any of the correspondence of the said company.

## ARTICLE XXVI.

The company binds itself to construct, at its own expense, bridges upon that part of the canal that may be made between the lakes and the Pacific, upon such principal highways as may be agreed upon between the State and the company. The said State, with the consent of the company, shall establish rates of toll or charges upon such persons or things as may pass over said bridges, the profits from which shall be appropriated to redeem the capital invested in their construction, and the interest thereon at the rate of seven per cent. per annum; and when such capital and interest shall have been reimbursed to the company, then the profits shall be divided equally between the State and the company for the remaining period of this contract; but such bridges shall continue under the control and management of the said company.

## ARTICLE XXVII.

The State of Nicaragua, with the object of facilitating the colonization of the lands contiguous to the river St. John, and the adjacent rivers, and of the canal which in or along it may be constructed, makes a free donation to the company of eight stations or sections of land, to be located at such points upon either one or both of the banks of the said river or canal as the company may elect; each one of such sections shall be of six English miles in length, fronting upon the river or canal, and six miles in width, measured from the bank of the canal or river towards the interior. And the State further grants to the company the right of alienating the lands which compose said sections to settlers, or any other person or persons who may wish to locate themselves upon the same. Said sections of land are granted upon the following conditions: 1st. They shall be located by the company in such a manner that they shall be at least three English miles distant from each other. 2d. That no one of them shall be located within the distance of four and a half English miles from the mouth of the St. John's river. 3d. The State reserves to itself the right to such points as shall be necessary for its military fortifications and public buildings. 4th. That the lands granted shall not be alienated to settlers until six months after the commencement of the survey of the route of the said canal. 5th. The State reserves to itself the superior dominion and sovereignty over said lands and their inhabitants. 6th. That said lands shall not be alienated by the company to any government whatever.

## ARTICLE XXVIII.

The colonies which the company may establish upon said lands shall be colonies of Nicaragua, and thereupon the settlers shall be subject to the laws of the State, the same as the natives of the country; being, however, exempt, for the term of ten years, from all taxes and direct contributions, and from all public services as soon as each colony shall contain at least fifty settlers.

## ARTICLE XXIX.

The State further agrees, that in case any event may hereafter occur, as named in the preceding article 10th, to suspend or prevent the construction of the said canal; or if the said contract shall become forfeited or annulled by either or both of the parties; and also, in case the said contract shall continue in force for the full period of eighty-five years, mentioned in the preceding article 4th, the said State shall always acknowledge as private property the lands which may have been alienated or ceded by the company to settlers or other persons, in virtue of the legal title which the company has acquired by this contract to the said lands.

## ARTICLE XXX.

The company shall have the exclusive right to construct rail and carriage roads and bridges, and to establish steamboats and steam vessels on the said rivers and lakes, as necessary accessories to and in furtherance of the execution of the canal; but the company hereby stipulates and agrees, in case that the construction and completion of said canal, or any part of it, becomes impossible by any unforeseen event, or insurmountable obstacle of nature, to construct a railroad, or rail and carriage road, and water communication between the two oceans, provided the same may be practicable, within the same period as is stipulated for the building of the said canal, and subject to the same terms, conditions, regulations and restrictions as far as they can be made applicable to the same.

## ARTICLE XXXI.

The State hereby binds itself not to sell or dispose of any of its public lands located upon or near the river St. John, or upon or near any of the routes or points designated in article first of this contract, until after the surveys shall have been made and the route determined of the said canal.

## ARTICLE XXXII.

The State also binds itself to protect and defend the company in the full enjoyment of the rights and privileges granted in this contract; and also binds itself not to contract with, or cede to, any government, individual or companies whatsoever, the right of constructing a ship canal, railroad or any other communication, across its territory between the two oceans; or the right of navigating, by means of steam vessels, any of its rivers or lakes which may be occupied by the company, while this contract continues in force. But should this contract become forfeited or annulled, then the State shall be privileged and free to contract with any other individuals or companies, as it may deem proper.

## ARTICLE XXXIII.

In case any dispute or controversy shall arise during the existence of this contract, between the State and the company, the same shall be determined by a reference to five commissioners, to be chosen in the following manner: two to be named on the part of the State, two to be named by the company, and the fifth to be selected by the four others appointed, who shall hear and determine the matters in controversy, and decide upon the same; which decision of the said commissioners shall be final and without appeal, and binding upon both the State and company.

## ARTICLE XXXIV.

It is further provided, that in the event of the four commissioners, thus chosen, not being able to agree upon the selection of the fifth, the State and the company shall then choose three individuals, out of which number they shall select one to act as such fifth commissioner; but should they disagree in such selection, then the choice shall be made out of said number by lot.

## ARTICLE XXXV.

After the period of the eighty-five years, herein granted to the company, shall have expired, the company shall surrender to the State the canal or roads and its dependencies, revenues and privileges, free from all indemnity for the capital which may have been invested in the said work. But it is nevertheless stipulated that the company shall receive fifteen per cent. annually, out of the net profits of the canal, for the period of ten years after such surrender, provided the cost of the same shall be less than twenty millions of dollars; but should the cost be twenty millions of dollars or more, then the company shall receive said fifteen per cent. for the period of twenty years after such surrender.

## ARTICLE XXXVI.

It is expressly stipulated on the part of the State of Nicaragua, that the vessels, products, manufactures and citizens of all nations, shall be permitted to pass upon the proposed canal, through the territory of the State, subject to no other or higher duties, charges or taxes than shall be imposed upon those of the United States, provided always, such nations shall first enter into such treaty stipulations and guarantees respecting said canal as may hereafter be entered into between the State of Nicaragua and the United States.

## ARTICLE XXXVII.

It is finally stipulated that this contract, and the rights and privileges which it confers, shall be held inalienable by the individuals composing the company herein named and their associates; and



*further, the said company shall have the right to constitute itself into a stock company, for the purpose of creating, and selling, and disposing of said stock.*

#### ARTICLE XXXVIII.

To prevent all misapprehension as to the rights of the company and the State, respecting the transit of all merchandise, vessels, products or people, to whomsoever or wheresoever belonging, and all the property of whatever description which may pass through the proposed canal, (on the way to any State or country other than Nicaragua,) it is expressly stipulated by the State that the same may so pass, subject to no duties, charges, or taxes, or tolls whatsoever, other than those imposed by said company; and any vessel or person passing through or along any part of said canal shall be equally exempt, provided always the said nation, or government, or country to whom or to whose citizens or subject the said people, merchandise, products and property shall or may belong, shall first enter into stipulations, &c., such as are hereinbefore named in article 36th.

#### ARTICLE XXXIX.

The present contract shall be ratified by the legislature of the State in the shortest possible period, and on the part of David L. White shall be ratified immediately after, as agent of the company which he represents, in virtue of the powers conferred on him to this effect.

The original contract was signed and sealed in triplicate, in the city of Leon, in the State of Nicaragua, on the 27th of August, 1849, by the respective commissioners, Hermenegilda Zepeda, Gregorio Juarez and David L. White. It was ratified by the legislature of Nicaragua on the 22d of September, 1849, and by David L. White on the 26th of the same month, on which day the ratifications were exchanged.

The amendments, modifications and reforms, which left the contract as now published, were signed and sealed, also in triplicate, in the same city, on the 9th of March, 1850, by the respective commissioners, Gregorio Juarez and David L. White.

The same were accepted, ratified and confirmed, as follows:

#### RATIFICATION.

Justo Abounca, senator, supreme director of the republic of Nicaragua:

Whereas, the legislative assembly of said republic has ratified, and the executive power has sanctioned, each and all of the articles which, as modifications to the contract relating to interoceanic communication, were made in the city of Leon on the 9th of March last,

between the commissioners of this government, the Señor Licentiate Don Gregorio Juarez, and the representative of the American company, Mr. David L. White, has therefore decreed, and decrees as follows:

#### ARTICLE I.

The republic of Nicaragua accepts, ratifies and confirms each and all of the articles of the aforesaid modifications to the contract relating to the interoceanic communication.

#### ARTICLE II.

In consequence thereof, let this decree be published, fulfilled and circulated as a law of the State, as soon as the aforesaid Mr. David L. White shall ratify said modifications under the authority and ample powers conferred on him by the company; and for this purpose, this original instrument is to be delivered by the hands of the prefect of the eastern department to the aforesaid Mr. White, who is at present in the city of Granada, in order that by virtue thereof the exchange of ratifications may take place.

Given at Nicaragua, at the government house. Sealed with the seal of the republic, and countersigned by the undersigned, secretary of state in the office of foreign relations, on the 11th day of April, 1850.

J. ABOUNCA.

To the Señor Licentiate Don Sebastian Salinas, secretary of state in the office of foreign relations.

By order of the director.

SEBASTIAN SALINAS. [L. s.]

Whereas, the foregoing amendments and modifications to the contract celebrated between the State of Nicaragua and the American Atlantic and Pacific Ship Canal Company have been duly ratified by the legislature of the State of Nicaragua—Now, therefore, I, David L. White, as the representative of the said company, being invested with powers conferred on me for this object, do hereby accept, ratify and confirm all and each of the foregoing amendments and modifications to the original contract, for and on behalf of the said American Atlantic and Pacific Ship Canal Company.

In testimony of which, I have fixed my hand and seal, in the city of Grenada, this twelfth day of April, in the year of our Lord one thousand eight hundred and fifty.

DAVID L. WHITE. [L. s.]

## ACT OF INCORPORATION.

*Decree of the Director of Nicaragua, in Central America.*

WHEREAS, "the American Atlantic and Pacific Ship Canal Company" should be legally accredited in the State, for the exercise of its functions, in such a manner as not to meet with any embarrassment in the development and prosecution of the enterprise, and as it is indispensable that the government of the State should grant it all the means which are in its power for this object—Therefore, in virtue of its faculties, the government has resolved to decree, and does decree, the following act of incorporation :

## FIRST.

The State of Nicaragua hereby makes, constitutes and appoints Cornelius Vanderbilt, Joseph L. White, Nathaniel H. Wolfe and their associates, whomsoever the same may be, now or hereafter, a body politic and corporate with perpetual succession, by the name and description of "The American Atlantic and Pacific Ship Canal Company," for the purpose of carrying into full effect the objects and purposes of the grant and charter heretofore made and given by said State to the aforesaid parties, in such manner and by such means as to them and their successors may seem proper, and not inconsistent with said grant and charter ; and for such purpose the aforesaid parties and their successors are hereby invested with all necessary power and authority as a body corporate and politic.

## SECOND.

The said body corporate may, from time to time, in any manner which to them may seem proper, pass by-laws and adopt rules and regulations for the management and government of the said body corporate and its business—fix the amount of capital stock thereof—increase and regulate the subscriptions to the same—designate the number of shares and value thereof—define the mode of issuing, and issue the same, and provide for and regulate the manner of transferring the same, by themselves or their officers, and do all other acts and things which to them may seem necessary or proper, fully to execute and carry out the purposes of the said grant and charter.

## THIRD.

The said body politic and corporate may, from time to time, as it may determine, select a board of directors, and all other officers, and appoint agents and servants for the management of all the business and affairs of said company, which said board, when elected, as the said body corporate may provide, together with the president, shall be invested with all the powers of the said body corporate, unless by the said body the same shall be limited or defined ; and the said body cor-

porate may provide by by-laws, or otherwise, for the number of directors, the manner and time of their election and the duration of their term of office.

## FOURTH.

The said body corporate and politic shall adopt a common seal, and may, from time to time, alter the same, and shall have power to sue and be sued to final judgment, plead and be impleaded, complain, answer or respond in all the judicial tribunals of this State, to the same extent as a natural person and a citizen of the State.

## FIFTH.

The capital stock of said body corporate, and all of their property, choses in action, rights and effects, shall at all times and forever be exempt from taxation, charge, or other burden or duty whatsoever, on the part of the State.

Let it be communicated to the company by the conduct of David L. White, and to the authorities and functionaries of the State, whom it may concern.

Given in Leon, the ninth day of March, in the year 1850.

NORBERTO RAMIREZ, *Supreme Director*.

To Mr. SEBASTIAN SALINAS,

*Secretary of Foreign Relations.*

SEBASTIAN SALINAS.

## TREATY OF PROTECTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

*Convention between the United States of America and her Britannic Majesty, concluded at Washington the nineteenth day of April, A. D. 1850.*

The United States of America and her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal, which may be constructed between the Atlantic and Pacific Oceans, by the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any part or place on the Pacific Ocean. The President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States for the aforesaid purposes; and the said Plenipotentiaries having exchanged their full powers, which were found to be in the proper form, have agreed to the following articles:

## ARTICLE I.

The governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; 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 Musquito coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or people, for the purpose of maintaining or erecting any such fortifications, or of occupying, fortifying or colonizing Nicaragua, Costa Rica, the Musquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connexion or influence that either may possess with any State or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or the subjects of the one any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or the subjects of the other.

## ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal, shall, in case of war between the contracting parties, be exempted from blockade, detention or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of said canal as may hereafter be found expedient to establish.

## ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon any fair and equitable terms, by any parties having the authority of any local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object, shall be protected from the commencement of the said canal, to its completion, by the governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

## ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any State, States or governments possessing or claiming to possess any jurisdiction or right over the territory which the said

canal shall traverse, and which shall be near the waters applicable thereto, in order to induce such States or governments to facilitate the construction of said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices wherever or however it may be expedient to, in order to procure the establishment of two free ports, one at each end of the said canal.

#### ARTICLE V.

The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure or unjust confiscation ; and that they will guarantee the neutrality thereof, so that the said canal may be forever open and free, and the capital invested therein secure. Nevertheless, the governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guarantee its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally, and may be withdrawn by both governments, or either government, if both governments or either government should deem that the persons undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention ; either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guaranty without giving six months' notice to the other.

#### ARTICLE VI.

The contracting parties in this convention engage to invite any State with which both or either have friendly intercourse to enter into stipulations with them, similar to those they have entered into with each other, to the end that all the States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into such treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention—namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same. And they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations. And should any differences arise as to right or property over the said territory through which the said canal shall pass between the States or governments of Central America, and such differences should in any way impede or obstruct the execution of said canal, the governments of the United States and

Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

#### ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and, if any persons or company should already have with any State through which the proposed canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the parties in this convention have any just cause to object, and the said persons or company shall have made preparations and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons shall have a priority of claim over every other person or company to the protection of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention, for concluding the arrangement and presenting evidence of sufficient capital subscribed to accomplish the undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company shall not be able to commence and carry out the projected enterprise, then the governments of the United States and Great Britain shall be free to afford their protection to any persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

#### ARTICLE VIII.

The governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulation to any other practicable communications, whether by canal or railway, across the isthmus which connects North with South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of the Tehuantepec or Panama. In granting, however, their protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid governments shall approve of as just and equitable; and that the said canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State

which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

#### ARTICLE IX.

The ratification of this convention shall be exchanged at Washington within six months from this day, or sooner, if possible. In faith whereof, we, the respective plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington, the nineteenth day of April, anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON, [L. S.]  
HENRY LYTTON BULWER. [L. S.]

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#### *Charter granted by the State of Nicaragua to the Accessory Transit Company.*

The supreme government of the republic of Nicaragua, fully authorized by legislative decree of the 13th instant, have agreed, by means of their commissioners, Don Fruto Chamorro and Don Mateo Mayorga, with the sole object of facilitating the construction of the maritime canal, and in accordance with the desires expressed by the company of the said canal, represented by Joseph L. White, esq., to divide and separate from the contract of the 22d of September, 1849, relating to the construction of the said canal through the Isthmus of Nicaragua, the part therein relating to the navigation by steam of the waters of Nicaragua, and to that effect they have agreed to the following convention :

#### ARTICLE I.

The republic of Nicaragua authorizes the American Atlantic and Pacific Ship Canal Company to divide and separate from the powers, privileges and rights granted by the treaty, signed by said government on the 22d September, 1849, and amended the 11th of April, 1850, all the powers, privileges, rights and duties designated in the articles 6, 14, 20, 21, 22, 23, 30, 32, 33, 34, and all other articles relating to the navigation of the waters of Nicaragua, not essential to the construction or use of the said ship canal.

#### ARTICLE II.

Said company is equally authorized to form another company, distinct and separate, comprised of the same members as the former. This new company shall enjoy the powers and be subject to the duties inserted in the articles aforesaid, provided they are not in contradiction to the rights granted and to the duties imposed upon the Ship Canal Company.



ARTICLE III.

The company newly created shall proceed to execute and accomplish the objects of its incorporation, as set forth in the said articles above alluded to, and shall have a right to, and shall have the protection of the government of Nicaragua, within the same limits and to the same extent which have been stipulated in the primary charter of the 22d September, 1849, and its amendments of the 11th of April, 1850, relating to the construction of a ship canal. All the acts and things which may constitute an infraction of the rights of the ship canal company shall equally be considered an infraction of the rights of the company newly created in all that refers to the objects of its institution.

ARTICLE IV.

The new company, when organized, shall be designated by the name of "The Accessory Transit Company." They shall be a body corporate and politic, with perpetual succession during the time of their legal existence, and they shall have full powers to use their rights and privileges and accomplish fully the duties designated in the present convention and in the aforesaid articles, in such manner as may seem to them most convenient and proper, provided that it be not in contradiction to the privileges and duties inserted in the primary charter of the 22d of September, 1849, and amendments thereto of the 11th of April, 1850.

ARTICLE V.

Said company, forming a body corporate and politic, may elect and remove their officers and agents according as they may deem it for their interest; they shall have the faculty of passing and adopting such laws and regulations as they may consider conducive to the better administration of their affairs, in view of securing the enjoyment of their privileges, and for the entire fulfilment of their obligations.

They may fix the amount and value of stock to be issued, and increase the same, if necessary; provide the mode of transferring the same, and do all acts and things which are proper and necessary to carry out strictly the purposes of their institution, and according to the above mentioned articles.

ARTICLE VI.

The company, forming a body corporate and politic, shall elect a board of directors and a president, and shall fix the number of the members thereof, the majority of whom shall determine and adopt all resolutions necessary to carrying out the purposes expressed in the preceding articles, and such others as refer to the right of transit, and are not inconsistent with the right of constructing and using the canal. The company may adopt a common seal, and change it if necessary. They may sue and be sued before the tribunals of the State, as if they were a natural person.

## ARTICLE VII.

All the property, choses in action, things, rights, credits, and effects of the new company shall be free from all charges and duties whatsoever during the existence of the grant, within the limits expressed in the primary charter of the 22d September, 1849, and amendments thereto of the 11th of April, 1850, conceded for the construction of a ship canal, and for other purposes.

## ARTICLE VIII.

This convention, and all the rights and privileges secured by it to the company, and conferred by it, shall cease whenever the primary charter of the 22d of September, 1849, shall expire by its own limitation, or shall be otherwise forfeited or annulled.

## ARTICLE IX.

It is understood and agreed by and between the contracting parties that no expression used in this convention can be or shall be construed as relieving either party from the performance of all the obligations imposed upon them respectively by the charter of the 22d of September, 1849, and amendments thereto of the 11th of April, 1850.

Done and signed in duplicate in the city of Granada, of Nicaragua, the fourteenth day of August, one thousand eight hundred and fifty-one.

FRUTO CHAMORRO,  
MATEO MAYORGA,  
J. L. WHITE,

[SEAL.]      *Counsel to, and representative of, the  
American and Atlantic and Pacific Ship Canal Company.*

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A No. 2.

[Translation.]

*From the Special Commissioners of the Republic of Nicaragua.*

NEW YORK, August 2, 1855.

GENTLEMEN: The undersigned, representatives of the republic of Nicaragua, have received your letter, dated the 30th ultimo, containing a proposition to arrange the ten per cent. which pertains to the government, in conformity with article 6th of the charter, and which has not been paid hitherto; and proposing in addition a substantial amendment to the first charter. After mature meditation we proceed to communicate to you the very liberal modifications which we have made to your proposition, to justify the favorable decision of the government in settling its claims and in establishing the harmony which is so convenient and proper for the disagreeing parties.

MODIFICATIONS.

*First.* We will receive in the name of the government of Nicaragua, for the 10 per cent. which it is entitled to by the 6th article, for the time past until the ratification of a new agreement, the sum of \$40,000, deducting from this sum what the company has already paid.

*Second.* For the future to be arranged thus: during two years the company to pay the government, the first year the sum of \$30,000, in hard money in advance, and the second year \$30,000 in twelve dividends, to be delivered in Granada each month. After the expiration of the two years the company to pay the government two dollars (pesos) (Nicaragua money) for each adult passenger, and one dollar for those not over twelve years of age, paying half passage. This capitation tax to be paid monthly, according to the passengers who may have passed over the isthmus. These terms being accepted the 10 per cent. which the government is entitled to from the company to cease for the future.

*Third.* In case that the independence of Nicaragua should be threatened by a foreign power, (except by the United States,) or by parties of adventurers, the company binds itself to lend the government as high as a hundred thousand, at 7 per cent. per annum. The rights or claims of the government on the company, and all other revenues of the republic to be hypothecated as security for the payment. *In these terms we will accept a new article.*

*Fourth.* In respect to the change which you solicit in articles two and thirty of the present charter, the company must apply to the government, inasmuch as it involves a change of the existing obligations of the company with the government; we are not authorized to make it.

It is unnecessary to add and manifest to you that so soon as the differences between the government and the company may be terminated, confidence and harmony will be restored, and then the company will obtain from the government whatever facilities that may conduce to the progress of the enterprize, in accordance with the well understood interests of the parties.

We hope that in course of three days you will be pleased to respond to this, it being understood that after this period the liberal modifications which we have made in the proposition which you presented to us in the name of the company will remain without effect.

In the meantime, we subscribe ourselves your very obedient servants,

GABRIEL LARAYO,  
\_\_\_\_\_, (illegible.)

Messrs. THOMAS LORD,  
J. L. WHITE,  
J. OGDEN,

*Commissioners of the Accessory Transit Company, &c.*

A No. 3.

OFFICE OF THE ACCESSORY TRANSIT COMPANY,  
*New York, November 14, 1855.*

DEAR SIR: The Accessory Transit Company, through the undersigned, their commissioners, hereby name and appoint as arbitrators, on the part of the company, Nathaniel H. Wolfe, esq., and Francis B. Cutting, esq., to settle every dispute or controversy and every matter of account now pending between the government of Nicaragua and the company.

It is the wish of the company that the four arbitrators now selected will proceed as speedily as possible to the selection of the fifth arbitrator, as required by the charter.

Yours, very respectfully,

THOMAS LORD,  
 J. L. WHITE,  
 JOSEPH OGDEN,  
*Commissioners.*

DANIEL LORD, Esq.

—  
 82 MERCHANT'S EXCHANGE,  
*October 23, 1855.*

GENTLEMEN: The proposition made by Mr. J. L. White, for settlement of the controversy pending with the State of Nicaragua, has been submitted to the commissioners, and they decline to accept it. As this last proposition is much less favorable to the State than a former proposition made by the company, and which the commissioners expressly rejected, these gentlemen have lost all hope of arriving at a settlement by further negotiation, and they have concluded to resort to the arbitration provided by the charter. Accordingly, they now nominate Messrs. Royal Phelps and Theodore W. Riley as arbitrators, requesting you to name two others, that the matter may be proceeded in without unnecessary delay.

Yours, very respectfully,

DANIEL LORD,  
 By DANIEL D. LORD.

THOMAS LORD, Esq., *Vice President,*  
*Accessory Transit Company.*

—  
 OFFICE OF THE ACCESSORY TRANSIT COMPANY,  
*New York, October 26, 1855.*

DEAR SIR: I have yours of the 23d instant, and note the contents.

As neither the commission nor the instructions of the minister, handed to us by Messrs. Tejada and Lacayo, confer any authority upon those gentlemen to appoint arbitrators, it would seem not only desi-

able but indispensable that they furnish us with a copy of any such instructions on that point as they may have in their possession, upon the receipt of which—if the power conferred on them appears full and complete—the commissioners on the part of the company will, I presume, be prepared to proceed to arbitration.

Yours, respectfully,

THOMAS LORD, *President.*

DANIEL LORD, Esq., *Present.*

—  
82 MERCHANT'S EXCHANGE,  
*New York, October 29, 1855.*

DEAR SIR: Your note of the 26th instant, addressed to Mr. Daniel Lord, has been submitted to the commissioners of Nicaragua, and in pursuance of your request, they send a copy of their power to name arbitrators in behalf of the government. The copy is, I believe, perfectly correct, but the original will be sent to you for your examination if you desire to see it. This power has not been presented heretofore, because the labors of the commissioners have been directed until now to an amicable arrangement for which the other power was sufficient.

Yours, very respectfully,

D. D. LORD.

THOMAS LORD, Esq.,

*President Accessory Transit Company.*

—  
[Translation.]

REPUBLIC OF NICARAGUA, CENTRAL AMERICA.

The government of the republic of Nicaragua authorizes in the most competent form Don Rafael Garcia Tejada, and Don Gabriel Lacayo, to be their commissioners to arrange the questions at issue with the Accessory Transit Company in order to, should it be found expedient to institute judicial proceedings against the said company in order to validate the rights which this republic has acquired in consequence of the canal contract adjusted on the 22d of September, 1849, with its amendment of the 11th April, 1850, and of the Transit contract of the 20th August, 1851, by mutual consent, and jointly for themselves and for others constituted by both or either of them, that they shall promise, sustain, and follow, in all its acts, said tribunal of justice, empowering them for the said object, should they deem it necessary, to name attorneys, advocates, notaries, or scriveners, &c.; to authorize pledges of what nature soever, deeds of writing, and whatever other kinds of documents which shall be necessary; to give petitions, present proofs, to censure and reproduce the contrary, to challenge judges

and whatsoever other ministers of justice, to appeal, &c., and to have and do judicially whatever they deem expedient for the interests of this republic.

They are likewise authorized to compromise the questions by arbitrators, naming those appointed for Nicaragua, authorizing them duly, and subjecting themselves to their sentence and decision.

For the execution of all that is above set forth, and whatever shall conduce to the respect and defence of the said rights, are granted by these presents to the gentlemen above named, Tejada and Lacayo, full powers and the most efficient faculties.

In testimony whereof, the undersigned minister of state for the dispatch of foreign relations, by order of his excellency the deputy president of this republic, doth execute this letter of authority, at Granada, the ninth day of the month of June, in the year of our Lord one thousand eight hundred and fifty-five.

MATEO MAYORGA.

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B No. 1.

*The Provisional President of the Republic of Nicaragua to its inhabitants.*

Whereas, the republic of Nicaragua, on the 22d day of September, 1849, (one thousand eight hundred and forty-nine,) granted to the American Atlantic and Pacific Canal Company certain rights and privileges, were subsequently modified by decree of the 11th day of April, 1850, (one thousand eight hundred and fifty,) and whereas, in consideration of said rights and privileges, said company agreed to construct a ship canal across the territory of said republic, from the port of San Juande Nicaragua to the port of Realejo, gulf of Fonseca, Tamarinda, San Juan del Sud, or any of the points on the Pacific ocean which the engineers of the company might decide upon, or in case that the construction and completion of said canal or any point of it should become impossible by any unforeseen event or insurmountable obstacle of nature to construct a railroad or rail and carriage road and water communication between the two oceans; and

Whereas, the said American Atlantic and Pacific Ship Canal Company have not constructed the said canal or commenced the same, but, on the contrary, has abandoned the undertaking and declared it impracticable, and have also failed to construct a railroad or rail and carriage road, as they agreed to do; and

Whereas, the said American Atlantic and Pacific Ship Canal Company was bound by the terms of said charter to pay the republic of Nicaragua ten thousand dollars annually and ten per cent. on the net profits of any route the company might establish between the two oceans during the time allotted for the completion of the canal and in furtherance thereof; and

Whereas, the said American Atlantic and Pacific Canal Company

have failed to pay annually said ten thousand dollars, together with the said ten per cent. net profits, falsely and fraudulently alleging that no profits were made and commission due ; and

Whereas, by the said charter it was stipulated that, for the purpose of settling all matters in dispute between the State and the company, commissioners should be appointed by the State on the one part and the company on the other ; and

Whereas, on the 12th day of September, 1855, (one thousand eight hundred and fifty-five,) the republic of Nicaragua notified the said company to appoint commissioners under the charter, and the said company expressly refused the same ; and

Whereas, by decree of the 9th day of March, 1850, (one thousand eight hundred and fifty,) the said company was made a body politic and corporate, with perpetual succession by the name and description of "The American Atlantic and Pacific Ship Canal Company ;" and

Whereas, on the 14th day of August, 1851, (one thousand eight hundred and fifty-one,) the republic of Nicaragua, with the sole object of facilitating the maritime canal, and in accordance with the desires expressed by the company of said canal to divide and separate from the contract of 22d September, 1849,) one thousand eight hundred and forty-nine,) the part therein relating to the navigation by steam of the waters of Nicaragua, did constitute a new company, designated by the name of "Accessory Transit Company," and consisting of the same persons comprising the American Atlantic and Pacific Ship Canal Company, and subject to the same obligations ; now, therefore,

The supreme provisional government of Nicaragua, in virtue of the faculties,

#### DECREES :

1. The grant to the American Atlantic and Pacific Canal Company of date 22d September, 1849, (one thousand eight hundred and forty-nine,) and the modifications thereof made 11th day of April, 1850, (one thousand eight hundred and fifty,) and all the privileges therein contained are *revoked and annulled* ; the acts of incorporation of rail company of date 9th day of March, 1850, (one thousand eight hundred and fifty,) and of the "Accessory Transit Company" of date 14th day of August, 1851, (one thousand eight hundred and fifty-one,) are *annulled*, and the said American Atlantic and Pacific Ship Canal Company and Accessory Transit Company are *dissolved and abolished*, except for the purposes hereinafter mentioned.

2. Señor Don Cleto Mayorga, Señor Don Eduardo I. C. Kewen, and Señor Don George F. Alden, (any two of whom may act,) are hereby appointed a board of commissioners, with full powers to *examine, liquidate and ascertain* the amount due by the said American Atlantic and Pacific Canal Company and Accessory Transit Company, to the State, with full powers to send for persons and papers, and to enforce respect and obedience to all their orders and decrees.

3. The said board shall proceed at once to discharge their duties, and for this purpose shall notify the agent of the companies residing

in Nicaragua to appear before them forthwith, to give all evidence that may be required of them, and with the privilege to defend the interest of their principals.

4. The said companies shall be considered still in existence for the purpose of conducting this examination, and for the purpose of being held collectively responsible for such sum as may be ascertained to be due to the State, but for no other.

5. For the purpose of securing the payment of such amount the said board find due, they are hereby commanded to cause all the property of said companies to be seized forthwith and held by responsible persons, subject to the order of said board.

6. That the transit of passengers across this isthmus may suffer no interruption, the board are authorized to deliver to such responsible persons as may make application all the said property so seized, upon their executing a bond in a sum one-fourth greater than its appraised value, and with the conditions that the same shall be forthcoming when called for by the said board, and that the undertakers in the bond shall continue to transport the passengers who may arrive on the side of the Atlantic and Pacific oceans, and the expenses of transporting said passengers shall be charged against the said companies.

7. Before allowing the said property to be bonded, the board shall cause the same to be fairly approved by three competent persons appointed for the purpose.

8. The board shall proceed summarily and with dispatch, and on determining the amount due from the companies to the State, shall report their proceedings immediately to the government.

9. The compensation of the board of commissioners, as well as of the board of appraisers by them appointed, will be hereafter determined.

10. Let this be communicated to the proper authorities.

Given at Granada the 18th day of February, 1856.

PATRICIO RIVAS.

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B No. 2.

NEW YORK, *March* 19, 1856.

I, Isaac C. Lea, secretary of the American Atlantic and Pacific Ship Canal Company, (of Nicaragua,) do hereby certify that the *bonus* of ten thousand dollars per annum, due the State of Nicaragua under the grant from said State to the said company, was duly paid on the drafts of said State for the same, in the years 1849, 1850, and 1851; and I do hereby further certify, as secretary of the Accessory Transit Company, that the said *bonus* was duly paid by the said Accessory Transit Company, on the drafts of said State for the years 1852, 1853, and 1854, and that they were prepared and ready to pay the same for the year 1855, but were enjoined by Messrs. Manning, Glenton & Co.,



through a court in the city of New York, under an assignment of said claim of the State, from paying the same to any *person or persons* whatever.

ISAAC C. LEA, *Secretary*.

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B No. 3.

[Translation of No. 1.]

REPUBLIC OF NICARAGUA, MINISTRY OF FOREIGN AFFAIRS,  
*Granada, January 16, 1856.*

SIR: By order of his excellency the president of the republic, I remit to you, enclosed, authorized copies of the legislative law of 21st June, 1852, in consequence of which a contract was celebrated on the 22d of the same month and year, between the supreme executive power and Messrs. Thomas Manning and Jonas Glenton, as also the decree given yesterday, 15th instant, by the actual provisional government of the republic, relative to the same subject.

All of which I transmit to you for your information, acceptance, and due fulfillment of the same.

Mr. Secretary, you will be pleased to communicate these dispositions, with the object aforesaid, to the president of the said mentioned company, and return me a receipt of this communication.

I have the honor to be, sir, your most obedient servant,

F. FERRER.

To the SECRETARY OF THE ACCESSORY COMPANY,  
*del Transito de Nicaragua, New York.*

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[Translation No. 2.]

[No. 137.] REPUBLICA DE NICARAGUA,  
*Ministry of the Public Credit, Granada, January 15, 1856.*

The supreme executive power has been pleased to dictate the following law:

The government, considering just the claim which Messrs. Manning and Glenton make on the State as to its recognition and payment of the sums which the republic is indebted to them, according to the agreement effected on the 23d June, 1852, between the executive and the petitioners, and in virtue of the legislative law of the same month and year, in force of the powers in it invested,

DECREES:

1. Acknowledge as a debt against the republic, and in favor of Messrs. Manning and Glenton, the sums which are due to them conformable to the agreement entered into on the 23d June, 1852.

2. In consequence of which the rents hypothecated in the expressed agreement remain pledged for the payment of the same.

3. Communicate the same to whom it may correspond.

RIVAS.

GRANADA, *January 15, 1856.*

And, by supreme order, I communicate the same to you for your information.

I am your obedient servant,

F. FERRER.

Messrs. THOS. MANNING and JONAS GLENTON.

GRANADA, *January 16, 1856.*

Agreeable to the original.

ROCHA.

*Minister of Finance of the Supreme Government de la Republica.*

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[Translation No. 3.]

GOVERNMENT HOUSE, *Managua, June 22, 1852.*

The supreme executive power has been pleased to communicate to me the following decree:

*The director of the State of Nicaragua to its inhabitants.*

Forasmuch as the legislative assembly has decreed the following, the senate and house of representatives of the State of Nicaragua, constituted as assembly,

#### DECREE.

ART. 1. The executive government will liquidate or adjust up to the 1st July, 1851, the debt which the State recognizes in favor of Mr. Thomas Manning and Mr. Jonas Glenton, in conformity with the documents which exist respecting the same.

ART. 2. The sum which this amounts to, in favor of these gentlemen, will bear interest at  $1\frac{1}{2}$  per cent. per month, from the 1st of July, 1851, to an equal date in 1855, at which date the State compromises itself to satisfy the entire debt.

ART. 3. The State consigns or deposits for this payment the 10 per cent. which it has to receive from the net proceeds of the Transit Company and the ten thousand dollars which it also receives annually per contract of September 26, 1849, compromising this last from 1854 and onward, which said incomes the State shall not otherwise dispose of, until the credit of these persons is not completely solvent.

ART. 4. The interest on the amounts which are from time to time to be paid is to cease, and at the time of a general settlement, should it result that Manning and Glenton have received more monies than their due, they will immediately return it to the State with the same

interest of  $1\frac{1}{2}$  per cent. monthly, which is to be calculated from the time of its receipt.

ART. 5. If, on the 1st of July, 1855, these credits should not be satisfied, they must be precisely settled, making use for this object the \$200,000 of actions which the State holds in the canal enterprise, or any other of its incomes.

ART. 6. The government may authorize Mr. Manning, who united or with the intervention of a special agent which the government may name, to settle and receive the 10 per cent. which may be due to the State at the time of adjustment, without assigning any pay to him, having offered to do so graciously. The following settlement with the Transit Company is in future to be made by a person to be named by the government, remaining *always* its results or proceeds at the order and disposition of Manning and Glenton.

ART. 7. The government may also authorize Mr. Manning to contract a loan with which to cover the amount due to him and Mr. Glenton by the State at the time of its taking effect, under the conditions that the interest does not exceed  $1\frac{1}{2}$  per cent. per month, the State obliging itself to satisfy the amount of the loan and the incomes by this law here stipulated.

ART. 8. The law of the 16th June, 1851, is by this annulled.

Given in the sessions of the legislature, Managua, June 16, 1852. José M. Estrada, deputy president; Domingo Coleman, deputy secretary; Liberato Abarea, deputy secretary. To the executive sessions of the Senate, June 19, 1852. Pedro Aguirre, president, senator; José Jesus Alfaro; Juan Guerra, secretary, senator. Forasmuch, put it in force as law; Managua, June 21, 1852. José Lauriano Pineda, director. To the ministers of relations and government. Don Francisco Castellon.

By supreme order of the executive, I herewith make known to you, gentlemen, for your guidance, and in reply to your claims.

With which I subscribe myself, your obedient servant,

D. U. L. ROCHA,

*Minister of Finance.*

Messrs. THOMAS MANNING and JONAS GLENTON.

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[Translation of the Contract.—No 4.]

Señor Jesus de la Rocha, minister of finance of the State, in the name of the government of Nicaragua, and Messrs. Thomas Manning and Jonas Glenton for themselves, in presence of the law of the 21st instant, which orders to be liquidated the debt which the State acknowledges in favor of these gentlemen, and consign the funds with which it should be paid with the respective interest, having at sight the liquidation of principal and interest, formed yesterday with the intervention of said gentlemen and the general treasurer, have agreed upon the following:

ARTICLE 1. The government in the name of the State acknowledges

in favor of Messrs. Thomas Manning and Jonas Glenton the sum of \$95,402 04½ with principal and interest, the State is indebted to them up to July 1, 1851, according to the liquidation formed on the 22d instant by the treasurer general, agreeable to the stipulations of the 29th of August, 1848, and the 7th of March, 1850.

ARTICLE 2. The State is obliged to satisfy Messrs. Manning and Glenton on the 1st of July, 1855, the indicated sum of \$95,402 04½, with the addition of \$68,682 06½ which is the interest at 1½ per cent. monthly, calculated upon the capital referred to from July 1, 1851, to an equal date in 1855, in conformity to the second article of the law of the 21st instant, present year.

ARTICLE 3. The payment of principal and interest referred to amounts united to the total sum of \$164,092 03, which is to be paid, *first*, with the 10 per cent. which belongs to the State of the net proceeds of the Transit Company; *secondly*, with the ten thousand dollars annually which also belongs to the State, agreeable to the contract of the 26th of September, 1849, remaining compromised; the latter of these sums from the year 1854, henceforward; which incomes the government cannot dispose of in any way whatever until this debt be completely paid to the expressed gentlemen.

ARTICLE 4. The amounts which Manning and Glenton may receive on account of this credit before July 1, 1855, will cease to bear interest, and they will credit the State the same interest of 1½ per cent. monthly upon the amounts so received; and if at the time of forming the general liquidation it should appear that Manning and Glenton have received a larger sum than what is due to them, they oblige themselves to return the same immediately, with the same interest of 1½ per cent. monthly in favor of the State, which shall be calculated from the time of receiving the money.

ARTICLE 5. If on the 1st of July, 1855, these gentlemen should not be satisfied these credits, the government obliges itself to do so immediately, by means of the \$200,000, which the State has in actions, in the enterprize of the canal, or any other of her rents.

ARTICLE 6. The government authorizes Mr. Manning, with the intervention of his excellency Don José de Marcoleta, minister plenipotentiary de Nicaragua to liquidate and receive the 10 per cent., which may appear in favor of the State at the time of making the settlement with the Transit Company, which sum shall be placed to the credit of Nicaragua, on account of what is due to him and Mr. Glenton, giving due advice of the amount, and date of its receipt by him.

ARTICLE 7. The government, if convenient, will authorize the said Mr. Manning to contract a loan with the object of paying him and Mr. Glenton the debt of the State at the time of verifying the same under the basis and instructions which shall be communicated to him in such a case.

ARTICLE 8. By this agreement all others that have been celebrated with the said Manning and Glenton shall not have any value or effect, declaring with all due formality from this day henceforward that the present is the only one valid, and ratify the clauses with the formality necessary for its greater value.

ARTICLE 9. Of this document three examples shall be extended, one

delivered to Mr. Manning, that in due time he may recover the \$106,300 03 which belongs to him of the \$164,092 03 and which forms the debt; another for Mr. Jonas Glenton, in order that he may claim the \$57,792 which also belongs to him in the same debt, and the other will remain in the office of the minister of finance, for the due security of the State. The minister giving advice of it to the respective public offices.

In faith of which we sign in the city of Santiago de Managua, June 23, 1852.

JESUS DE LA ROCHA.

ARTICLE ADDITIONAL. Having observed, at the time of signing this arrangement, that the 6th article does not express in whose power should remain the moneys arising from the liquidations which have to be made agreeable to the law of the final part of the 6th article, it is hereby agreed to add thus: "In the liquidation hereafter the balance due will remain to the order and disposition of Messrs. Manning and Glenton." Fecha ut supra.

JESUS DE LA ROCHA,  
THOMAS MANNING,  
JONAS GLENTON.

GOVERNMENT HOUSE, MANAGUA, *June 23, 1852.*

Let the preceding agreement be approved of.

PINEDA.

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B No. 4.

VIRGIN BAY, *February 22, 1856.*

SIR: By virtue of a decree, passed on the 18th instant by the government of Nicaragua, forfeiting and annulling the respective charters of the American Ship Canal and Accessory Transit Companies, the undersigned were appointed commissioners to examine into and determine the amount of indebtedness due from the said companies to the government.

For the purpose of securing the payment of the sum that may be ascertained to be due, we are authorized and instructed by said decree to seize and retain possession of all the property belonging to the said companies within the limits of Nicaragua.

Having been credibly informed that you are an agent of one or both of said companies, we deem it our duty to require of you a schedule or inventory of their assets now in your possession and under your control.

It is desirable that this shall be done at the earliest practicable moment. Your prompt attention in this matter will much oblige

E. J. C. KEWEN,  
GEO. F. ALDEN,  
*Commissioners.*

Captain Scott.

Ex. Doc. 68—8

*Inventory of real estate and other property belonging to the Accessory Transit Company at Virgin Bay, February 29, 1856.*

*Real estate.*

Building used as company's office, with shed, stable, &c.  
 Building used as carpenter's and blacksmith's shop and as store-room.  
 Small building occupied by mechanics in employ of the company.  
 Wharf now in progress.

*Furniture and books in office.*

1 large iron safe.  
 2 desks, one with pigeon holes.  
 1 box of pigeon holes.  
 1 letter press.  
 1 pair gold scales.  
 3 mail bags.  
 2 large maps,  
 Books of accounts and records since February 20, 1854.

*Miscellaneous articles in office, building, and store-rooms.*

*In shed adjoining stable.*

1 road scraper.  
 3 iron buoys.  
 1 barrel rosin, (about 300 pounds.)  
 1 small anchor, (on the pier.)  
 3 lots of old canvas, useless.  
 16 specie nets.  
 1 lot of floor and roof tiles.

*In baggage and freight shed.*

50 specie nets.  
 1 lot of old rope.  
 1 coil new rope, (on the pier.)  
 1 carpenter's work bench.  
 1 lot old lumber, (about 50 feet.)  
 4 bars of iron.  
 1 tarpaulin.  
 1 small boat's rudder.

*In office building.*

4 tables.  
 8 common chairs, (native)  
 1 marine clock.  
 1 platform scales.  
 40 specie nets.  
 1 glass globe lamp.  
 14 lanterns.  
 1 tin lantern.  
 1 tin lantern lamp feeder.  
 1 candlestick.  
 1 large globe lamp.  
 2 cutts, one broken.  
 1 American flag.  
 Lot of brass bolts, for doors.  
 Lot of twine.  
 Lot hardware, (taken on pier.)  
 1 table and desk.  
 Lot of paint pots.  
 1 broken axe.  
 2 kegs nails, (nearly full.)  
 1 cross-cut saw.

*Articles in store-room in blacksmith's shop.*

2 carpenter's tool chests, (1 box.)  
 50 planes, (part in use by carpenter.)  
 20 handles, for chisels.

15 blades, for chisels,  
 15 bits, for moulding planes.  
 3 squares.  
 20 locks, (without keys.)  
 10 half-round files.  
 2 screw-drivers.  
 1 screw-wrench.  
 2 adzes  
 96 bits, for braces.  
 1 pair tweezers.  
 34 augers.  
 5 brass cocks.  
 3 matchete blades.  
 14 chisels.  
 3 broad axes.  
 2 drawing knives.  
 3 iron squares.  
 3 grubbing hoes.  
 14 handles for hoes.  
 6 gouges.  
 6 gross screws.  
 2 buck saw blades.  
 1 bar solder.  
 1 soldering iron.  
 2 ploughs.  
 2 road scrapers.  
 1 lot old iron.  
 2 buck saws.  
 10 door bolts.  
 1 double and 3 single blocks.  
 1 set of pit saw handles.  
 3 large powder cans.  
 6 kegs nails, nearly full.  
 1 wooden maul.  
 1 grindstone.  
 1 pair steelyards.  
 1 box slats for blinds.  
 3 bars of iron and lot of spikes.  
 2 ringbolts.

*Agent's apartments :*

1 bed and pillow.  
 2 tables.  
 2 lounges.  
 8 cane bottom chairs, (4 do. at mills.)  
 2 wooden bedsteads.  
 1 bureau.  
 3 washstands.  
 1 iron safe.

small tables.  
tumblers.  
1 water jug.  
2 looking glasses.  
3 pitchers.  
2 washbasins.  
2 iron bedsteads.  
2 large glass candle shades.  
A lot of stationery, &c.

Copies of letters received and written since  
February 20, 1854, at this agency.  
5 books of accounts and records, (old.)

*Near the wharf and back of the company's  
office.*

217 cords of wood, for steamers.  
1,000 logs, for wharf.

*Inventory of property belonging to the Accessory Transit Company, on  
Transit road, February 16, 1856.*

Horse stable and shed for carts.  
2 horses.  
3 mules, one working on pier at San Juan  
del Sur now.  
4 horse carts, with harness complete.  
6 wheelbarrows, nearly worn out.  
3 wheelbarrows, new.  
13 shovels, old.  
2 shovels, new.  
5 spades; 3 crowbars; 16 native axes, of no  
use.  
7 picks; 2 macanas.  
3 stone hammers, 2 sent to San Juan.  
10 American axes.  
1 water pail.  
1 currycomb and brush.  
1 barrel of lime.

*Carpenters' tools.*

2 hammers.  
1 adze.  
1 hand axe.  
1 brace and 2 bits.  
2 iron squares.  
1 pair pincers.  
4 chisels.  
1 oilstone.  
1 screwdriver.  
1 spokeshave.  
1 drawing knife.  
1 pair of dividers.  
1 gross 1½-inch screws.  
1 2-inch auger.  
1 square.  
1 gimlet.  
1 rip saw.  
1 bucksaw.  
1 tool chest.

The above is correct.

C. CUSHING, *Agent*.

JOSEPH N. SCOTT, *Agent*,  
*And receiver to whom it may concern.*

*Inventory of property belonging to the Accessory Transit Company at  
San Juan del Sur, Nicaragua, February 21, 1856.*

1 office building.  
1 dozen chairs.  
5 tables.  
1 platform scale.  
1 spring balance.  
1 Welder's patent safe.  
1 clock.  
2 large tarpaulins.  
1 dozen lanterns.  
1 iron store-house.  
1 kitchen.  
1 open shed.  
1 blacksmith shop.  
1 anvil and bellows, and tools.  
A lot, 5 acres of ground, on which the office  
stands.  
1 stable.  
1 well pump and cast iron pipe connecting  
with tank.  
1 iron water tank.  
1 iron water boat and pump.  
2 chains and 2 anchors on boat.  
800 feet leather hose, 2 pumps, (native use,  
a quantity of paint, oil, red and white lead  
for water boat.

2 coils 3 inch rope in use on water boat.  
1 small skiff.  
1 whale boat, (not in use.)  
1 pier for landing passengers and coal.  
Store-house on pier.  
A frame, 50 by 40 feet, (not complete,) for  
building on pier.  
4 one-horse carts and harness.  
2 mules and 2 horses.  
Tools in use on pier—72 shovels, 4 picks, 30  
crowbars, 4 drills.  
55 wheelbarrows.  
1 grindstone.  
4 axes.  
1 large iron buoy.  
1 large iron chain.  
1 anchor.  
1 wooden water boat, (not in use.)  
1 chain.  
About 300 crib logs not paid for.  
About 4,000 feet (board measure) of pine lum-  
ber.  
About 23,000 feet (board measure) cedar  
plank, not paid for.  
The hulk Heva, (sunk at pier.)

**Anchor and chains.**The coal hulk *Damascus*.

2 chain cables and 3 anchors.

1 steam engine.

4 boats.

1 lighter in good order.

12 wheelbarrows.

1 cooking stove.

3 dozen shovels.

6 water casks.

Coal on *Damascus*, 500 tons.

Coal on shore, 235 tons.

Coal at Realejo, 700 tons.

Coal at Salinas bay, sunk in ship *Frances*

Depenau, 700 tons.

A quantity of blasting powder.

6 office books.

2 reams letter paper.

2 reams cap paper.

GEORGE FITZGERALD, *Agent*.*Inventory of real estate and other property belonging to the Accessory Transit Company at Virgin bay, February 1856.**Real estate.*

Building used as company's office, with shed, stable, &c. Building used as carpenter's and blacksmith's shop and store room. Small building occupied by mechanics in employ of the company. Wharf now in progress.

*Furniture and books in office.*

1 large iron safe.  
2 desks, 1 with pigeon holes.  
1 box ditto  
1 letter press.  
1 pair gold scales.  
3 mail bags.  
2 large maps.  
Books of accounts and records since February 20, 1854.

*Miscellaneous articles in office building and store rooms.**In shed adjoining stable.*

1 road scraper.  
3 iron buoys.  
1 lot of rosin, (about 300 lbs.)  
1 small anchor.  
2 lots of old canvass, useless.  
16 specie nets.  
1 lot floor and roof tiles.

1 lot paint pots.  
1 broken axe.  
2 kegs nails, nearly full.  
1 cross-cut saw.

*Articles in store room in blacksmith's shop.*

2 carpenter's tool chests.  
50 planes.  
20 handles for chisels.  
15 blades for ditto.  
15 bits for moulding planes.  
3 squares.  
20 locks without keys.  
10 half round files.  
2 screw-drivers.  
1 screw-wrench.  
2 adzes.  
96 bits, (for brace)  
1 pair dividers, (not found.)  
1 pair tweezers.  
34 augers.  
5 brass cocks.  
3 machett blades.  
14 chisels.  
3 broad axes.  
2 drawing-knives.  
3 iron squares.  
3 grubbing hoes.  
14 handles.  
6 gauges.  
6 gross screws.  
2 buck saw blades.  
1 bar solder.  
1 soldering iron.  
2 ploughs.  
2 road-scrapers.  
1 carpenter's tool box, already mentioned.

*In baggage and freight shed.*

50 specie nets.  
1 lot of old rope.  
1 coil of new do.  
1 carpenter's work-bench.  
1 lot of old lumber, amount 50 feet.  
4 bars iron.  
1 tarpaulin.  
1 small boat rudder.

*In office building.*

4 tables.  
8 common chairs, (native.)  
1 marine clock.  
1 platform scales.  
40 specie nets.  
1 glass globe lamp.  
14 ditto small.  
1 tin lamp.  
1 tin lamp feeder.  
1 candlestick.  
1 large globe lamp.  
2 cotts—1 broken.  
1 American flag.  
Lot brass bolts for doors.  
Lot of twine.  
Lot of hardware, (in back room.)  
1 table and desk.



2 buck saws.  
10 door bolts.  
1 double and 3 single blocks.  
1 set of pit saw handles.  
3 large powder cans.  
6 kegs nails, nearly full.  
1 wooden maul.  
1 grindstone.  
1 pair steelyards.  
1 box containing slats for blinds.  
3 bars of iron and 1 lot of spikes.  
2 ring bolts.

*Agent's apartments.*

1 bed and pillows.  
2 tumblers.  
2 lounges.  
8 cane-bottomed chairs.  
2 wooden bedsteads.  
1 bureau.

3 washstands.  
1 iron safe.  
4 small tables.  
6 tumblers.  
1 water jug.  
2 looking glasses.  
3 pitchers.  
2 washbasins.  
2 iron bedsteads.  
2 large candle shades, (glass.)  
A quantity of stationery, &c.

Copies of letters received and written since  
February 20, 1854, at this agency.  
5 books of accounts and records, (old )

*Near the wharf and back of the company's office.*

217 cords of wood for steamers.  
1,000 logs for wharf.

*Inventory of property belonging to the Accessory Transit Company on  
Transit road, February 16, 1856.*

Horse stable, and shed for carts.  
2 horses.  
3 mules, one now working on pier at San  
Juan.  
4 horse carts with harness.  
6 wheelbarrows, nearly used up.  
3 wheelbarrows, new.  
13 shovels, old.  
2 shovels, new.  
5 spades.  
7 picks.  
3 crowbars.  
16 native axes, of no use.  
2 macanas.  
3 stone hammers, 2 sent to San Juan.  
10 American axes.  
1 water pail.  
1 curry-comb and brush.  
1 barrel of lime.

*Carpenters' tools.*

2 hammers.  
1 adze.  
1 hand axe.  
2 marking brushes.  
1 broad axe.  
1 brace and 2 bits.  
2 iron squares.  
1 pair pincers.  
4 chisels.  
1 oil-stone.  
1 screw-driver.  
1 spokeshave.  
1 drawing-knife.  
1 pair dividers.  
1 gross 1½-inch screws.  
1 2-inch auger.  
1 try-square.  
1 buck saw.  
1 tool chest.

C. CUSHING, *Agent.*

*Inventory of property appertaining and belonging to the Punta Arenas  
Agency Transit Company.*

One steamboat, engine and boilers complete, known as the San Carlos	- - - - -	\$70,000
One steamboat, engine and boilers complete, known as the La Virgin	- - - - -	45,000
One steamboat, engine and boilers complete, known as the Central America	- - - - -	20,000
The latter steamer is without furnace.		
One stern-wheeled steamer, known as the J. Ogden	- -	30,000
One stern-wheeled steamer, known as the C. Morgan	- -	30,000
One stern-wheeled steamer, known as the J. L. White	- -	5,000
One stern-wheeled steamer, known as the H. L. Bolwere	- -	5,000

One stern-wheeled steamer, known as the Colonel Wheeler -	\$30,000
One stern-wheeled steamer, known as the J. N. Scott -	30,000
One stern-wheeled steamer, known as the E. L. Hunt -	10,000
One stern-wheeled steamer, known as the H. L. Routh -	10,000
One stern-wheeled steamer, with boiler and engine complete, now ready for launching at Point Arenas - - -	20,000
One engine, Ometepe, her remains - - - -	17,000

*Launches and Lighters.*

One iron launch at Virgin bay - - - -	1,000
One iron launch at Ometepe island - - - -	1,000
One wooden launch at Virgin bay - - - -	500
One wooden hull, formerly steamer Director - - -	100
Two yawl boats at Virgin bay - - - -	100
Five wooden launches, sharp forward and square stern, with- out decks - - - -	500
Two wooden launches, sharp forward, and square stern, with decks - - - -	2,000
Two square lighters - - - -	400
One large launch or skiff, not zinced - - - -	200
One large launch, sharp forward, and square stern, decked over - - - -	300
One iron water-boat - - - -	6,000
One wooden water-boat - - - -	200
One iron hull, formerly steamer Clayton - - - -	1,000
One coal heap at Punta Arenas - - - -	500
Two yawl boats at Punta Arenas - - - -	100
Two small rowing boats - - - -	100
Two canoes fitted for rowing - - - -	60
One canoe without - - - -	10
One zinc boat - - - -	50
One clinker-built yawl - - - -	20

*Houses, sheds, &c.*

One large wood-shed at Ometepe island - - - -	500
Two woodsheds at Savalo river - - - -	500
One woodshed below Savalo river - - - -	100
One large car-house at Castillo - - - -	4,000
One office-building at Castillo - - - -	4,000
Two wharfs and one railroad track, above and below the Castillo Rapids - - - -	10,000
One large woodshed at Point Arenas - - - -	1,000
One small building used as vegetable store at Punta Arenas,	250
One small building used as beef store at Punta Arenas,	250
One building used as store at Punta Arenas, - -	500
One small house for use of washerwoman at Punta Arenas, -	100
One kitchen at Punta Arenas, - - - -	100
One house used as dining and sleeping room, - - -	500

One house used as office, sleeping apartments and machine shop, - - - - -	\$2,000
One house, or shed, used as building house, - - - - -	4,000
One shed used as blacksmith shop, - - - - -	200
One chicken coop, or house, - - - - -	50
Two dwelling houses, - - - - -	2,000

*Various articles at Punta Arenas, &c.*

3 old iron boilers used as water tanks .....	\$3,230 00	4 barrels sugar .....	\$150 00
2 wooden water tanks.....	40 00	4 barrels molasses .....	100 00
1 steam boiler, 1 engine attached, (small).....	500 00	3 barrels vinegar .....	45 00
1 steam engine (square cross head) formerly belonging to steamer Director .....	7,000 00	4 barrels rice.....	80 00
1 large lathe with cog-wheels, &c.	250 00	4 barrels beans .....	48 00
1 small hand lathe.....	50 00	2 half barrels split peas .....	10 00
1 boiler-iron punch.....	250 00	2,000 pounds white lead.....	250 00
1 small iron punch.....	50 00	6 boxes pepper .....	12 00
1 pair boiler-iron shears.....	250 00	2 boxes salt .....	4 00
1 boiler-iron roller.....	200 00	10 boxes claret .....	50 00
Lot of castings belonging to an old dredging machine.....	500 00	1 barrel whiskey.....	40 00
Lot of castings belonging to an old saw mill.....	200 00	1 barrel gin .....	50 00
Lot of wooden horses for portable dock, timber and plank for same.	100 00	3 boxes mustard.....	3 00
1 railway for hauling out steamers, with crabs, windlasses, and tackle complete, and one shed over same.....	5,000 00	10 boxes catsup .....	40 00
1 wharf, with shed, (small).....	200 00	1 box sauce .....	10 00
1 crib, (used for keeping tools,)..	100 00	4 dozen pails and buckets.....	15 00
1 small well house.....	50 00	1 box sardines.....	25 00
1 lot of blacksmith's tools in shop.	1,000 00	5 kegs lard.....	40 00
1 lot of machine shop tools.....	1,000 00	2 barrels potatoes.....	12 00
1 tool chest, containing carpenter's tools .....	50 00	2 barrels vegetables.....	12 00
50 tons hard coal, more or less...	450 00	Lot crockery in use, plates, cups, saucers, tumblers, &c.....	200 00
10 tons soft coal, more or less....	120 00	Lot tinware, saucepan, &c.....	100 00
Lot old iron, copper, sails, rope..	2,000 00	2 half barrels dried fruit .....	20 00
3 tables and 10 chairs.....	100 00	2 boxes raisins.....	8 00
Stationery and books in office...	200 00	200 pounds red lead .....	20 00
2 large anchors and chains.....	200 00	100 pounds black lead.....	12 50
2 small anchors.....	20 00	1 box verdeggris.....	10 00
1 mooring anchor and chains off Virgin bay.....	500 00	3 barrels paint oil.....	240 00
2 iron safes.....	300 00	5 barrels lamp oil.....	300 00
2 scales.....	50 00	5 barrels spirits turpentine.....	100 00
100,000 feet lumber, more or less.	3,000 00	1 barrel tallow .....	15 00
12 wheelbarrows .....	24 00	Contents one small room in machine shop, containing hammers, axes, axe handles, axes rubber, waste, &c.....	400 00
Lot of wooden frames, doors, &c.	100 00	5 boxes cider .....	25 00
2 grindstones.....	20 00	4 dozen brooms .....	5 00
50,000 shingles.....	250 00	5 dozen scrub brushes .....	5 00
10 half barrels beef .....	100 00	20 kegs nails.....	50 00
10 half barrels pork.....	100 00	2 bales felt.....	30 00
10 half barrels flour .....	150 00	5 boxes zinc.....	250 00
15 barrels bread.....	150 00	5 barrels tar .....	25 00
10 half barrels mackerel .....	100 00	3 barrels pitch.....	15 00
14 firkins butter .....	420 00	900 cords wood, on San Juan river, more or less, with sheds under which most of the wood is piled.....	5,400 00
		500 cords wood on Ometepe island, more or less .....	3,500 00
		20 head swine.....	100 00
		7 dozen fowls.....	56 00
		6 cots and mattresses .....	12 00

## B No. 5.

NEW YORK, *March* 17, 1856.

SIR: The Walker government in Nicaragua have, by what they call a decree revoked the charter of the Transit Company, of which I am president, and seized all our property, (on the isthmus,) amounting in value to nearly one million of dollars.

The reasons assigned for the acts of forfeiture and seizure by the decree itself, are: *first*, that the company were indebted to the State, and denied such indebtedness; *second*, that the company refused to submit the dispute to arbitration as provided by the charter.

Both statements are utterly false and mere pretext for the outrage. The company have not ceased trying for a long time to settle the claim preferred by the State, and have repeatedly offered a large sum—more than was due—for the sake of peace. Finding their efforts unavailing, they have from time to time requested and insisted that the State should appoint commissioners to settle the controversy, as provided for in the charter.

At length the Chomorro government sent agents here to settle matters with us, either by negotiation or arbitration. This was also at the earnest request of the company, and the commissioners arrived in the spring of 1855. They claimed against the company about thirty-five thousand dollars, when not half that sum was due. To effect a settlement, however, the company offered thirty thousand dollars, which not being accepted, they insisted on the appointment of commissioners or arbitrators.

The agents of Nicaragua thereupon appointed Mr. Phelps and Mr. O'Reilley, and the company appointed Mr. F. B. Cutting and Mr. N. H. Wolfe. After these appointments, news reached us of partial successes in the revolutionary party in Nicaragua, and the agents were not receiving instructions from their government. Matters remained without further action until the arrival of Colonel French, *who had full powers to settle the claim of the State*. He was at once informed that the matter was in the hands of the commissioners or arbitrators. To get it out of their hands he proposed to revoke their appointment in writing.

The company then told the colonel to get any accountant he wished and proceed to the examination of their books, and they would pay whatever was found due.

This he promised, but did not fulfill, assigning as a reason, that since his government forcibly took a bag of gold from the company's lake steamer, amounting to twenty thousand dollars, they could not be indebted much, if at all, to the State. He then proposed to send emigrants to Nicaragua in the company's steamers at twenty dollars per head, the amount to be charged to the State, admitting that the State would then be indebted to the company, and that the whole matter could be settled thereafter.

The company agreed to take emigrants at that rate, provided they were not organized military bands, and did not propose to go with a man to enlist as soldiers.

They did take such emigrants, but always on the positive assurance of a peaceful intent, to the number of about one thousand.

*After this had been done*, the Walker government sent to the company a copy of a decree, to the effect that a claim of the State, past and prospective, had been assigned to Messrs. Glenton and Manning, to secure to them the payment of one hundred and sixty thousand dollars, and directing the company to settle with them. Prior to this the powers of Colonel French to settle were revoked.

This is the short history of the matter, and shows that the positions of Walker are false, and were known to him to be so.

The powers of the arbitrators mutually appointed by the State and the company have not been revoked, as Colonel French did not send the promised writing, and whatever claim the State had for the past and the future was assigned to third parties before the seizure of our property.

The company, when negotiating for the charter, desired to avoid a settlement of disputes with the State by litigation, and to protect their property from acts of seizure, and for this purpose caused a clause to be inserted that "*every dispute or controversy* between the State and the company" should be settled by arbitration, and that the decision of the arbitrators should be "final, binding, and without appeal."—(See article 33 of the charter.)

The arbitrators, or commissioners, have been appointed, their powers are unrevoked, and yet we are charged with a refusal to appoint them.

I hope you will turn the subject over in your mind whether or not this is a proper subject for our government's interference to protect the rights and property of her citizens.

I will endeavor to see you at the earliest moment in my power.

Very respectfully, your obedient servant,

C. VANDERBILT, *President*.

Hon. WILLIAM L. MARCY,

*Secretary of State, &c., &c., &c.*

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*Mr. Wheeler to Mr. Marcy.*

[No. 45.] LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, March 17, 1856.*

SIR: Important events have transpired since I had the honor to advise you "of the actual condition of affairs" in this republic.

About a month since, a commission was dispatched to Costa Rica, for the purposes of establishing good correspondence between the sister States.

The commissioners were rejected with scorn, and ordered to leave the country.

The president of Costa Rica (Juan R. Mora) issued on the 1st instant his proclamation against the authorities of Nicaragua, and on

the 11th instant the president of Nicaragua, by a decree, declared war against Costa Rica, and the troops of Nicaragua are now *en route* to that State.

Copies of these documents are herein enclosed, marked A, B, as also the address of the general-in-chief, marked C.

This republic is rapidly filling up with emigrants from the United States.

Many capitalists, merchants, farmers, mechanics and laborers arrived in the last steamers from New Orleans, New York, and California; some with flour mills, others with saw mills and other machinery.

Four hundred men also came who joined the Nicaraguan army, which increases it to 1,300 rifles of the foreign aid.

I have the honor to be, your faithful servant,

JOHN H. WHEELER.

Hon. W. L. MARCY,

*Secretary of State of the United States, Washington.*

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A.

REPUBLIC OF NICARAGUA, GENERAL DEPARTMENT,  
*Granada, March 10, 1856.*

His excellency the president has been pleased to issue the following decree:

*The provisional president of the republic of Nicaragua to its inhabitants:*

Whereas armed forces of the republic of Costa Rica, stationed in the department of Guanacaste, threaten the tranquillity of Nicaragua, and especially in the department on the southern frontier, produce disquiet and emigration, growing out of the constant alarms and threats which assail the people of said department—

Therefore, in the exercise of his powers, he decrees:

ARTICLE 1. The department of the south, conterminous to that of Guanacaste, is declared to be in a state of war. All its inhabitants are bound to take up arms, whenever thereunto required, for the defence of the honor of Nicaragua and of the integrity of its territory.

ART. 2. All persons giving assistance to the enemy, or entering into hostile communication with him, verbal or written, shall be tried by military process, in conformity with martial law.

ART. 3. The authorities, civil and military, of the districts, are invested with the power of enquiring into the acts mentioned in this decree. They shall report thereon, with a summary statement of their proceedings, to the superior military authority and advise the supreme government of their having so done.

ART. 4. The general-in-chief of the republic is authorized, by all means which he may deem necessary and proper, to sustain the dig-

nity of the government of Nicaragua, outraged and threatened by the republic of Costa Rica.

Given in Granada on the 13th of March, 1856.

PATRICIO RIVAS.

To the PREFECT OF THE DEPARTMENT OF ———.

In pursuance of supreme orders, I transmit this decree for your information, and for publication and circulation among the localities under your command. In hopes that it will be received.

FERRER.

To the MINISTER GENERAL.

NOTE by Department of State.—A translation of this document will be found in paper E, accompanying Mr. Molina's note of the 8th April, 1856, *post*.

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B.

[Translation.]

REPUBLIC OF NICARAGUA, GENERAL DEPARTMENT,  
Granada, March 12, 1856.

The S. P. E. has been pleased to issue the following decree.

*The provisional president of the republic of Nicaragua to its inhabitants:*

Inasmuch as the government of the republic of Costa Rica has unjustly refused to recognize the government of Nicaragua, interfering in the interior affairs of the latter; inasmuch as said government has outraged the dignity of the government which now rules the destinies of Nicaragua, in rejecting the friendly mission of last month for the purpose of establishing a fraternal alliance, and, what is more, by calling on that account its inhabitants to arms, through its offensive proclamation dated the 1st instant; therefore the government of Costa Rica is responsible for all the evils which are about to be inflicted by its strange conduct and unjust proceedings; therefore the government, in the exercise of its powers, decrees:

Article. War is declared against the government of Costa Rica, and, consequently, Nicaragua is not responsible for the evils which may be produced by this declaration, for the reasons above stated; and in consequence of such declaration being made, for the object of vindicating her honor and other rights appertaining to her.

Given at Granada, March 11, 1856.

PATRICIO RIVAS.

To the PREFECT OF THE DEPARTMENT OF ———.

And, by supreme order, I enclose the same to you for your information, and in order that the same may be published and circulated among the people under your control, the fulfilment of which you will notify accordingly.

FERRER.

To the PRINCIPAL MINISTER.

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C.

TO THE PEOPLE OF CENTRAL AMERICA.

Invited to Nicaragua by the democratic party of the republic, the American force under my command has steadily struggled to carry out the principles for which the revolution of 1854 was undertaken. In order, however, to consolidate a general peace, we were willing to bury past differences and endeavor to amalgamate the two parties into one. For this purpose we have, since the treaty of October last, held in check our old friends the democrats, and have attempted to conciliate the men formerly attached to the government of Estrada.

With the same view the provisional government of Nicaragua, although differing in ideas and principles from the governments of the other States of Central America, attempted to establish frank and friendly relations with the neighboring republics. Our overtures of peace have been rejected. Our propositions of friendship have been not only disregarded, but treated with scorn and disdain. Contempt and contumely have been returned for the amicable messages we sent to the other governments. The only reason given for such conduct is the presence of American forces in the State of Nicaragua.

The self-styled legitimist party of Nicaragua has repulsed our efforts at conciliation. They have maintained communications with their fellow-serviles in the other States. They have, by all means in their power, attempted to weaken the present provisional government, and have given aid and encouragement to the enemies of Nicaragua outside of the republic. In this condition of affairs, nothing is left for the Americans in Nicaragua but hostility to the serviles throughout Central America. A very large proportion of the so called legitimists of this State are either open or secret enemies to our presence on this soil. They owe us for the protection they have had for their lives and property; they have paid us with ingratitude and treachery.

Against the servile parties and servile governments of Central America the Americans in Nicaragua are bound, by the common law of self-protection, to declare eternal enmity. Our proffered friendship has been rejected. We can only make them feel that our enmity may be as dangerous and destructive as our friendship is faithful and true.

The troops of the army of the republic of Nicaragua will assume and wear the red ribbon.

By command of

WILLIAM WALKER,  
*General Commanding-in-chief.*

PII. R. THOMPSON, *Adjutant General Nicaraguan Army,*  
*Headquarters, Granada, March 10, 1856.*



[No. 47.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, March 31, 1856.*

The seat of government, from sickness and other causes, has been transferred from Granada to Leon, where the president and cabinet now are.

By a decree also of the supreme government, dated 19th instant, primary elections are ordered under the constitution in the several districts by the people, to elect a supreme director, senators, and members of Congress. Elections to be held on the second Sunday (13th) of April next. The Congress is directed to meet at Managua on the 25th of May next. Enclosed are copies of these decrees, marked A, B.

This State is now daily receiving acquisitions of men, of property, talent, and enterprise. The interference of English arms and gold may for a moment retard their success.

I have the honor to be, very respectfully, your faithful servant,  
JOHN H. WHEELER,  
*Minister Resident.*

Hon. WILLIAM L. MARCY,  
*Secretary of State United States, Washington.*

*Mr. Wheeler to Mr. Marcy.*

[No. 49.]      LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, April 17, 1856.*

SIR: In order to keep my government well advised of the actual condition of affairs in this country, I regret to inform the department that the war still rages between this government and the republic of Costa Rica.

I enclose, marked A, an official bulletin of "John R. Mora, president of the republic of Costa Rica, general-in-chief of the army marching to Nicaragua," declaring death to all filibusters, and on said bulletin is a list of prisoners shot on the 25th ultimo.

A bloody battle between the two contending forces occurred at Rivas on the 11th instant.

The President of Costa Rica, with Baron Burlon, commanded about two thousand men, strongly fortified; these were attacked by the forces of Nicaragua, commanded by General Walker, with about five hundred American rifles and four hundred and fifty native troops. The battle lasted seventeen hours, when the Costa Rican army left the place; losing their cannon, and leaving their dead and wounded, from 300 to 500 of their troops. The loss of Nicaragua was also severe.

I regret that the conduct of the forces of Costa Rica is such as violates every rule of civilized warfare; that without mercy they fall upon unarmed American citizens and murder them without discrimination; (see affidavits of Charles Mahoney, of Aaron B. Cooley, and the statement of Judge Cushing.)

As matters stand, it is doubtful whether any American of any character or position is safe, if he should fall into their hands. Their conduct places them beyond the pale of civilization, and they do not deserve the name or reputation of a government.

Such conduct induced me to send my flag, with a special messenger, to the president of Costa Rica, with copies of the testimony taken in the case (which may be implicitly relied on) and a letter from me in Spanish and English; a copy of which I enclose, marked G.

I hope that the tenor and tone of this letter will meet the approbation of the President and the department. If it is decided and strong, it is more than justified by the facts and circumstances. The messenger has not returned in time for this dispatch, and it is predicted that he never will.

I have written to the commodore of the home squadron, or of any national ship-of-war at Havana, to meet me at San Juan del Norte "to protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our citizens who wish to escape from scenes of violence and bloodshed." Be so good as to repeat this requisition to the Secretary of the Navy.

I am happy to say, from authentic information, that the rest of the States of Central America will not aid Costa Rica in this war. The commissioners sent by Nicaragua to San Salvador, Honduras, and Guatemala have been well received, and assurances of neutrality have been given by them. But no confidence can be placed in these people; if Costa Rica should gain any decided advantage (which is an event I do not anticipate) they would aid her.

If my report be believed, I would recommend the immediate dismissal of Mr. Molina, as representing a government unworthy to be classed among civilized nations.

I learn incidentally that the president and cabinet have appointed Señor Augustin Vijil, a distinguished ornament of the church, of great learning and virtue, a native of this place, as minister plenipotentiary to the United States. I have known him ever since I have been in this country, and doubt not that he will make a faithful representative of his nation, and an acceptable member of the diplomatic corps. I learn, too, that he leaves this city in a few days for Washington.

As the direct communication is suspended between New York and San Juan del Norte for the present, be so good as to instruct the dispatch agent at New York to forward all matter for this legation to Aspinwall, care of United States consul; and thence to San Juan del Norte, care of the United States commercial agent.

Your last dispatch is No. 20; 18 and 19 missing, as also any sent since No. 20.

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

JNO. H. WHEELER,

*Minister Resident of the United States of America  
near the republic of Nicaragua.*

Hon. W. L. MARCY,

*Secretary of State of the United States, Washington.*

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COPY OF DECREE MARKED A.

*Juan R. Mora, president of the republic of Costa Rica, general-in-chief of the army marching to Nicaragua:*

All the fillibusters taken with arms in hand will be subject to all the rigor of the law, which in this case is death.

But all the fillibusters who have not used their arms against this republic, and give up out of free will their arms and persons to officers of the Costa Rican army, shall be pardoned.

JUAN R. MORA.

RAFAEL G. ESCALANTE,

*Sub-Secretary of the Department of War.*

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*Mr. Wheeler to Mr. Mora.*

LEGATION OF THE UNITED STATES OF AMERICA,  
NEAR THE REPUBLIC OF NICARAGUA,  
*Granada, April 15, 1856.*

SIR: The enclosed statement shows me a state of facts, which you are already aware of; that on the 7th instant unarmed and inoffensive citizens of the United States were cruelly butchered at Virgin bay, by the troops under your immediate command.

I have also seen your proclamation, that all persons taken with arms in their hands shall be immediately shot, and another that all American citizens shall be immediately driven out of Nicaragua and Costa Rica.

To prove the sincerity of your first proclamation, you append a list of persons, who were taken prisoners at Santa Rosa, and shot on the 25th ultimo. Among them I find the names of Isaac A. Rose, and John J. Gillin, natives of the United States.

I have no right, and certainly no disposition, to interfere in any way with the unhappy war now raging between two sister republics.

But it is my right, as well as my duty, to inform you, as the chief

magistrate of Costa Rica, that the acts of murdering in cold blood unarmed American citizens, who are in nowise connected with any belligerent act, or party, is an offence against the laws of God, of humanity, and of nations.

This offence is no less aggravated by the fact, that these troops who committed so wanton an outrage were under your immediate command, that you were on the ground and did not prevent it, as it was in your power to do.

I would remind you of the letter of Mr. Molina, the envoy extraordinary and minister plenipotentiary of your government near the government of the United States, dated Washington City, 13th December, 1854, to the Secretary of State of the United States, wherein he states that "the laws of Costa Rica are exceedingly liberal, (on the subject of granting lands to foreigners,) and afford great facilities to immigrants who would come to Costa Rica and fix their residence there."

The treaty between the United States and Costa Rica, made in 1851, in the 12th article, guarantees to citizens of the United States, residing in Costa Rica, in their persons and property the protection of your government.

Under these inducements and guarantees, citizens of the United States have come and settled. What excuse can be offered, or how will you appear in the eyes of the world, when you publish a proclamation expelling these same persons without being guilty of any crime, and murdering them without any mercy?

In the name of the people of the United States, and of the government thereof, I protest against such infamous conduct; and be assured, sir, that the government of the United States, aided as you may be by insidious and powerful allies, will inquire into such acts of lawless violence, and if unexplained and unatoned for, will take decided measures to protect the lives of our citizens and vindicate the honor of the nation.

Rumors have also reached me that some fourteen or eighteen American citizens, four ladies, (one with an infant,) were recently murdered by your troops at Virgin bay.

I am slow to believe so diabolical an outrage.

John B. Lawless, esq., the bearer of this, is instructed to inquire, in the name of the United States, for this legation, into the facts touching this rumor.

I send him with my flag with this dispatch, and I pray that you give him a safe conduct through your lines, and a prompt reply to

Your obedient servant,

JOHN H. WHEELER,

*Minister of United States of America.*

His Excellency JOHN R. MORA,

*President of Republic of Costa Rica,*

*General-in-chief of the army marching to Nicaragua,*

*in camp at Rivas, Nicaragua.*

*Affidavits of Mahoney and Cooley.*

REPUBLIC OF NICARAGUA, *Granada* :

This day came before me Charles Mahoney, a native and citizen of the State of Pennsylvania, aged thirty-three years, who, being duly sworn, saith : That he has been, for the last four years, in the employ of the Transit Company, on the Isthmus, as an engineer, and as such was employed as superintendent for building the wharf at Virgin Bay ; that on Monday morning, the 7th day April, 1856, the army of Costa Rica, headed by John R. Mora, the president of Costa Rica, entered said Virgin Bay. This deponent was standing in front of the office of the Transit Company, in company with Aaron B. Cooley and John Brown, employés of said Transit Company ; also, the troops of Costa Rica immediately surrounded the office, and an order to fire was given by the officer in command, when at least one hundred shots were fired ; three of the balls struck this deponent, but not wounding him severely, and killed *Peter Malone*, a citizen of New York, a stone quarrier in service of the Transit Company, aged about sixty years old.

2. *Michael Long*, also a citizen of New York and in service of Transit Company, aged about twenty-two.

3. *Thomas Walsh*, also a citizen of New York and in service of the Transit Company, aged twenty-two years.

4. — *Wilson*, a native of Easton, Pennsylvania, and in service of the hotel of John Mylard, a carpenter by trade, aged twenty-six years.

5. *A lad*, native of New York, about sixteen ; (name not known.)

6. *Thomas Hannegan*, a native of New York, in the service of the Transit Company, aged seventeen.

7. *Thomas Loydd*, citizen of New York, and in the service of the Transit Company, aged forty.

8. — *Ladd*, citizen of California, owner of saw mill, aged forty-five.

9. — *Kenan*, citizen of Pennsylvania, aged thirty ; all of whom died immediately (except Long, who lived eight or ten hours) from the effects of said shots ; also *Michael Rutchford*, a citizen of Jersey City, was wounded ; and another man, unknown to this deponent, attached to Mr. Ladd's saw mill. None of these persons killed or wounded had any arms or made any resistance of any kind whatever. The forces then broke open the doors of the house, broke open trunks, and robbed the dead persons and others of money and valuables, watches and jewelry.

On the following morning the steamer *Virgin* came into the harbor, and this deponent was sent by an officer to request the captain to come ashore, which he did, and remained on board, and leaving the forces of Costa Rica in Virgin Bay, and came with the steamer to this place.

The conduct of the Costa Rica troops was barbarous and savage, for after the unarmed persons were shot, and lay gasping for life on the ground, they brutally stabbed the wounded through and through many times with bayonets and swords.

This deponent has heard since he left Virgin Bay that all the

American citizens left resident in Virgin Bay, including four ladies and one infant, have been also murdered by the Costa Rica troops ; but as there has been no communication since, he cannot testify to its correctness ; and he verily believes that the lives and property of all American citizens are in imminent peril and imperiously demand the protection of the United States.

He further states that he does not believe the life of the American minister is safe at this time.

C. MAHONEY.

Signed and sworn to before me, this 15th day of April, 1856,

JNO. H. WHEELER,

*U. S. Minister, resident.*

I, Aaron B. Cooley, native and citizen of New Jersey, aged 38 years, was present with Mr. Mahoney at the attack on the American citizens at Virgin Bay, and have read over the statement, and I solemnly swear that my own knowledge confirms the facts of said statement in every particular.

AARON B. COOLEY.

Signed and sworn to before me, this 15th April, 1856.

JNO. H. WHEELER.

*U. S. Minister, resident.*

*Testimony of C. Mahoney continued.*

REPUBLIC OF NICARAGUA, *Granada :*

In addition to his former testimony, made this day, Charles Mahoney appeared before me and testified, that in addition to the murder and robbery by the troops of Costa Rica, at Virgin Bay on the 7th inst., they set fire to the wharf built by the Transit Company, of which said Mahony was engineer, erected at an expense of one hundred and twenty thousand dollars, and it was completely destroyed by them.

The forces of Costa Rica have now the possession of the Transit route on this Isthmus, and the officers have declared that they are determined to exterminate every American now in the country ; and in this intention they were sustained by the authorities of England and France, from whence they could procure and had procured material aid as to guns and ammunition.

C. MAHONEY.

Sworn to and subscribed before me this 15th April, 1856.

JNO. H. WHEELER.

*Mr. Molina to Mr. Marcy.*

[Translation.]

WASHINGTON, *April 8, 1856.*

The nationality of the government and the independence of the people of Nicaragua having been destroyed by the pirates who sailed from the coasts of the United States, and in the month of October last succeeded in taking possession, by surprise, of the power of that republic; the other Central American States being threatened with the same ignominious yoke of those, who, in the insolent intoxication of triumph, have not hesitated in declaring, in language evincing the most insulting contempt for Central Americans, their well-known purpose of establishing, throughout the country, the supremacy of another race; and seeing the number of their natural and declared enemies constantly and indefinitely increasing, notwithstanding the neutrality laws of the United States, the prompt execution of which they requested in due time; peace between the republic of Costa Rica and the other nations of Central America, on one side, and the usurping and tyrannical power, which is domineering over Nicaragua, on the other side, is no longer within the pale of possibility.

The government of Costa Rica felt this from the beginning, and consequently, it abstained from all intercourse with the usurpers; it advised the inhabitants of the republic of the danger, and entered into an offensive and defensive alliance with the governments of Guatemala, Honduras, and Salvador.

In the meanwhile, the filibustering power, always hostile to Costa Rica, made attempts against the possessions and other rights of the latter, in the Costa Rican province of Moracia, formerly called Guanacaste, and having subsequently become irritated by the attitude of Costa Rica, and enchanted at the increase of his own forces, he accredited a commissioner, worthy of representing him on account of his antecedents, to go to San José to ask explanations of the government for its silence, notwithstanding the insidious communications which had been addressed to it from Granada. The government of Costa Rica could not fall into this snare, nor look upon the aforesaid envoy in any other light than as a spy, and did not allow him to enter the republic. The filibuster envoy returned immediately, declaring war in the midst of protestations and threats.

The most excellent president of Costa Rica, having been authorized by the legislative power, called the inhabitants to arms in the terms set forth in the proclamation of the 1st of March; and having transferred the executive power to the vice president of the republic, Don Francisco Ma. Oreamuno, he put himself at the head of the army, and marched toward the frontier of Nicaragua, determined to defend and sustain the national cause, as it appears from the documents, copies of which the undersigned has the honor of enclosing, marked respectively A, B, F, E, and D.

The piratical usurpation of Nicaragua is a flagrant act of aggression against each and all the consolidated States of the Central American family. It is sought to extend the usurpation, and to repeat the act

of aggression, by invading the territory of Costa Rica. The government of the latter has thus found itself under the necessity of resorting to arms in order to repel and punish the aggressors ; and it relies on Providence and its right.

The undersigned, chargé d'affaires of the republic of Costa Rica, has the honor of communicating the foregoing to the Hon. William L. Marcy, Secretary of State of the United States, declaring that the government of Costa Rica will exercise the rights of belligerent, so far as its forces and means, and those of its allies, may extend.

In order to avoid the complications which the exercise of the aforesaid rights might occasion in future, and desirous to preserve the good relations which exist between Costa Rica and the United States, the undersigned, in making this declaration to the Hon. Mr. Marcy, deems it proper to state, with candor and frankness, that the lawless conduct of citizens or inhabitants of the United States has been the sole cause of this determination on the part of Costa Rica ; that it was this alone which compelled the latter to undertake the war in which she is engaged, and imposed sacrifices which she protests she will reclaim from whoever may be responsible for the same. This is seen from the note, a copy of which, marked E, the undersigned has the honor of inclosing, addressed by the minister of relations of Costa Rica to the agent of the Transit Company, at Nicaragua, in view of its proximity, for his own private information, and in order that no plea of ignorance may be alleged.

The honorable Secretary of State is aware, that after the detention of the "Northern Light," filibuster recruits, destined for Nicaragua, have continued to sail from New York, New Orleans, and San Francisco, without any hindrance on the part of the authorities.

The undersigned, therefore, avails himself of this occasion to renew the reclamations of the 6th and 20th of December, asking for some preventive measure against the repetition of such piratical expeditions against the Central American States, which are at peace with the United States.

The war and devastation which weigh upon Nicaragua, the absence of any legitimate authority, and the violent suspension of the transit to California, render the only two legitimate objects—peaceful colonization or transit—which North American expeditions could have in view, impossible of attainment. If these excuses are alleged, *it is in irony*, showing that ships loaded with passengers for San Juan are engaged in transporting recruits and adventurers, whom, it is well known, it is sought to entrap in these States, under fraudulent promises.

The undersigned having performed his duty, by making the declaration and intimations contained in this note, has only now to request that the Hon. Mr. Marcy will be pleased to reply to it, with the least possible delay, in order that he may report to the government of Costa Rica.

The undersigned has the honor to renew to the Hon. Mr. Marcy his sentiments of distinguished regard and consideration.

LUIS MOLINA.

Hon. W. L. MARCY,

*Secretary of State of the United States.*



A.

*Juan Refael Mora, president of the republic of Costa Rica.*

Whereas, the immediate deliberations of the national representatives are required by matters of serious importance, now commending themselves to the consideration of the executive authority; in virtue of the 19th power of the 77th article of the constitution, I decree:

Article 1. The excellent, the constitutional Congress are called together, in order that, meeting in session to-morrow at twelve o'clock, they may please to inquire into such matters as may be submitted to them.

Art. 2. The minister of the interior will see to the execution of this decree.

Given in the National Palace, at San José, on the 25th day of the month of February, 1856.

JUAN REFAEL MORA.

JOAQUIN BERNARDO CALVO,

*The Secretary of State in the Department of Government.*

A true copy.

L. MOLINA.

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B.

*Juan Rafael Mora, president of the republic of Costa Rica.*

Whereas, the excellent, the national Congress has decreed the following:

The excellent, the national Congress of the republic of Costa Rica, with the view of meeting the call for an extraordinary session, issued by the supreme executive power of the republic on the 26th instant, decrees:

Single article.—Authority, in every form, is conferred on the supreme executive power: Firstly, by itself, or in conjunction with the allied forces of the other governments of Central America, to advance its forces against the republic of Nicaragua, to protect its inhabitants against the ominous oppression of the freebooters, and to drive them from the face of the soil of Central America; Secondly, and consequently, to adopt all such measures as may within its power to secure the end proposed.

To the EXECUTIVE POWER.

Given in the session hall at San José, on the 27th day of February, 1856.

FRANCISCO MARIA OREAMUNO,  
*President.*

NAZARIO TOLEDO, *Secretary.*

MANUEL JOAQUIN GUTIERREZ,  
*Secretary.*

Let this decree, therefore, be carried into execution. National Palace, San José, February 26, 1856.

JUAN RAFAEL MORA,  
JOAQUIN BERNARDO CALVO,  
*The Minister of State in the Department of Government.*

A true copy.

L. MOLINA.

C.

*Juan Rafael Mora, president of the republic of Costa Rica.*

Whereas, according to all the antecedents, communications, and statements, lodged in the department of government, the independence of this republic and of the other republics of Central America is jeopardized by the horde of freebooters who have taken possession of the towns of Nicaragua; and whereas, it is an urgent duty not only to defend the rights of the country here, but also to drive the common enemy away from Nicaragua and to co-operate with the allied governments in sustaining the absolute independence of Central America and the integrity of its territories; therefore, in the exercise of the powers, of every character, with which I am invested, I declare and decree:

ARTICLE 1. The republic of Costa Rica recognizes no lawful mission in the government, now self-styled as the provisional government of Nicaragua, there established by the adventurers, who tyrannize over it. She will, on the contrary, take up arms to defend the natives of her neighboring and sister republic from the portentous oppression and bondage in which she is held by our enemies, even to their expulsion from the soil of Nicaragua and that of the whole of Central America.

ART. 2. With this important object the army of the republic shall be immediately set in motion, and both the Costa Ricans and the Central Americans, therein residing, are required to take up arms, under present circumstances, and afford every assistance that may be necessary to restore the nationality of Nicaragua and secure the independence of Central America.

ART. 3. Each and every person directly or indirectly assisting the enemy in the way of provisions, horses, arms, or of any other appliance, or placing himself in communication with said enemy, giving

him information or circulating false statements, or in any other manner obstructing the action of the executive or of any of his divisions, or refusing the authorities any of the means which the government may require for the campaign, shall be liable to the penalties provided by law against such misdemeanors, and, by the fact itself, be amenable to all the rigor of military ordinances.

ART. 4. All the authorities of the provinces, cantons, or districts, are held to the strictest obligation to provide such means as the government may require to subsist the army through the campaign now preparing; and the people of the settlements are required to furnish without delay the supplies of every nature which may be demanded of them.

ART. 5. In other respects the supreme authorities of the republic, as well as the tribunals, corporations, and officers, whether superior or subaltern, shall continue in the free exercise of their functions, in conformity with the laws.

Given in the national palace, at San José, on the 28th day of February, 1856.

JUAN RAFAEL MORA.  
JOAQUIN BERNARDO CALVO,  
*the Secretary of Relations and Government.*  
MANUEL J. CARAZO,  
*the Minister of Finance and War.*

A true copy.

LUIS MOLINA.

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D.

*Juan Rafael Mora, president of the republic of Costa Rica.*

In the exercise of every power with which I am invested, and in view of the 6th section of the 77th article of the constitution, I decree:

ART. 1. The president of the republic of Costa Rica will command in person the expeditionary army about to march in pursuit of the freebooters, now attempting to usurp the territory and the independence and liberties of the Central American States.

ART. 2. From and after to-morrow, therefore, the president of the republic foregoes the exercise of the supreme power and commits it to the hands of his excellency the vice president, D. Francisco Maria Oreamuno.

ART. 3. The secretary of government will see to all requirements in furtherance of this decree.

Given in the national palace at San José on the 7th day of the month of March, 1856.

JUAN RAFAEL MORA.  
JOAQUIN BERNARDO CALVO,  
*the Minister of State in the Department of Government.*

A true copy.

L. MOLINA.

## E.

*The president of the republic of Costa Rica to all its inhabitants:*

Countrymen, to arms! The hour foretold you has come! Let us march to Nicaragua and destroy the impious phalanx which has reduced her to a most opprobrious bondage; let us march to fight for the liberty of our brothers.

They call on you—they expect you—to rise up against their tyrants. Their cause is ours. Those who despise, rob, and murder them to-day, insolently challenge us, and presume to fling around us the same bloody chains. Let us speed to burst the shackles of our brethren, and exterminate the very last of their executioners.

Ours is not a fight for a strip of land—not to secure ephemeral powers—not to achieve a wretched conquest—not to back sacriligious factions. No; we will strive to redeem all our brethren from a most iniquitous despotism and assist them in the fruitful work of regeneration. We go to tell them: “Brethren of Nicaragua, arise! Annihilate your oppressors! Here we come to fight by your side for your country and for its liberties. Union, Nicaraguans, union! Sacrifice forever your resentments; no more fratricidal parties and discords. Peace, justice, and freedom for all; war for the freebooters only!”

To the lists, then, Costa Ricans! I march at the head of the national army—I, who exult this day in the exhibition of your noble enthusiasm—I who take pride in calling you sons. I am resolved to share with you in the perils and the glories of the fight!

Your mothers, wives, sisters, and children nerve your manhood. Under the influence of their patriotic virtues you will prove invincible. In struggling for the salvation of our brethren, we will also fight for them, for their honor, for their lives, for the existence of our cherished country, and for the independence of Spanish America!

All the faithful sons of Guatemala, San Salvador, and Honduras are marching against this horde of bandits. Ours is a holy cause and certain is its triumph. God will send victory down for us, and with victory, peace, concord, freedom, and the union of the great Central American family.

JUAN RAFAEL MORO.

SAN JOSÉ, *March 1, 1856.*

A true copy.

L. MOLINA.

## F.

NATIONAL PALACE, SAN JOSÉ, *March 3, 1856.*

SIR: The government of Costa Rica, in concert with the other Central American governments, has resolved to fight until they shall have expelled from Nicaragua the bandits who, under favor of a fatal intestine war, have treacherously taken possession of that unfortunate country. The very authorities of the United States, as well as public opinion, unanimously proclaim that the steamers of the Transit Com-

pany have constantly transported these bandits to the shores of both oceans. In this posture of affairs my government gives you, as the representative of the company, public and private notice that, pending the hostilities against the invaders of the soil of Central America, the transit of the steamers plying on the river St. John and lake Nicaragua must be suspended, being ready to use all the means in its power to stop such transit, in the (not to be supposed) event that the company should contravene this notice. In this event, the government excepts against all responsibility for the consequences, however serious they be, which may result for the company or the passengers. To prevent an allegation of ignorance of this notice, I transmit a copy of it to the respective consuls of foreign governments.

God save you.

JOAQUIN B. CALVO.

To the AGENT OF THE NICARAGUA ACCESSORY TRANSIT COMPANY,  
*San Juan del Norte.*

A true copy.

L. MOLINA.

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*Mr. Marcy to Mr Molina.*

DEPARTMENT OF STATE,  
*Washington, April 25, 1856.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, chargé d'affaires of Costa Rica, of the 8th instant, with the accompanying papers, stating the views and declaring the policy of his government with reference to the existing state of affairs in Nicaragua, and reflecting upon what he pleases to call the lawless conduct of citizens and inhabitants of the United States.

If the undersigned has not misunderstood the purport of Mr. Molina's note, it reflects upon the good faith of the United States in regard to their neutral relations, not only with Costa Rica, but the other Central American States. Mr. Molina must be aware that so grave a charge as this, affecting so directly the honor of the United States, should not have been lightly made, or presented without adequate proof to sustain it. That persons, formerly citizens or inhabitants of the United States, are now found among the enemies of Costa Rica, or any other of the Central American States, does not at all sustain such a charge. The right of expatriation is not, I believe, withheld from the citizens of any free government or from residents under its jurisdiction. This country has always been open to the ingress of foreigners, and those who have been free to come have also been free to go; and in respect to emigration, our own citizens are under no more restraint than foreigners who have come into the United States. The undersigned is not aware that the citizens or inhabitants of Costa Rica have not the same right of expatriation as those of the United States. The laws of neither country, it is presumed, have conferred the authority to examine into the motives which may lead any one to ex-

ercise the right of expatriation. The liberty to go where hopes of better fortune may entice them belongs to freemen, and no free government withholds it. It is, therefore, no cause of complaint against a neutral country that persons in the exercise of this right have left it, and have been afterwards found in the ranks of the army of a belligerent State; and yet it is believed that Mr. Molina has no better foundation than this for questioning the good faith of the United States.

The United States gave an early example to other nations in regard to its neutral duties, by enacting stringent neutrality laws; they certainly preceded Great Britain in legislating upon the subject. These laws have laid upon the citizens or residents of the United States such restraints as neutral obligations towards other States require, or are compatible with the spirit of free institutions. They prohibit enlistments for foreign service within the limits of the United States, or any agreement to go beyond those limits for the purpose of such enlistments; they denounce, under heavy penalties, the fitting out of privateers or the organizing any expeditions against foreign States or their territories. Mr. Molina will find it difficult to show an instance in which any other country, including his own, has done more by legislation than the United States to preserve with fidelity neutral relations with other powers. The execution of these laws is all that can be required of this government in maintaining its foreign relations.

Respect for Costa Rica, and for Mr. Molina himself, requires that his language should be so interpreted as that it will not imply the charge of connivance on the part of this government at the violation of these laws. Being resident within the country, it is to be presumed that he is not informed of the efforts which this government has been constantly and vigorously making towards discharging its obligations of neutrality, not only in respect to the belligerents of Europe, but the States upon this continent. Ministerial and executive officers have received repeated instructions to prevent the fitting out and to arrest expeditions organized within the United States for foreign military service. Numerous prosecutions have been instituted against alleged offenders, and convictions have been obtained in several instances. Whenever complaints have been made by the ministers of foreign governments, with any indication of the persons of the offenders, or specification of acts infringing our neutrality laws, prompt and vigorous proceedings have been instituted. No just cause for complaint has been shown against the officers of the United States for remissness in discharging their duties. The action of this government in this matter has been well known, and it is strange, indeed, that it has escaped Mr. Molina's particular attention, but that it has not attracted his notice is evinced by the tenor of his note of the 8th instant. While Mr. Molina was preparing his note addressed to the undersigned, and even now, prosecutions are going on against persons suspected of violating or evading the neutrality laws of the United States by recruiting men for military service in Nicaragua.

So far from being aware, as Mr. Molina assumes the undersigned to be, that "fillibuster recruits" have been permitted to sail from certain specified ports in the United States to Nicaragua "*without any hin-*

*drance on the part of the authorities*" of the United States, the undersigned has good grounds for believing that these authorities have been vigilant to prevent the infringement of the United States laws of neutrality, and have visited vessels bound to Nicaragua for the express and determined purpose of detecting violators of those laws. With better information on the subject, it is believed that Mr. Molina, instead of reproaching this government for remissness in enforcing its laws, would have done justice to its fair intentions and vigorous efforts to execute them.

It cannot be supposed that Mr. Molina means to make it a ground of complaint that unassociated individuals have voluntarily left the United States with intention of entering into foreign military service. Such acts are not contrary to international law. Being the representative of a free State, Mr. Molina must be aware that it is not within the competence of any liberal government to hold an inquisition into the motives and objects which induce an individual to change his country. To do that would be the exercise of most offensive arbitrary power, which no government, however absolute its character, has ever attempted to enforce upon another as a duty of neutrality.

In the controversy which this government has had with Great Britain in regard to enlistments in the United States for the British service, the right of individuals to go voluntarily out of the United States for the purpose of entering into that service has not been questioned; but the complaint against the British government is, that it has employed agents to come within the United States to hire, retain, or entice persons to go away for that purpose.

When there was reason to believe that agents from Nicaragua were in this country to recruit soldiers, prosecutions against them were promptly instituted, which are still going on. This government has instituted judicial proceedings against those agents for doing what Great Britain contends her agents had a right to do within the United States.

If Mr. Molina means to complain of the insufficiency of our laws in regard to neutrality, the reply to such a charge is that these laws are as stringent as those of any other nation. If he intends to go further, and to imply the want of good faith on the part of this government in executing them, the charge is repelled as unfounded.

It is difficult to conceive what other object Mr. Molina could have had in addressing to the undersigned the note of the 8th instant, if it was not to enter a formal complaint against the inadequacy of our laws of neutrality or our want of good faith in executing them. The President believes that Mr. Molina will consider it due to the friendly relations now existing between the United States and Costa Rica so to explain his note as to repel either inference.

The President sincerely regrets the state of hostility which now exists in Central America. He has faithfully discharged the obligations of neutrality due from this government not only to the friendly State of Costa Rica, but the other Central American governments.

Cherishing sentiments of friendship for Costa Rica, and being convinced that he had sedulously maintained the duties of strict neutrality towards that State, the President cannot withhold an expression of

the surprise which the receipt of such a note as that of the 8th instant, from its accredited diplomatic agent, has excited in his mind.

The undersigned avails himself of this occasion to offer to Mr. Molina a renewed assurance of his very high consideration.

W. L. MARCY.

Señor Don LUIS MOLINA, &c., &c., &c.

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*Mr. Molina to Mr. Marcy*

[Translation.]

WASHINGTON, May 2, 1856.

The undersigned, chargé d'affaires of Costa Rica, pained at the charges contained in the official letter of the 25th of last month, which the Hon. W. L. Marcy, Secretary of State of the United States was pleased to address him, hastens to reply in the following manner.

The undersigned has read again, with the greatest attention, the notes which he had the honor to address to the Hon. Mr. Marcy, on the 6th and 20th of December, and on the 8th of April last, and he does not find in them any expression calculated to justify the aforesaid charges; and he has moreover the pleasure of declaring by this note, that it never was in any way his intention to criticise the municipal laws of the United States, by stigmatizing them as insufficient; nor to censure the conduct of the government or that of the authorities by imputing bad faith to them.

The undersigned is sufficiently conversant with his duties to know that either of those charges would be improper on his part; that the republic of Costa Rica, which he has the honor to represent, does not derive its right from the municipal, but from international law; and that the mission of its representative is to cultivate the best relations with the United States.

The undersigned, so far from venturing to cast the least imputation either directly or indirectly against the good faith of the government and authorities of the United States, has taken pleasure in acknowledging their efforts to enforce the neutrality laws, nor was it less remote from the intention of the undersigned to use the least expression which might have seemed personally offensive to the Hon. Mr. Marcy.

But the undersigned, on the contrary, would have deemed it an offence not to have taken it for granted that the Hon. Secretary of State was informed of occurrences which were notoriously known, and being convinced that such occurrences are in conflict with the international rights of Costa Rica, and are about to cause sacrifices both of money and blood, he could not, without neglecting his duty, avoid reproducing his reclamations of the 6th and 20th of December. Without relinquishing his right of again insisting upon this point, the undersigned will cite here, in support of his assertion, the "Daily Union," which, from the 27th of December to the 14th of March, contains notices of six expeditions of auxiliaries for the invaders of Central America. To make the government of the United States



officially acquainted with the state of war in which Costa Rica finds herself, by showing the exceptional character of that war, and the justifying reasons which the government of the undersigned took into consideration in accepting the contest which was imposed upon it as an imperative national necessity is the principal subject, especially a friendly one, of the note of the 8th of last month; and the ardent desire on the part of Costa Rica to avoid complications to cultivate the good relations subsisting with the United States, and to preserve the regard of this government, is the determining cause.

The undersigned appeals, without hesitation, to the literal expressions and to the honest meaning of his notes, and to the integrity of the Hon. Mr. Marcy, to repel the charge of having been pleased to call the conduct of the adventurers who have desolated and insulted Nicaragua, illegal. If such complacency had comported with the personal character of the representative of Costa Rica, he would have found sufficient words, much more severe, which he might justly have accumulated in designating the conduct of those whom the public calls, with perfect propriety, filibusters.

The undersigned proposes to reply on another occasion, stating his views at length, concerning the main points of the questions contained in the aforesaid communication of the Hon. Secretary of State; and through his respected medium he has now the pleasure of presenting his best respects to his Excellency the President of the United States, and to tender to the Hon. Mr. Marcy renewed assurances of his distinguished regard and consideration.

LUIS MOLINA.

Hon. W. L. MARCY,  
*Secretary of State of the United States.*

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*Mr. Marcoleta to Mr. Marcy.*

[Translation.]

LEGATION OF NICARAGUA,  
*Washington, April 26, 1856.*

The undersigned has the honor of transmitting to the Hon. W. L. Marcy, Secretary of State of the United States of America, a copy of the "*Cronica Española*" of the 23d instant, which contains the *protest* issued by the legitimate president of the republic of Nicaragua, in the city of San Fernando, on the 25th of October, 1855, as also the manifesto dated the 25th of last January, relative to the invasion of the pirate Walker and followers, with other important documents.

The undersigned is aware that said documents were addressed to him officially, and by duplicate by the secretary of state, Don Nicasio Castillo, together with other dispatches and special instructions for the occasion; but the situation and the circumstances under the weight of which the republic is and has been groaning since the invasion of the Vandals, who have hitherto restrained and stifled the expression of the national clamor and sentiment, have prevented the circulation of the mail, which, without the least doubt, has been intercepted.

For the furtherance of just ends, the undersigned hastens to communicate officially the aforesaid documents to the Hon. Secretary of State of the United States, whom he requests at the same time to be pleased to receive the assurances of his most distinguished consideration.

T. DE MARCOLETA.

Hon. W. L. MARCY,

*Secretary of State of the United States.*

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[Translation.]

*Manifesto of the legitimate president of the republic of Nicaragua, to the governments and people of Central America:*

The fatal event which, towards the middle of last October, changed in an instant the political face of Nicaragua, is already a matter of notoriety. Strange as it may be, the fact is, that the stronghold itself of the place, which, but a little while before, had been able, with such limited forces, to hold out against and to triumph over more than eight thousand men, who had successively and for the space of nine months besieged and stormed it, without interruption and with the fury of desperation, was taken by surprise, without even the firing of a single gun, and by three hundred men only. Some error in the execution of the supreme orders; some carelessness on the part of subordinate officers; the ingratitude of several foreigners who are indebted to Nicaragua for a thousand attentions and benefits—forgetfulness, in short, of the sacred duties of fidelity which the native of the soil owes to his country, such have been the causes that have led to the catastrophe of the 13th. At a later period history will unravel them; all that we have to do at present is, to speak of the event and its consequences in what relates to the subsequent operations of the government. It seems very natural that the general-in-chief, D. Ponciano Corral, who, at that time, was at Rivas with more than eight hundred men, destined from the early part of September last to fight the filibuster William Walker in that department, should have fallen upon Granada with the whole, or the greatest portion of that force, as the point which had already been definitely fixed upon for the termination of the war, and with it the settlement of the fate of the republic; but relying unfortunately upon being joined at San Fernando by four hundred men at least from among those that were there, and the division which had just triumphed at Pueblo Nuevo, he only took with him three hundred and seventy-five men, with whom he reached the aforesaid San Fernando on the 18th of the same month of October—a day on which, although, in consequence of the threats of Leon, all the troops from Managua could not arrive, there were assembled over six hundred men, already well inured to field duty and in the best condition for rushing upon the enemy. Until then everything bore a favorable aspect; the filibusters and their allies did not yet number more than three hundred men, when the defensive line of Granada required five hundred at least.

On the very night of the 18th, the government spoke to the general-in-chief about the necessity of an immediate attack ; to which he replied that he could not make the attack at once, owing to the want of indispensable information, in which state of inactivity he passed the three following days, notwithstanding his being repeatedly urged by the government, until the night of the 21st, when he received intelligence that the inhabitants of Leon, numbering eight hundred men, had attacked Managua ; whereupon he resolved to send an auxiliary force of two hundred men on the morning of the 22d, without which General Martinez had already triumphed on that very night, with his force of only two hundred and fifty-four braves and three heroines of the people, who on that memorable day, and to the admiration of everybody, brought to mind the glorious times of the celebrated Joan of Arc.

Whilst this was taking place, the government was engaged in preparing a negative reply to the propositions for an arrangement made by the filibuster Walker to the general-in-chief, confined chiefly to a recognition of himself as general-in-chief of the army of the republic, a provisional government being established. The first negative had the effect of causing the arrest, by Walker, of the very persons whose safety he had just guaranteed ; and the second, the assassination of the minister of state, Licentiate D. Mateo Mayorga, at early dawn, on the morning of the 22d, with the further threat, that if, by eight o'clock in the evening of that very day, a satisfactory reply was not given him, he should cause as many as ninety other persons to be shot, all of the first consideration, although he had to deal with women, not to mention the evils that would be entailed by confiscations of property, without his being responsible for the excesses that his soldiers might commit amongst the population.

Everything conspired, then, to aggravate the circumstances in which the country was placed ; the culpable timidity of the great majority of honest men, who, notwithstanding their favorable inclinations, fled to the mountains in order to avoid danger, instead of repairing to the army for the purpose of cheering and invigorating it, if only with their mute presence ; the criminal abjection of some towns which, instead of sustaining the government with their arms and means, showed themselves indifferent to the great struggles of religion and country ; the inhabitants of Leon attacking our forces at Managua, in response to the fraternal embrace with which General Hernandez, after his triumph at Pueblo Nuevo, had tendered them in the name of the government, with a view of effecting a fusion of all Nicaraguans against the common enemy ; the absence of the two hundred auxiliaries who had been dispatched to Managua ; the difficulty of securing the arrival of the other forces which were at that place ; the impossibility of obtaining as soon as necessary the five hundred men quartered at Rivas ; the distance at which several of the most popular and distinguished leaders of the army found themselves from head quarters ; the preaching of some of the ministers of religion in favor of the filibusters ; the terror and consternation which suddenly overtook the city, in consequence of the murder of Mayorga, and the terrible threat which followed ; and, lastly, the false intelligence that Walker

had increased his forces by the addition of four hundred riflemen, who had joined him on the evening of the 21st; all these circumstances, each of them of the most urgent character, and a hundred reflections, all of which conspired to present a most mournful picture of the condition of things, all seemed to unite in paving the way for a great catastrophe.

It was under such unfavorable impressions that the commissioners of Walker arrived for the third time with the ultimatum of the 22d, which had to be answered at once. Terrible struggle! One of the towns which had rendered most service to the cause of legitimacy, Granada, that heroic population, which of itself had supplied so many resources and so many arms for the support of an eighteen months' war against rebellion, those very people were to be coldly murdered and outraged on the night of the 22d if the government did not show itself pliable to the wishes expressed by the master of the place for a degrading arrangement. Cruel alternative! either to agree to a convention of peace over the innocent blood of an illustrious victim, or to witness the atrocious massacre and ill treatment of one of the principal towns of the republic. Even then the government did not hesitate, and there are many witnesses of the fact. Thoroughly persuaded that the independence, sovereignty, and liberty of the country are of more importance than the preservation of one of its towns, was firmly resolved that the place should be stormed at once, as he thus expressed it to the general-in-chief; but unfortunately this gentleman said, being backed by his major general, Don Fernando Chamorro, that, according to the last intelligence received, the rescue of the place was now impossible, and that the consequences of the loss would be terrible to the republic.

What then was the government to do in so painful and peremptory position? It was already five o'clock in the evening, and the reply must be sent to Walker by eight o'clock at night. The government being thus morally restrained in its convictions and desires, it abandoned the remedy of the position to the same general-in-chief who had caused it, investing him with power to that effect, in order that he might save the republic in the manner he thought most proper.

But for the very reason that he was obliged to act against his own will, in order to issue the decree conferring power, he subsequently issued another decree, in which, foreseeing the results, he appointed plenipotentiaries with a view of duly preserving the rights of the government.\*

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\* This is the decree: The government being desirous to secure, by every possible means, the independence, sovereignty, and liberty of the republic, which are at present seriously threatened, in consequence of Granada having been taken by North American filibusters, and as it may happen that the sovereignty of the republic may, through some other event, unfortunately fall into their hands in virtue of the plenary powers conferred upon it by the constitution, decree of the 3d of last March, said government has determined, 1st. That the Licentiate D. José Sacaza, D. Francisco Dueñas, Colonel D. Fulgencio Vegas, Lieutenant Colonel D. Juan T. Ruiz, and D. Pedro Joaquín Chamorro be appointed envoys extraordinaries and ministers plenipotentiaries near the governments of Central America, in order that each of them, in solidum, and in accordance with the instructions which will be communicated to them by the respective minister, may secure the independence, sovereignty, and freedom of Nicaragua, by concluding to that effect such conventions and treaties as they may think proper, which shall go into effect without the necessity of being ratified by this government

The simple text of this decree contains an implicit protest of the government against everything that the general-in-chief might do, by leaving the supreme command or that of the forces in the hands of the fillibusters; but it was even more express and positive, when, on the 25th of the aforesaid month of October, the treaty of the 23d was communicated to it. No reply was ordered to be made, but the following protest, with the knowledge of several persons of note, and even of the general himself, was formally drawn up: "José Maria Estrada, president of the republic of Nicaragua, to the governments and people of Central America, and the other governments and people of the civilized world: Being convinced that, while the fillibuster William Walker has the chief command of the forces of the republic, the independence, sovereignty, and liberty of Nicaragua and of the whole of Central America will be seriously compromised, and that individual rights and guaranties will in no way be respected, notwithstanding any pledges which might be given to that effect, therefore, I declare that in issuing the decree, in virtue of which the general-in-chief, Don Ponciano Corral, adjusted with the aforesaid Walker the terms of the convention of the 23d instant, which the former communicated to me this day, I only yielded to the force of circumstances, without being able to exercise any will of my own; and, consequently, I protest in the most solemn manner against the aforesaid two documents, reserving to myself all the rights which appertain to me as the legitimate representative of the nation, in order that I may vindicate the same in proper time; and from this moment I appeal to the other governments of Central America for means and assistance, in order that they may, without further invitation, intervene in the affairs of this republic, acting with arms in hand as if for their own cause, until all foreign power shall have disappeared and the legitimate authority been established. In faith of which I sign the foregoing in the presence of the minister of war, in charge of the department of relations and of government, *ad interim*, in the city of San Fernando, on the 25th of October, 1855.

"JOSÉ MARIA ESTRADA.

"The minister of war in temporary charge of the department of relations and of government.

"CASTILLO."

It will be seen by the above that the legitimate government of Nicar-

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in the event of its ceasing to exist *de facto*, the supreme command, or that of the army remaining in the hands of the aforesaid fillibusters.

2d. The Licentiate D. Luis Molina is appointed envoy extraordinary and minister plenipotentiary near the courts of England, France, and Spain, in order that he may act in the same manner as mentioned in the foregoing article.

3d. The present decree will serve as sufficient credentials to each of the appointees in case of their not being able to present a proper commission, the pressure of circumstances not allowing it.

4th. The appointees are authorized to designate other persons of well known integrity of character, to act for themselves in accordance with the instructions which they shall communicate to them, within the limits of those which they themselves shall receive from the department. The minister of war, (D. Nicasio del Castillo,) in charge of the department of relations and government, *ad interim*, will see that the same is duly executed.

ESTRADA.

SAN FERNANDO, October 22, 1855.

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agua remained in full possession of its rights, notwithstanding its disappearance *de facto*; and besides this natural remedy possessed by governments and individuals in situations of even less violent character, there are, in this particular instance, two grave considerations which lead to the same result.

The government transmitted to the general-in-chief the power conferred upon it by the constituent decree of March 3, 1853, for the purpose of saving the republic by such means as he thought most proper. To leave that republic, then, in the hands of foreigners is not to save it; it is to deliver it up, a thing which the government itself could not have done, nor yet the constituent assembly, because it is nothing less than suicide, both of itself and its constituents, the people; and no people delegate power for their own political annihilation and suicide. Thus it is that General Corral, in leaving the republic in the material power of the filibusters, exceeded his trust, acted without authority, and consequently his treaty of October 23 must be null, as the offspring of an excrescence of power. On the other side, even supposing the treaty to be valid, it is already well known that Walker has not complied with any of its provisions, and, therefore, that it has become powerless by the very fact that the essential conditions which served as its basis have not been fulfilled. So that, whether on account of the protest or the transcending of power on the part of the general-in-chief, or, in short, the violation of the treaty, the fact is beyond all possible doubt, that the legitimate government of Nicaragua preserves its legitimate rights unimpaired, as the sole representative of the republic. There being deduced from this principle a consequence likewise irrevocable, which is, that the anomalous government created by the two military chiefs who signed the treaty is null in the fullest sense of that word, and, for the same reason, that all its acts and those of its subordinates are null, being answerable before the law, as guilty of usurpation of power and treason to the country, all those who may continue to serve that illegal government in whatever capacity; and I thus declare it again, in the most solemn manner, in fulfillment of the sacred duties which have been confided to me.

This publication could not be made while the public mind was still in favor of Walker, some because, probably in consequence of being naturally tired of the war, had attributed sentiments to him truly honorable, thinking him capable of securing the welfare of Nicaragua; others because they thought they saw his programme of dominion in that republic filled up, by the fact that the foreigner whom they had incautiously aided to enslave their country remained in the chief command of the forces. The appearance, therefore, of a protest under such circumstances, would not only have caused the evils which spring out of wrath, but would likewise have deserved the contempt and scorn of those whose rights it proposed to save. Now, matters have assumed a different aspect. Some became gradually convinced that the usurper of Sonora and the murderer of Mayorga could not be the friend of order; others have seen with their own eyes, that the adventurer to whom they entrusted their destinies and the fate of their country only thinks of himself and of those belonging to him. This unde-

ceiving of oneself is sad, but useful. It is yet time to find a remedy for the evil. This remedy is union. Will those who have declared themselves against the legitimate government still treat this union with contempt? However great and manifold may be the errors of the past, all Nicaraguans who, abjuring their errors on the altar of public interest, shall rush with determination upon the foreigners who now oppress Nicaragua, will show that they are not entirely strangers to the ideas of morality, religion, and country.

JOSE MARIA ESTRADA.

COMAYAGUA, *January 25, 1856.*

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*Mr. Marcy to Mr. Molina.*

DEPARTMENT OF STATE,  
*Washington, May 2, 1856.*

The President has directed the undersigned, Secretary of State of the United States, to communicate to Mr. Molina, chargé d'affaires of Costa Rica, the accompanying copies of documents just received from the minister resident of the United States in Nicaragua. These documents present a case of shocking barbarity, the slaughter of non-combatants by the troops of Costa Rica. If the transaction was as it is presented in these documents, the President is willing to believe that the government of Costa Rica will promptly condemn the perpetrators of the inhuman outrage and inflict upon them exemplary punishment. This she will feel bound to do in order to vindicate her claim to a position among civilized nations.

It appears by the statement herewith furnished, that the victims were citizens of the United States, and the President does not doubt that the government of Costa Rica will promptly examine into this affair, punish the offenders, and make ample provision for the families of the sufferers.

The President has seen with extreme regret, in the hostilities now prosecuted between Nicaragua and Costa Rica, a departure from the laws of war in force among civilized nations. The slaughter of captives taken in battle is not only a violation of these laws, but abhorrent to the feelings of humanity. The party which resorts to the barbarous modes of warfare long since abandoned and condemned by enlightened nations, forfeits its claim to all sympathy from neutral powers, and exposes itself to the enmity of those whose subjects and citizens may be the victims of savage cruelty. Against such a mode of prosecuting hostilities, from which it is the interest of all belligerents to abstain, it is the duty of all governments to enter their solemn protest.

The undersigned is directed by the President to call the prompt attention of the government of Costa Rica to the transaction at Virgin bay, and to ask for such proceedings on its part as the nature of the case demands.

The good understanding which now exists between the United States and Costa Rica, and which the President is desirous to cherish and perpetuate, induces him to expect from the government of Costa

Rica such measures in regard to this lamentable occurrence as will be satisfactory to the United States and are due to its own character.

The undersigned avails, &c.,

W. L. MARCY.

Señor Don LUIS MOLINA, &c., &c., &c.

NOTE by Department of State.—For the papers referred to in the foregoing note, see Mr. Wheeler's dispatch, No. 49, of the 17th April, 1856, *ante*.

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*Mr. Molina to Mr. Marcy.*

[Translation.]

WASHINGTON, May 6, 1856.

The undersigned, chargé d'affaires of Costa Rica, has the honor to acknowledge the receipt of the communication of the Hon. W. L. Marcy, Secretary of State of the United States, under date of the 2d instant, and of the accompanying copies of documents transmitted by the minister resident of the United States at Nicaragua, relative to certain excesses which are alleged to have been committed by the troops of Costa Rica at Virgin bay against inoffensive North American citizens.

In the absence of instructions and of official information concerning the occurrences which may have taken place at the taking of Virgin bay, the undersigned, without the least delay, informed his government, by the steamer Illinois, which sailed yesterday from New York for Aspinwall, and has no doubt but that the government of Costa Rica will reply with all possible speed in a satisfactory manner to the government of the United States, with which it is its constant desire to maintain and draw closer the relations of friendship which happily subsist.

In the meanwhile, the undersigned can and must say that the government of Costa Rica will not authorize acts calculated to tarnish the good fame it has earned for itself, by the moderation and rectitude of its principles, as a recognized member of the family of civilized nations. On the contrary, it professes to have as much horror as the government of the United States for shedding the blood of unarmed people; and if it shall be proved, from the inquiries it will order to be instituted, that the report and declarations received by the Hon. Secretary of State are correct, the government of Costa Rica will, without the least doubt, bring the guilty parties to trial, in order that they may be punished as they deserve.

The undersigned must likewise observe that the war is not between Costa Rica and Nicaragua, but between the united people of the two States, or rather of Central America, against a band of unauthorized adventurers, who are impoverishing and oppressing the inhabitants of Nicaragua, and who are threatening to impose the same yoke upon the rest of Central Americans. Costa Rica cannot accord the rights of war to a band of men amenable to penal laws which certainly are not more severe in those States than in the other States of the civilized world. Nevertheless, the undersigned has reason to believe that it was not a sense of right alone which occasioned the severity of the



chiefs of the Costa Rican army, for he knows, through a trustworthy although a private source, that the persons taken at Santa Rosa were in safety until it was ascertained, by their own confession, that two days before the action the forces of Schlesinger had come up with a custom-house station, guarded by nine Costa Ricans, who made resistance, and two having been killed in the encounter, the other seven were taken prisoners and subsequently shot.

Finally, the undersigned is of opinion that the documents before him are not entitled to implicit confidence, and hopes, from the equity of the government of the Union, that it will suspend its judgment until it can be ascertained what has taken place at Virgin bay, and that it will not be too severe with regard to a nation that is defending her most sacred rights against those who have outraged and attacked her merely because she is weak.

The undersigned avails himself of this occasion to renew to the Hon. Mr. Marcy the assurances of his most distinguished regard and consideration.

LUIS MOLINA.

Hon. W. L. MARCY,  
*Secretary of State of the United States.*

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[Translation.]

*Don Augustin Vijil to Mr. Marcy.*

WASHINGTON CITY, May 14, 1856.

SIR: The unhappy situation of the country in which I was born, and the desire of exerting my best efforts to relieve it, have led me to leave my native shores to come to represent its interests in the capital of this blessed republic.

In your excellency's reply, declining to receive a former envoy sent by my government, you say:

"Those who were chiefly instrumental in suspending or overthrowing the former government of that State were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is now known here, freely expressed their approval of, or acquiescence in, the present condition of political affairs in Nicaragua."

If your excellency is not already disabused on this subject, I trust the explanation I now have the honor to make will place the affairs of Nicaragua in such a light as to induce you to view our circumstances in their true position.

Nicaragua, more than ever since her history began, for the last three years has been bleeding at every pore. The inauguration of Don Fruto Chamorro as the director of Nicaragua was the commencement of the storm. Shortly after it he began to show his tendency to despotism, and, usurping the sacred rights of the people who had elected him, he commenced to form the chain of their misfortunes. Fearing, however, a few citizens who had the interests and liberty of

their country at heart, he adopted a course calculated to render their patriotism useless, by commencing criminal proceedings against them. The greater part of these men were liberal members of the constituent assembly, which he had convoked for April, 1854, and possessed too much integrity to vote away the liberty of the republic. Among them were Don Francisco Castellon and General Jerez—the former a well known upright and influential patriotic citizen, a man of liberal views, of a superior education, and a correct knowledge of the world, that he had acquired during a long residence at different courts of Europe. The latter is also of similar character, views, and experience. These and other patriots Chamorro imprisoned, and banished subsequently to Honduras. General Jerez, at the head of a few courageous men, returned to Nicaragua, and at Chinandega, the first large town near the borders of Honduras, he organized a provisional government.

The popular masses joined him freely, they having become alarmed at the proceedings of Chamorro. The forces of the provisional government marched on Leon, where Chamorro had his camp, and as soon as both armies met the whole Chamorro force came over to General Jerez. Chamorro then took refuge in the city of Granada, and by sacrificing the wealthy portion of the population, he assembled together a force of one thousand men, to stand a siege of nine months in the Plaza, during which time a large portion of this beautiful city was completely destroyed.

The provisional government was compelled to raise the siege and invited American citizens to lend their aid to it. Ninety of them responded to the invitation and became naturalized citizens of that country.

Shortly after Chamorro died, and the constituent assembly, trampling on the very constitution and charter they had made but a few days before, arrogated to themselves the ordinary legislative power and appointed Don José Maria Estrada as the successor of Chamorro, whose footsteps he began to follow. This is the sort of government which has been styled legitimate, and which was not, and could not be so, according to the constitution of that State, because, Chamorro's term of office having expired, only the people of Nicaragua, represented by the juntas of the departments, and never the assembly, ought to have appointed the successor.

With the assistance of our brave allies things were soon changed, and our forces took possession of the city of Granada on the 13th of October, 1855. At this time the Americans in the service of Nicaragua did not number more than one hundred and fifty men, commanded by General William Walker. And what was the conduct of those who overthrew the government of Estrada? They used every effort, and successfully, to restore and maintain order, to protect the persons and property of the citizens, to gather up the elements which war and revolutions had scattered abroad, and to frame them into a new order of reconciliation and peace. They invited General Corral, the chief of the hostile forces, to a conference, and the latter being fully authorized by the government that styled itself legitimate, they agreed to appoint a provisional chief, for which office Don Patricio Rivas was selected, and that General Walker should be the general-

in-chief of the whole military force of the republic. It is impossible, sir, to describe the enthusiasm that prevailed on that day. Two armies that were hostile to each other the day before got merged into one, and the two generals marched, arm in arm, to the house of the God of peace to celebrate the blessed day of their reconciliation.

By virtue of said treaty the Hon. Don Patricio Rivas took possession of his office, and his election was approved of by the general voice in Nicaragua. His first step was to address a peaceful and friendly invitation to the chiefs of the Central American republics. The government of Guatemala deigned not to give an answer; the Salvadors manifested a disposition to form friendly relations; Honduras recognized the new administration; but Costa Rica declared a horrible war of extermination against it.

Thus situated, my government desires to maintain, by diplomatic intercourse, the good friendship that always united Nicaragua to this great republic on every ground, and especially because the great highway between the two oceans, that is equally interesting to these States and to Nicaragua, is embraced within the border of the latter.

Born and educated in Nicaragua, and now, for the first time, a visitor to the shores of this great republic, I have a right both to speak about the facts which have marked our past and to anticipate the happiness that we may expect in the future, as well for my own country as for these great States.

Your excellency may be positively certain that, during the seven months of President Rivas' administration, there has been no attempt at revolution against him, and that the whole people of Nicaragua form a united family, prepared to maintain order at home and to resist foreign aggression.

That my government has obeyed the institutions of the country has been lately manifested by calling the people to elect the supreme authorities of the country, which election began on the second Sunday of April last, and if the balloting has not taken place in the oriental and southern departments it was because of the hostile invasion of the Costa Ricans.

I have come to your country with the official character of the representative of the Hon. D. Patricio Rivas, the chief magistrate of the republic of Nicaragua, and I hope, for the interests of both countries, that I shall be esteemed worthy to represent near this government that republic, and that I shall find here a government friendly to our peace, prosperity, and permanence.

I have the honor to be, with the greatest respect, your obedient servant,

AUGUSTIN VIJIL.

To his Excellency WILLIAM L. MARCY,  
*Secretary of State of the United States of America.*

*President of Nicaragua to the President of the United States.*

[Translation.]

MY GREAT AND GOOD FRIEND: I am desirous to cultivate with the government of your excellency the friendly relations that the people of Nicaragua is called upon to maintain with the government of the great northern republic, over the destinies of which your excellency is now presiding. I have, therefore, thought fit to accredit as the minister plenipotentiary and envoy extraordinary of this republic near the government of your excellency the reverend licentiate Don Augustin Vijal, a reliable person on account of his knowledge of public affairs and of his patriotic feelings, to the end that with that character he may enter into treaties of alliance, friendship and commerce with the government of your excellency, and devote himself to the other objects of his mission.

I hope that your excellency will deign to admit kindly the said minister plenipotentiary and extraordinary envoy, and believe everything he may propose in his official capacity.

I pray your excellency will accept my wishes for your happiness and prosperity, and the prosperity of the great people under your government.

Given in the city of Leon, in the government house, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and fifty-six.

PATRICIO RIVAS. [L. s.]  
SEBASTIAN SALINA,  
*Secretary of Foreign Affairs.*

To the Hon. the PRESIDENT  
*Of the United States of North America.*

## CAPTAIN TINKLEPAUGH'S PROTEST.

UNITED STATES OF AMERICA, }  
*State of New York, city and county of New York,* } ss:

By this public instrument of protest: Be it known and made manifest, that on the sixth day of May, in the year of our Lord one thousand eight hundred and fifty-six,

Edward L. Tinklepaugh, a citizen in the county of Columbia, in the State of New York, being about the age of forty-six years, having been first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, did thereupon depose and say:

That he is, and has been master of the steamer *Orizaba*, a steamer registered at the custom-house of the port of New York, of the burden of about 1,460 tons, owned by Charles A. Whitney, of New York. That she sailed from said port of New York on the 8th day of April, 1856, for the port of San Juan del Norte, Nicaragua, having

on board about 480 passengers, of whom about 420 had tickets for San Francisco, in California, and the remainder had tickets for San Juan del Norte. That the Orizaba arrived at San Juan del Norte on the 16th day of April, 1856, at about 11 o'clock, p. m. That soon after the ship came to anchor, the "Wheeler," a small steamer bound up the river San Juan, came alongside, and this deponent commenced transferring to her the passengers from the Orizaba. That after all the passengers except some thirty or forty had got aboard the small steamer, and had delivered up their tickets for the transit passage, Captain Joseph N. Scott, the agent of the river boat, notified this deponent that Captain Tarleton, commander of the British sloop-of-war Eurydice, then lying at anchor at the distance of about one-fourth of a mile from the Orizaba, had given orders that the passengers should be taken back on to the Orizaba; that he would not allow them to go on board the small steamer, or to proceed on their way, and that the river boat must be hauled off from the Orizaba.

That this deponent thereupon gave orders to stop the further transfer of passengers to the river boat until he could ascertain if the said Captain Tarleton intended to enforce his said order; that deponent took a small boat and went ashore, and found Captain Tarleton about leaving shore in a gig or pinnace; that this deponent then asked Captain Tarleton if he had given an order to stop his passengers and prevent them going up the river. He replied, that Birdsall had informed him that the Orizaba had 500 men for Walker on board. Deponent answered that his information was not correct, that they had over 400 for California, that the others had only paid to San Juan del Norte, and that there were none who had tickets for the interior. That deponent then asked what he was to do with the passengers? Captain Tarleton replied, take them back. Deponent said he could not do that, that he hadn't provisions for them. Captain Tarleton said, then take them to Colon, meaning Aspinwall. Deponent said he could not do that. Captain Tarleton asked if he had a way-bill of the passengers on board the Orizaba? Deponent replied that he had. Captain Tarleton then said, "I will go aboard the Orizaba, look at her way-bill, and make further inquiries, before I decide what to do." He then requested this deponent to get into his, the captain's boat, and go aboard the ship with him. That deponent accordingly got into his boat and went on board the ship with the said Captain Tarleton and Captain Scott, above mentioned; that the said Captain Tarleton, Captain Scott, and this deponent, then went to the office of the purser, on board the Orizaba, and deponent inquired of the purser for the way-bill, which he produced. That Captain Tarleton took the ship's way-bill and examined it; he then remarked that it did not give the destination of the passengers. That deponent replied that the passengers for California had tickets for San Francisco by the Pacific steamer. That a passenger who was standing near them said, "I am going to Nicaragua." Captain Tarleton asked him what he was going there for; the man replied, that he was going there with his wife and two children to settle. That another man then said, he also was going there with his wife to settle.

That said Captain Tarleton then said he would allow the passen\_

gers to proceed on their way, and would not interfere. That the transfer of the passengers and freight of this deponent's ship was delayed for the space of about two hours, by the aforesaid acts of the said Captain Tarleton.

That the Orizaba laid at San Juan, aforesaid, until the afternoon of the 21st of April, 1856; that, on that day, the river steamer came alongside the Orizaba with passengers to be transferred to her, on their way to New York. That it was reported to this deponent that an order had been given from the British man-of-war that there should be no communication with shore from the Orizaba, and that this deponent then found that a boat from the said man-of-war was lying between the shore and the Orizaba, where she lay while the passengers were being transferred. That the Eurydice lay at the distance of about one-fourth of a mile from the Orizaba, in the port of San Juan del Norte.

And this deponent further saith, that on said 21st day of April, 1856, he sailed from said port of San Juan del Norte for the port of New York; that he suggested to the commercial agent of the United States at said port of San Juan, that he should then and there make his protest of the matters aforesaid, but that he was advised that it could be as well made after his return to New York.

And this deponent doth now PROTEST against the assumption of the right of search by said Captain Tarleton, and doth protest against his going on board of this deponent's ship without leave or right, and his searching and examining the papers of the said ship, and against his instituting an examination of the officers and passengers of the ship, and against the detention in the transfer of this deponent's passengers to the transit boat, and especially doth he protest against this insult to the American flag by a commander of a British ship-of-war.

E. L. TINKLEPAUGH.

Sworn to before me this 6th day of May, A. D. 1856.

GEO. F. BETTS,  
*United States Commissioner.*

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PANAMA PAPERS.

*Mr. Ward to Mr. Marcy.*

[No. 73.]

UNITED STATES CONSULATE,  
*Panama, April 18, 1856.*

It becomes my painful duty to inform you of a most melancholy occurrence which took place here on the evening and night of the 15th instant, and regret that with this communication I cannot give you the full detail.

The passengers of the last steamer from New York, those from New Orleans, and those of the steamer Cortez, of the Nicaragua route, (which latter were landed here,) were most brutally assaulted and

plundered by the population of this place, on the 15th instant, without provocation or cause. The railroad company has suffered considerable loss; their depot building, freight houses, books, and papers, together with part of the track, has been materially injured and destroyed; also their line of telegraph and such books and papers of the Pacific Mail Steamship Company as were in their office at the railroad depot.

From the present demand made upon my time by the injured parties, I am unable by this mail to send you the particulars; but, so far as I can at present ascertain, fifteen Americans were killed and upwards of fifty wounded, with a total destruction and plunder of all the baggage found at the railroad depot and the adjacent hotels.

The affair grew out of a quarrel which one of the passengers had with a colored man (I believe a native) at an hotel near the railroad, when some injury was done to some persons who interfered. In this affair, so far as I can learn, two or three persons were killed and the house, with its contents, destroyed; no attempt being made by the police or authorities of the place to arrest the parties or protect the property.

On or about half-past six o'clock in the evening I had information that a general onslaught was to be made upon the railroad depot and the passengers, upon which I repaired thither with my secretary, on our way meeting several armed bands of the natives, who were threatening to revenge themselves upon the "Yankees."

Upon my arrival at the railroad depot, which contained over a thousand of our people, men, women, and children, my first care was to urge the American people who were outside of the enclosure of the depot to retire within and be careful not to give the slightest cause of offence to the natives, and not to display any arms, in which I was most implicitly obeyed, with the exception of a few men who had been separated from their wives and children through the first riot, the house where they had put up at having been destroyed, and they merely went to the house with a view of ascertaining if their families were not somewhere about the premises.

The natives by this time had assembled in large force and commenced firing upon the passengers at the railroad depot, upon which myself and secretary advanced towards the natives with a view of inducing them to discontinue. My secretary advanced before me a short distance and met the "governor," whilst I was engaged in preventing several bands of natives, who were in my immediate vicinity, from firing at our people in the railroad depot. Some bands out of my reach were under no restraint, although in the immediate vicinity of the governor, commenced the onslaught, and the governor gave orders to the chief of police to attack the Americans; yet, although on the converging point of four fires, I was untouched; my horse, however, received seven slight gun-shot wounds, and my secretary, Mr. "Dr. Sable," a shot in his thigh, which may have been fired by an American in return to the fire from the governor.

The police soon afterwards commenced a fire of musketry upon the defenceless people at the railroad, and covered the native mob in their plunder of the defenceless passengers and their baggage. Neither

men, women nor children were spared, and I assure you that I never witnessed as sad a spectacle as the dead and wounded presented; the mutilation was abhorrent.

The loss of property, such as the damage to the railroad and its appurtenances, destruction of hotels, freight, and passengers' baggage, cannot be estimated at less than half a million of dollars. An episcopal clergyman, by the name of John Sellwood, was shot, and his brother, who is also a clergyman, with a large family, all now here, left destitute of money and their effects.

It yet seems to be the intention of the natives to destroy the foreign houses in the vicinity of the railroad, and the coming night is appointed for that purpose. Our position is certainly, at the present moment, dangerous, from the fact that the natives are now laden with money and valuables, wrested from the passengers, which seems to incite them to further pillage. What the morning may bring forth God only knows. We are here defenceless and open to the covetousness and barbarity of as rude a people as exist upon the globe. From the governor we have nothing to hope, for it is a fully established fact that he ordered the chief of police to fire upon the passengers at the railroad depot. To myself I apprehend no personal danger, inasmuch as the mass of the natives treat me with every respect, but it is to be feared that the specie expected to arrive here to-night by the California steamer may be an incentive to further outrage.

I beg leave further to inform you, that the chief of police came to my office yesterday at my request, and in presence of a number of gentlemen stated that he received orders from the governor to fire upon the passengers at the railroad depot, which he obeyed, causing great slaughter, of which scene I was a spectator; and yet, notwithstanding which, my efforts were continued to prevent the passengers from returning the fire, under a supposition that a mistake had been made, and believing that no official would be guilty of such barbarous and uncalled for act.

At this moment I have obtained some assistance in my office, which will enable me to enclose herewith a copy of the statement made and sworn to by Mr. Center, superintendant of the railroad, which I know to be correct in every instance when he speaks of the occurrence of affairs, when I was present, which was throughout a large part of the scene.

I also am enabled to forward to you a copy of a statement which my secretary was required to make by an "alcalde," embodied in a letter from my secretary to me, received at this moment.

The United States sloop-of-war St. Mary's is expected to arrive here on or about the 25th proximo, from "Guyaquil"—may I therefore ask of you to obtain orders from the Secretary of the Navy to the commander to remain at this port during the emergency.

I have the honor to be, with much respect, your obedient servant,  
THOS. WM. WARD.

Hon. WM. L. MARCY,  
*Secretary of State.*



8 o'clock, P. M., April 19, 1856.

SIR: In addition to my statement of yesterday, I have the pleasure to inform you that the passengers, treasure, and mails, which arrived here last night upon the steamer "Golden Age," were landed at the railroad wharf a little after two o'clock this evening, and were permitted to depart without molestation; they were protected on landing and departure by a native force of militia, (about two hundred men,) by the prefect, the governor not having made his appearance.

Before closing this dispatch I must remark, that had the railroad managers have been a little more circumspect, this unfortunate slaughter of our people would not have taken place, for about the time I arrived at the depot a great display of useless arms was made outside of their buildings, such as halberds and rusty muskets, which I endeavored to correct by advising Mr. Center, the superintendent of the railroad, to correct, by ordering his people back into the buildings out of sight of the infuriated natives, which was not done. So far, however, as I could, I remedied the evil by applying to the passengers to put away their arms out of sight, until such time as they should be attacked by the natives, if at all. If, however, the governor had not ordered his police to fire, it is my sincere conviction that this to be lamented massacre and pillage would not have taken place.

I would further add from a report circulated since my statement of yesterday, that a ship-of-war, supposed to be the American ship "Independence," was coming into port, and it is my firm belief that out of the rumor grew the disposition, through fear and not philanthropy, to protect our people, mails, and treasure.

On Monday I intend sending my protest to the governor, in behalf of the railroad and the injured of our citizens.

The registry book of the United States special inspector of customs, R. Runnels, esq., was totally destroyed by the mob. Expecting to report further by next mail, and awaiting instructions from the honorable Secretary of State, I have the honor to be, most respectfully, your obedient servant.

THOS. W. WARD.

Hon. WM. L. MAYCY,  
*Secretary of State.*

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No. 1.

Alexander J. Center, superintendent of the Panama railroad, aged 48 years, a resident of Brooklyn, New York, deposes as follows:

I was present at the Panama railroad station at Panama on the 15th day of April, from the commencement of the massacre, until about 2 a. m. in the morning of the 16th. At about 6 p. m., on the day aforesaid, I was standing on the railroad pier with Captain McLane and William Nelson, esq.; I saw a disturbance and a running of natives and passengers in the Cienaga; some two or three shots were heard; a man was sent to enquire into the affair; he

returned immediately, saying that it arose from a trifling dispute between a native and a passenger.

Almost simultaneously with the commencement of this disturbance the bells of "Santa Anna" church commenced ringing an alarm, and immediately afterwards I heard and saw a number of natives breaking into and tearing down two American stores, occupied by Messrs. McAllister and McFarland. Between the first of this difficulty and the attack upon these buildings there elapsed a period of about fifteen minutes, and not more.

I immediately went to the station or freight house of the Panama railroad; many passengers were collected in front of it in a state of alarm. I went into the office where the employees of the railroad and Pacific Mail Steamship Company were occupied in their duties. The tearing down and plunder of the houses continued; I heard shots occasionally. I went out in front, where many passengers were who wanted to go to the rescue of the passengers, who, with women and children, were in the Ocean House. I advised those there not to go forward; a few went; some two or three went to the corner of the "Ocean House," about two hundred feet from the railroad station; shots were fired by those engaged in destroying and plundering.

I returned to the office, was asked to allow some fourteen old muskets, not belonging to the company, to be loaded for our own defence, but repeatedly refused, not supposing we would be attacked. But after going out to the front several times, fearing it might be made, I told them to load and keep every gun inside, and placed every man at the door for that purpose.

I directed men to force the door of the "Ocean House" to let out the passenger women and children inside; this was done. The destruction and plundering continuing some time, but finally ceased and all was quiet, I was told that the police was sent for, and so informed the passengers, which seemed to give much satisfaction. The passengers about the station seemed to have no disposition to take part in the matter, desiring only protection. Some two or three men only were excited, and against the earnest efforts and advice of T. W. Ward, esq., United States consul, A. McLane, esq., agent Pacific Mail Steamship Company, W. Nelson, esq., myself, and others, would run occasionally forward and fire a shot at random.

I was in hopes from the quiet at this time that it might pass over. Suddenly I heard shots in rapid succession from behind the old blacksmith shop and bushes, a short distance from the station. A bugle was sounding; I told the passengers it was the police and that "all was right;" myself and other gentlemen named got inside the fence of the station; the balls commenced falling around us; I saw one man struck; the balls increased and began to strike the building; I heard them.

I was then told that the "natives" were coming down the track to the attack on the other side or end of freight house; I immediately went there to protect it. Up to this time and commencement of firing upon the building, not one shot had been fired from it or from the railroad premises, to the best of my belief. One gun was discharged by the

man before stated as hit in the act of falling. I thought at the time it was accidental.

Previous to this, an old carronade had been brought forward in front of entrance to the railroad premises by our men; I placed it in charge of a responsible man, with orders not to fire, only in the event of the United States Consul giving similar directions. It was not discharged.

On my arrival at the end of freight house saw natives advancing; they fired into the freight house as they came on; one man near me attempted to fire; his gun flashed and did not go off. I think one gun was discharged towards the natives; this was after they commenced firing.

I then went into the freight room, saw many passengers, men and women and children, trying to conceal and protect themselves; they had no arms. The balls were then falling quickly on the side facing the blacksmith shop, &c.

I could not get out of the room by the doors, which were blockaded up by the crowd, in the wildest panic and confusion; could hear the balls strike; the natives at the same time trying to force the doors.

I continued in this room three or four minutes; then went through a broken door-panel into front office; saw many persons there—some holding the door; a man fell dead before me; the room was filled with smoke; saw others there, killed or wounded; saw no one firing from the rooms.

I returned through the panel, climbed up the side of the freight room, and got upon a plank resting on the beams above. I could see out towards the Cienaga, through a large open door; saw the police (so called) distinctly; they were outside, and near the freight house; saw them discharging their muskets at the house; saw Colonel Garrido, the commandant, with drawn sword, cheering and urging on his men; none but the police, I think, were on that side; heard the balls strike around me; I went into an open window leading into a room on second story.

I saw two passengers, unarmed, in the room; they were at the door; there were no others; I joined them to assist; both were immediately shot; one fell dead and the other soon died. I left this room and went into another, where I remained (except occasionally) until the firing ceased; stepped out two or three times into the other rooms; could see into a part of the freight room, and saw natives enter; the passengers threw themselves down, crying "mercy," "quarter," "money," &c. Saw the natives rifle the passengers and cut open the carpet bags, &c.; the firing from the police soon ceased, but the plundering continued.

I could see the rooms of the second story of the freight house fronting the "Cienaga;" not a shot was fired from them, none were fired from the freight room while I was there, to the best of my knowledge and belief; no shots were fired from the station, except those I mentioned before.

From my observations the chief desire seemed to be to secure safety from outside shots.

I saw the dead and wounded after the massacre; at that time I saw nine killed and eight badly wounded, and several slightly wounded.

I had the wounded (badly) collected and carried to the mess room.

I saw the freight room, offices, &c., after the butchery; everything was plundered, the papers and books dispersed, mutilated or destroyed, the safes of the railroad company attempted to be forced.

I saw where an attempt had been made to set fire to the freight house; this was done while many passenger women and children were in it.

I have examined the freight house since the *massacre*; it is perforated with bullets; they are chiefly on the side where the police were stationed; everything in the freight house and rooms above, occupied by officers of the company, was plundered, damaged or destroyed.

The railroad cars were cut and damaged; the room of Mr. Johnson and the telegraph apparatus alone were spared.

I saw the bodies of fifteen who had been killed; all were passengers except two; they were shot and generally mutilated by cuts; I saw seven badly wounded.

I saw also many slightly wounded, including one woman and some children, these went on board the steamer.

The bodies of the killed and wounded were rifled by the murderers.

In conclusion, I am of opinion, from my own observations, that the whole matter was organized and pre-arranged, chiefly with a view to plunder, but at the same time gratifying a feeling of bloodthirsty revenge for fancied wrongs.

A. J. CENTER.

UNITED STATES CONSULATE, }  
Panama, New Granada: }

Be it known to all whom it may concern, that this day appeared before me, Thomas W. Ward, consul of the United States at this port of Panama, in the republic of New Granada, Alex. J. Center, superintendent of the Panama Railroad Company, who, being duly sworn by me on the Holy Evangelists, declared that the foregoing statement is true and correct to the best of his knowledge and belief, and in my presence signed his name to the same.

In testimony whereof, I hereunto sign my name and impress my  
[L. s.] official seal at Panama, this 18th day of April, A. D. 1856.

THOS. W. WARD.

UNITED STATES CONSULATE, }  
Panama, New Granada: }

I, Thos. W. Ward, consul, do hereby certify that the foregoing is a true and correct copy of the original on file in this consulate.

In testimony whereof, I hereunto sign my name and impress the  
[L. s.] seal of this consulate at Panama, this 18th day of April, A. D. 1856.

THOS. W. WARD.

PANAMA, April 18, 1856.

DEAR SIR: The alcalde of the city came to my rooms yesterday and requested me to state where I was on the evening of the 15th instant, and how I received the wound which confined me to my bed.

In reply to his interrogatories I made the following statement:

At or about seven o'clock, p. m., I was at the United States consulate making up the mail for California, when I heard a rumor in the street that there was a fight at the railroad depot, and the cry "let us go to kill Yankees" (*vamos á matar Yankees*) having called my attention, I advised the United States consul and went out to get our horses and started with him for the place of the fight, in view to prevent any further disorder.

Whilst riding along the beach, nearly opposite the house known as the Hamilton Cottage, a band of men ordered us in Spanish to stop, threatening to shoot us down if we proceeded on. I then cried out (also in Spanish) that we were the United States consul and his secretary, Theodore de Sabla.

They nevertheless reiterated their threat but, having put our horses to a gallop, we passed without their firing.

Upon arriving at the railroad depot I left the United States consul and went to look for the governor, who was said to be in the "Cienega." I found him, told him who I was and that the consul desired to advise with him upon the means to stop the riot. I went back to the consul, who then advanced in the main street leading to the railroad depot, saying that he would wait for me there. I returned to where the governor was and found him in the midst of an infuriated multitude uttering cries of death. I requested the governor to come with me to where the consul expected him in the main street, and we moved on. When near main street, nearly opposite the Pacific eating house, I told the governor to stand back, that I would go ahead to prevent any mistake.

Upon my entering main street I saw a party of men, apparently natives, entering the same street above me, that is, near the house of Mr. McFarland, and then a firing took place between that party and some persons, apparently passengers, of the American steamers.

As I was advancing I received three shots, one of which was lodged in my thigh, another struck me above the knee but did not penetrate into the flesh, and the third passed through my coat without inflicting any injury. I cannot say by whom I was shot, because at that moment the night was somewhat dark, and the two parties between whom the firing took place were about the same distance from me, forming, so to say, a triangle, at the summit of which I was when shot.

The above is very nearly a translation, word for word, of my declaration taken in the Spanish language by the alcalde, in addition to which I may here state to you, that when I found the governor for the second time, there were with him, besides the chief of police and several of his officers, over twelve policemen fully armed, and the crowd

around him was very numerous and well provided with arms of every kind.

I am, very respectfully, your obedient servant,

THE. DE SABLA.

THOMAS WILLIAM WARD,  
*United States Consul, Panama.*

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CONSULATE UNITED STATES OF AMERICA.

*Panama, New Granada.*

I, Thomas William Ward, consul, do hereby certify that the foregoing is a true and correct copy of the original on file in this consulate.

In testimony whereof I hereunto sign my name and impress the seal of this consulate, at Panama, this eighteenth day of April,  
[L. s.] A. D. 1856.

THOMAS WILLIAM WARD.

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*Mr. Hoadley to Mr. Marcy.*

OFFICE PANAMA RAILROAD COMPANY,

*New York, May 1, 1856.*

SIR: The deplorable events which have recently occurred on the Isthmus of Panama, of which full statements are published in the public prints of to-day, and my relations to the Panama Railroad Company, render it unnecessary for me to apologize for addressing you this letter.

The official letters which have been received at this office by the steamer Illinois, together with several affidavits accompanying them, show that the published accounts are substantially correct. I regard it as probable that you have been put in possession of all the material facts of the case referred to by the dispatches of the American consul at Panama, but, at the same time, it seems to me advisable that you should have as full knowledge of them as possible, and I therefore take the liberty of sending to you, enclosed herewith, copies of the following papers:

1. The affidavit of A. J. Center, the superintendent of the Panama Railroad Company.
2. A statement of Charles E. Bradly, one of the passengers per steamer Cortez.
3. An affidavit of William Nelson, commercial agent of the Panama Railroad Company.

I have observed with much satisfaction, in one of the papers of this city, a telegraphic dispatch, dated Washington, April 30, 1856, in which it is stated that:

“Mr. Marcy has recommended the selection of a judicious and competent person to proceed to the spot (Panama) immediately, for the purpose of inquiring into the facts, and with a view of governing the action of the public authorities as to reclamations in case claims for

damages or reparation can be sustained under the treaty with New Granada by virtue of international law."

It is for the purpose of urging upon your department the importance of some movement of the kind indicated by the sentence I have quoted that I address you this letter; and not only so, but to suggest the necessity that such action be given to the subject at the very earliest possible moment, if all the advantages which it is confidently believed would be derived from the step may be realized. Although at the date of our last advices the riot had been quelled and no fear was entertained that any further disturbance was likely to occur immediately, yet the native population of the Isthmus continued in a state of great excitement, and being flushed with what they considered a victory over "foreigners," and having had a taste of blood, and no efforts being made by the authorities of Panama to arrest the murderers, there is certainly some reason to apprehend a renewal of the terrible scenes which have lately been enacted. The danger of this will be greatly increased if the natives are left to feel that the difficulty is only between them and the railroad company and unarmed passengers crossing the Isthmus; and nothing, it is confidently believed, would so surely and so strongly tend not only to intimidate the murderers and robbers, but also to keep them in permanent and perfect subjection, as some suitable demonstration on the part of the United States government. The effect of such a demonstration, connected with the sending out to Panama an agent of the government to investigate the outrages which have lately been committed there, would also produce a most salutary effect on the minds of the faithless and pusillanimous authorities of that city. Without some prompt action on the part of our government, the men who have lately been guilty of violence and bloodshed on unoffending American citizens will be encouraged to repeat these crimes, and those in authority will be less disposed to make any efforts to prevent them.

This conviction is forced on my mind not only by the letters we have received, but also by the representations made to me to-day by a gentleman of intelligence and high character, who was at Panama during the time when the events referred to occurred, and a witness of some of the atrocities which were committed. Obligated to conclude this hasty communication by the closing of the mail, I will only add in behalf of the company I represent, and of the thousands of our citizens whose interests are so closely identified with the safe transit of the Isthmus, both for passengers and treasure, the earnest request that you will take some steps in this matter so early that official information of the same may be sent off by the steamer *Illinois*, on Monday the 5th instant.

I have the honor to be, sir, with high respect,

Your obedient servant,

DAVID HOADLEY,  
*President.*

Hon. W. L. MARCY,  
*Secretary of State, Washington.*

## No. 1.

*Mr. Center's affidavit.*

NOTE by the Department of State.—A copy of this paper (marked No. 1) will be found with Mr. Ward's dispatch, No. 73, of April 18, 1856, *ante*.

## No. 2.

## CITY OF HAVANA, ss:

Charles E. Bradley being duly sworn, deposes and says: That he is about twenty-five years of age; that he is a physician and surgeon; that his place of residence is Caryersville, Henry county, Tennessee; that he was a passenger in the steamship Philadelphia from Havana to Aspinwall, at which place he arrived on the 13th instant; that, on the 14th instant, he took the cars for Panama, where he arrived on the same day, and stopped at the Pacific House; on the 15th instant, soon after the arrival of the cars with the passengers of the Illinois, deponent saw a person who was said to be a steerage passenger in the Illinois, and who was called Jack, at the Pacific House. He seemed to be intoxicated; he walked with a companion among the fruit tables in the vicinity of the Pacific House. Deponent saw said Jack go to a fruit table kept by a colored man; he picked up and bit a piece out of a slice of watermelon without paying for it, and threw it in the dish from which he had taken it. Jack then walked with his companion to another fruit table, three or four steps distant, kept by a colored woman, from which he took a piece of fruit and ate it. The woman demanded pay for the fruit. Jack refused to pay for it; and, after considerable altercation, Jack's companion paid for the fruit taken from the second table. About this time the person who had charge of the table first visited by Jack came up and addressed him in Spanish, in an angry and insulting manner. Jack drew a pistol and held it in his hand a moment, when his companion told him to put it up. Jack was in the act of putting the pistol in his pocket, when the native snatched the pistol and fired it, and run with Jack's pistol still in his hand. Jack followed him about one hundred and fifty yards, and failing to overtake the native, returned and passed deponent. When he passed, deponent observed wounds on his head. Deponent then went to his room, in the second story of the Pacific House. Almost immediately after, deponent saw a great number of natives armed with machetes, around the Pacific House. They soon commenced throwing stones, bottles and other missiles into the windows and doors of the Pacific House and into the window of deponent's room. Deponent passed into the room adjoining his, jumped from the window into the yard back of the house, and ran towards the railroad depot. When about opposite the Ocean House, deponent heard two



or three reports from guns or pistols. These were the first fired after the discharge of Jack's pistol. Deponent went to the depot and remained until the firing commenced there, and until he saw two or three Americans shot down. Deponent then went down to the dock, where the steam or ferry boat Taboga lay. Deponent remained on the dock about half an hour, when the firing in the vicinity of the depot became rapid. Deponent then passed on to the Taboga, tore off a door from the boat, and with it jumped into the mud in the bay of Panama, which is covered at high tide. Deponent then assisted in getting some females and children into a small boat, and in dragging the boat into the water. It was then rowed to a vessel at anchor in the bay, from which deponent and others were taken to the steamer John L. Stephens, where deponent remained until next evening.

At the time of the commencement of the difficulty between Jack and the native above mentioned, deponent was within a few feet of them, and had an opportunity of seeing all that occurred. And deponent further says that no difficulty or collision between the passengers and natives occurred until the happening of the events above mentioned, to the knowledge or belief of the deponent.

We hereby certify that we heard Dr. C. E. Bradley, above named, make the statement herein above stated, and avow a willingness to verify the same by his oath, but was prevented by the early sailing of the "Granada," in which steamer he took passage for New Orleans.

G. A. HOWARD,

*Pastor of the Presbyterian church, Catskill.*

F. JAMES FITCH,

*Judge of Greene county, N. Y., Catskill, N. Y.*

Commander C. S. BOGGS,

*U. S. Navy. Commanding Steamer Illinois.*

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*Mr. Hoadley to Mr. Marcy.*

OFFICE PANAMA RAILROAD COMPANY,

*New York, May 2, 1856.*

SIR: Referring you to my respects of the 1st instant, I now send you, enclosed herewith, the remainder of the affidavit of Mr. William Nelson, alluded to therein.

I also take the liberty to forward to you the original of official communication received from the chief engineer of this company by the steamer Illinois, which was in the hands of one of the board when I addressed you yesterday, and who did not return it until to-day. When you have read it, which I think you will do with interest, be pleased to return it to this office.

At a meeting of the board of directors of this company, held to-day, a resolution was adopted instructing the officers to send out by the Illinois, on the 5th instant, fifty each of Sharp's rifles and Colt's revolvers, for the purpose of arming the employés of the company

against the attacks of robbers and murderers, should any attempt be made to repeat the atrocities which have lately been committed. I am directed by the board to make this statement to you, so that you may understand the motives which have governed them in the step now taken.

I beg to add that, should you determine to send a commission to Panama by the Illinois, it will give me much pleasure to furnish your agents with letters to the chief engineer, who will be instructed to tender them the freedom of the railroad.

I remain, sir, with high respect, your obedient servant,

DAVID HOADLEY, *President.*

Hon. W. L. MARCY,

*Secretary of State, Washington.*

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PANAMA, *April 19, 1856.*

DEAR SIR: On the evening of the 15th instant, the passengers per Illinois having come over the road that day, I received a telegraphic notice, about 8 p. m., that there was a rising of the negroes at this place and they were killing the passengers.

I had been indisposed for some days and on that day I was quite ill. On getting this notice, however, I immediately repaired to the telegraphic office and received the last notice given that night, which was about 8 $\frac{1}{2}$  o'clock, and ran as follows: "The balls are coming through my room. Oh! oh! I shall be shot! I must go."

I remained in the telegraph office until past 10 o'clock, hoping to hear further, and particularly that the row was over.

At 2 a. m. of the 16th, the train containing the express goods returned to Aspinwall with Conductors Williams and Brinkerhoff, who had been witnesses of the riot and had escaped. From these I learned the particulars of the affray, up to 8 $\frac{1}{2}$  o'clock: not so late as by telegraph, but more in detail.

Williams had saved the express train from robbery; he left the scene of riot, and came up the road for the purpose, I think, of stopping this train; arriving at the bridge over the Cruces road, he found about 150 natives collected there, who were waiting for this train; they stopped him, robbed him of his money, watch and pistol, and then one of them pointed a pistol at his breast with the intention of shooting him, but some of the party knew him and saved him. However, they made him show them how to take a rail out of the track, which they did in his presence, he helping them, in order to throw the train off the track. They then permitted him to go forward and bring the train up, which was close at hand, telling him that when the train stopped he must jump off and run and all would be right. He went forward, fortunately stopped the train, told them their danger, jumped on himself; the engine was immediately reversed, the train backed, and thus saved.

After the arrival of this train at Aspinwall we consulted together about the proper course to be pursued, whether or not to send men to

the rescue ; but we had few or no arms. The telegraph operator supposed that the telegraph remained uninjured, and I was constantly hoping to receive further intelligence through it. The conclusion of our consultation was that, as we had no amount of arms, we could be of little or no assistance and had better wait further intelligence. On the morning of the 16th we could still get no telegraphic intelligence, and came to the conclusion either that the wires were broken or the Panama operator killed or wounded.

The intelligence which I received the night before I had communicated only to Mr. Bowen, desiring to keep it quiet so as not to produce an excitement in Aspinwall, and to be able to make my own arrangements without creating a disturbance. But in the morning I found that the workmen who came in during the night had spread the news, and that the prefect of the department had armed the natives. I immediately remonstrated with the prefect on this course and urged him to disarm them again, and to permit no one to carry arms in the street that day, which he agreed to do. But I perceived that the people were excited, and that it was necessary to be prepared for protecting ourselves there.

Not getting any telegraphic or other advices from the scene of riot, I was at a loss what to do with the express train ; I supposed that the riot was over, and that the goods would be required to go on board of the steamer ; I therefore put a few armed men on the train, and started it over the road with directions to feel their way ; not to get into any difficulty, but to protect themselves as far as possible. The train in coming over the night before found that news of the riot had reached the summit before them, and I feared that there might be some rising of the natives along the line.

On the arrival of this train at Mamai they met a train coming from Panama, with directions from Mr. Center not to have any freight sent to Panama ; that the steamer had sailed, and the freight and some baggage, which fortunately had escaped robbery, would be kept over.

The excitement of the night before and the exertion I made the morning of the 16th laid me up for that day. I intended to have accompanied the freight train, but found I was not able to do so, and moreover I feared that my presence might be required in Aspinwall. I feared, also, that I might hear news from the scene of riot which would require me to raise such force as I could and proceed to Panama, for all which I prepared as best I could under the circumstances.

On the 17th I came here, where I have since remained.

I have made a protest to the governor, and have corresponded with him in regard to the future protection of the company, copies of which I send you. Messrs. Center and Nelson send you detailed accounts of the riot, and the consul has been taking the requisite depositions for laying the matter before the government.

The San Francisco passengers, per *Golden Age*, started from here this 4 p. m., a guard of the citizens of Panama having been stationed in and about the depot.

The governor and citizens of Panama are thoroughly terrified at the result of the riot, although some of them did what they could to excite it. They know that the *St. Mary* is expected here daily, and they

fear the retribution they deserve. The charges brought against the governor in my protest are all substantiated by indisputable evidence. The captain of the police himself made the declaration to Consul Ward, in the presence of seven witnesses, that the governor ordered him to fire upon the depot, and is to extend his deposition to that effect before the proper authority.

It is proven beyond a doubt that the affray originated in a native firing at one of the passengers, who had some words with a woman about the purchase of something.

And, from all the facts, there is no doubt that the riot was *premeditated*; the time between the firing of the first pistol, the ringing of the alarm bell, (which is over a quarter of a mile distant,) and the rush to pull down the houses being variously stated at from five to ten and fifteen minutes.

The authorities have not yet, nor do they appear to, make any arrests of the rioters. I have taken pains to collect such names as I can, and when the St. Mary comes in, it appears to me, that we should demand their arrest. My list will include some citizens of Panama, who are considered respectable and influential, one of whom made the mob a speech against the passengers, and furnished them powder and balls. But I consider the governor most culpable of all. He gave way to the mob, fearing his own life, it is true; and the balls of the police caused the greatest slaughter. The firing upon the depot, filled, as it was, with passengers, was a horrid act, which no threats by the mob can excuse him for ordering, or even permitting. He should have risked his life in its defence, if by so doing he could have prevented it.

20th.—The Uncle Sam came in this morning, and the passengers (four hundred) will go over to Aspinwall this afternoon, whom I shall accompany.

Very respectfully,

G. M. TOTTEN,  
*Chief Engineer.*

DAVID HOADLEY, Esq.,  
*President Panama Railroad Company.*

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No. 3.

*Mr. Nelson's affidavit.*

NOTE by Department of State.—This document will be found with Mr. Hoadley's letter of the 2d of May past.

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I am commercial agent of the Panama Railroad Company. I live in Panama. I was at the railroad station all day on the 15th instant. A little before dusk, on the afternoon of that day, I was standing on the railroad pier conversing with Captain A. McLane, agent Pacific Mail Steamship Company, and A. J. Center, esq., superintendent of

the railroad, when I saw a commotion among the passengers who had just arrived from Aspinwall to embark on the steamer John L. Stephens. The passengers were near the railroad office, getting their tickets registered. I saw several natives and passengers running from the station towards the town. Captain McLane ordered the master of the steamer Taboga, James Coopland, to go and inquire what was the matter. He returned and stated that a difficulty had occurred between a passenger and a native; the native attempted to steal a watermelon; a pistol had been discharged, and a man was very slightly wounded. While still conversing with Captain McLane and Mr. Center, I heard the bell of Santa Anna toll an alarm for fire, and almost simultaneously saw groups of natives running towards the station, through the Cienaga and by the beach. I heard and saw the mob of natives breaking open the frame buildings near the depot; I heard several shots fired. I am satisfied that, from the time the difficulty arose till the time of the plundering of the frame buildings, not over fifteen minutes elapsed. The passengers commenced running to the wharf to embark on board the steamer Taboga; I left the wharf with Mr. Center and Captain McLane. Several of the natives employed by the Pacific mail company jumped from the wharf and tried to run to the seat of the disturbance. Captain McLane ordered the men to return and stay on the wharf; they did so; Captain McLane then told a boatman in the employ of the Pacific Mail Steamship Company, called Marcelino, to run to the town and inform Colonel Garrido, the chief of police, of the disturbance, and request him to come as quickly as possible to quell it.

We proceeded to the office of the railroad company, found many passengers still there much alarmed at the disturbance. We heard the mob was plundering Captain McAllister's store, and the Pacific House, and was coming to attack the station; we heard shots from time to time in the Cienaga. I entered the railroad office; it was filled with passengers, asking for arms and ammunition—all much alarmed. There were no arms in the office belonging to the company, but I saw a double-barrelled gun, a pair of pistols, and a sabre, belonging to some of the officers, about a couple of pounds of gunpowder and a few pistol bullets, fourteen old muskets, the property of H. H. Munro, were stored in the office; they were old and dirty, had been hanging up in the office at least four months, and must have been rusty and unserviceable. I know this from having been in the office nearly all day. There were likewise a pistol, a small sized revolver, and a rifle, in the office, in a state quite unfit for use. The muskets were loaded by the persons inside of the office, and I saw several passengers with some of these muskets afterwards. I left the office and proceeded to the yard in front; Colonel Ward, the United States consul and his secretary, Mr. Sabla, arrived on horseback; a few of the passengers were then outside the depot, armed with pistols; some of them insisted on going to the Cienaga in search of their wives and children, (who had been left in the hotels near the station when they were attacked by the mob,) as they feared they had been murdered by the natives. Colonel Ward, Mr. Center, and Captain McLane tried to prevail on the men to be quiet, and wait with pa-

tience, but the men would not listen, or come inside the gate as requested. An old carronade, half buried in the sand, was loaded with gunpowder and a few rivets by some men in the yard and dragged outside the gate. I heard Colonel Ward, Mr. Center, and Captain McLane give orders that the gun should not be fired. Colonel Ward desired his secretary, Mr. Sabla, to go to the Cienega, see if the governor was there, and request him to come and see him. Mr. Sabla left for that purpose; everything was quiet then at the station; there was no firing going on, and we all endeavored to allay the excitement of the few persons outside the gates of the depot, who wished to march to the Cienega to look for their friends who had been left in the hotels.

After waiting some time, and Mr. Sabla not returning, I went with Colonel Ward into the Cienega. We entered to a few yards beyond the Pacific House; saw that place, and Captain McAllister's store broken open and plundered; while standing in the street, saw a group of natives armed, advancing towards us from among the cane huts to our right; I cried to them in Spanish not to fire, that we were friends; but almost immediately heard discharge of fire-arms, and the balls whistling past me and through the cane huts; saw the Colonel's horse rear as if he had been struck: I jumped to the right to get out of the line of fire; saw many armed natives among the huts; I expostulated with them and said Colonel Garrido and the police had been sent for, and not to fire as they were doing, but to wait till the police came: I was ordered to leave: they would not listen to me; I turned to go back to the depot. On the way saw a native posted behind a large tree loading a musket which he had just discharged at the freight house; I remonstrated with him; he replied he had been fired on by Americans, and would revenge himself by firing on them. Heard many shots from the Cienega; saw and heard more from the railroad premises. The man with the musket who appeared to recognize me, told me to go home and not go near the station that night, as it would be attacked, and I would probably get killed: I walked off towards the freight house: the man I had conversed with, cried to me to keep the path to the left; I did so, and got to the track about 100 yards beyond the freight house. I entered the freight room, and while there, a passenger had his arm broken by a musket ball fired from the Cienega. I left the freight house and proceeded to the yard, where I found Colonel Ward, Captain McLane, and D. M. Corwine, esq., and others. I told them the depot would be attacked. An incessant fire was kept up from the Cienega on the houses and the yard; I heard the balls crashing into the boards; many balls came though the yard; a man in the employ of the Pacific Mail Steamship Company was wounded by my side; saw others wounded; got under the lee of the soda water shop of a man to be out of the range of the balls; shortly afterwards, finding the balls came in a more slanting direction, as if the persons firing were surrounding the station houses, I, together with Colonel Ward, Captain McLane, and D. M. Corwine, esq., who were with me in the yard, got under the shelter of the end of the company's old mess house; the fire still continued from the Cienega, and was not replied to from the station, so far as I could perceive or believe; it increased in rapidity, and balls came whistling

through the covered part of the track in the depot to where we were; got behind the mess house; heard the bugle of the police in the Cienega. We all said "the matter is now at an end, the police has come to our assistance." The firing became more rapid, and the sound of the discharges was like the volley of troops, the bugle of the police sounding all the while. Waited in the expectation of the police putting a stop to the outrage; heard the sound of breaking into the freight room; supposed then the police had joined the mob or protected them; the firing ceased and the plundering commenced. Aware that nothing could be done by us then to stop the plundering, and being unarmed, we returned to the city by the beach, with the intention of supplicating the governor to come to the Cienega, to stop further outrage if he could. Colonel Ward, Captain McLane, D. M. Corwine, and myself, were together; the consul was on foot. On passing by the ice house we were challenged by several natives lying on the beach; they were armed, and pointed their muskets at us; told them my name; they allowed us to pass; they appeared to us as guard or outpost to the mob or police. We entered the city by the market gate; we went immediately to the governor's house to request his influence and assistance; the people in the house told me he was not at home. On getting to the door found about a dozen or fifteen men armed with muskets; they told us they were going to the Cienega; had come to see the governor, who had promised them ammunition, but as he had not given it them, they were going to buy it themselves at their own expense. We were told that the governor was in the street of San Juan de Dios by a gentleman we met; Colonel Ward, Captain McLane, and myself proceeded there; found the governor surrounded by armed men, to whom he was talking. We explained to the governor our motives for calling on him, and our wish that he should accompany us to the railroad station, to use his influence to put an end to further outrages. The governor told us he had already been to the Cienega, and that while walking towards the station, in company with Mr. Sabla and Mr. Obarrio, to meet the American consul, he had been fired at by the Americans; Mr. Obarrio and Mr. Sabla were wounded, and he escaped with a ball in his hat. We told him that there were many inoffensive and defenceless women and children at the station, who would be murdered unless some steps were taken to quiet the mob. The governor told us he would go to the Cienega with us and do all he could; Captain McLane and myself accompanied the governor; the armed men went with us to the Plaza St. Ann, where we left them; they appeared to be very insubordinate, and showed little respect for the governor. On passing the Ocean House of Lestrade, saw men engaged plundering it: behind the house and on the beach we saw an iron cannon; a person named Dolores Urriola was pointing it at the Taboga and her passengers; he said he had loaded it himself with five thousand buckshot; we remonstrated, and told him there were many helpless women and children on board; the governor told him if he fired he would kill his own countrywomen, as two were on board the steamer, mentioning the names of two ladies from Panama. The governor ordered the gun to be removed; the men refused to obey him; Urriola said the

gun was his property, and no one had a right to give orders respecting it; although the men refused to remove the gun, they promised that it should not be fired. From these men we learned that Colonel Garrido had sent or gone on board the *Taboga* and taken away the arms of the passengers and a small gun belonging to the steamer.

Captain McLane and myself left the governor and proceeded to the depot by the beach; found Colonel Garrido and the police drawn up in front of the steps leading to the track; the police were armed with muskets and bayonets; I could hear the noise of the mob, pillaging the freight room; the police were much excited, and wished to attack the upper story of the building; they wanted to fire into it; they alleged a shot had been fired at them from the upper story. We spoke to Garrido, asked him for a lantern, and told the police we should go up stairs and guarantee no more shots should be fired from above. We mounted the staircase and found some of the upper rooms crowded with men, women and children; one of the rooms contained murdered men. We told the people not to fire, but to remain quiet. They said they had never fired on the police or from these rooms. We returned and saw Colonel Garrido and told him what we had seen; Captain McLane and Colonel Garrido then returned up stairs to release the passengers there; I, myself, remained below with a sentinel to prevent others of the police from entering the building; many of them wished and attempted to do so. The feelings of the police appeared to be unfriendly to the passengers, and it was evident to me that the slightest pretext would lead to another butchery and outrage. From the door where I stood, I could see into the office; the floor was covered with dead and wounded; one of the latter lying near the door moved; the sentinel lifted up his musket and asked, looking at me, *le doy?* shall I kill him? On expressing my horror, he desisted. While posted at the door, Captain McLane and Colonel Garrido being still up stairs, the police suddenly and from some cause unknown to me, presented their muskets at the upper story and were going to fire. I rushed to the edge of the platform and induced them to desist, by crying that Colonel Garrido, their chief, was up stairs and would be killed by their fire. About seventy men, women and children were removed from the upper story and sent on board the steamer *Taboga*; Mr. Center also came down from the upper story. Captain McLane, Mr. Center and myself then entered the office of the company; the floor was covered with killed and badly wounded; the bodies were horribly mutilated; the persons of all of them had been robbed. I saw the bodies of several others who had been butchered and wounded, lying on the track. The desks and furniture of the office were broken, the papers and books destroyed and torn and scattered over the floor; a hole had been punched into the large safe. During all the time I remained about the building I could hear boxes being broken open in the freight room; the police did not interfere to prevent it; I saw where the mob had attempted to set fire to the freight room; one of the boards was burned and some coals piled there; it was set on fire while the passengers were still in the upper story; the place was pointed out to me by a young man named Feuillet, who told me he had extinguished it. The badly wounded were carried to the



company's mess-room and attended to; others were sent to the steamer "Taboga" and into town.

On leaving the depot we learned that many passengers had fled along the beach, towards Paitilla, and that several natives had been seen to go off in that direction, armed with machetes, who were probably going after them to rob them. Captain McLane, D. M. Corwine, Mr. Hollman, and myself, procured the assistance of the prefect, the second in command of the police, and a few others, and went some distance along the beach and through the bushes; found a few passengers; the prefect and lieutenant of police returned with them; the lieutenant of police assured me most positively that the governor, Mr. Tabrega, gave Garrido orders to fire on the depot; the name of the lieutenant of police is Zeferino Nuñez. After the prefect left us we walked as far as the Black rocks; we picked up many passengers on our way who had hid themselves in the bushes; one party of ten or twelve declared they had been robbed by a party of armed men who represented themselves to be policemen; they were forced to pay five dollars each to save themselves from violence. I returned home at about 2 o'clock, a. m.; I saw fifteen dead bodies; I saw many wounded and horribly mutilated; the depot is riddled with balls. No excuse can be made by the government or people of Panama for the horrid butchery and massacre that took place, as the police, at any moment, would have been hailed as friends and defenders had they come on the ground to restore peace; instead of this, they made common cause with the mob by firing into the railroad buildings, which were crowded with defenceless passengers. From my own observations, I should judge that nearly all the killed and wounded were hit by the musket-balls of the police; and it was under cover of their fire that the mob attacked, took, and plundered the freight-house, and office, and the passengers who had sought refuge there.

W. NELSON.

PANAMA, *April 18, 1856.*

I further state that it is my conviction, based on my personal observations and from what I have heard, that the whole outrage was an organized and premeditated attack on the passengers and the railroad for the purpose of robbery and pillage.

W. NELSON.

PANAMA, *April 18, 1856.*

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UNITED STATES CONSULATE, *Panama, New Granada:*

Be it known, to all whom it may concern, that this day appeared before me, Thomas W. Ward, consul of the United States, at this port of Panama, in the republic of New Granada, William Nelson, esq., who being duly sworn by me on the Holy Evangelists, declared that the foregoing statement is true and correct to the best of his knowledge and belief, and in my presence signed his name to the

[L. s.] In testimony whereof, I hereunto sign my name and impress my official seal at Panama, this 18th day of April, A. D. 1856.  
THOMAS W. WARD.

CONSULATE UNITED STATES OF AMERICA,  
*Panama, New Granada.*

I, Thomas W. Ward, consul, do hereby certify that the foregoing is a true and correct copy of the original on file in this consulate.

[L. s.] In testimony whereof, I hereunto sign my name and impress the seal of this consulate at Panama, this 18th day of April, A. D. 1856.

THOMAS W. WARD.

*Mr. Marcy to Mr. Ward.*

DEPARTMENT OF STATE,  
*Washington, May 3, 1856.*

SIR: I have received your dispatch of the 18th ultimo, and various other documents relative to the revolting outrage committed upon our citizens and the destruction and pillage of their property, committed at Panama on the night of the 15th ultimo. I am directed by the President to express to you his approbation of your conduct on that trying occasion. It appears to him to have been marked with prudence, firmness, and energy. Measures have been already taken by this government to provide for the future security of passengers crossing the isthmus, and the protection of their property. Vessels of war have been ordered to Aspinwall and to Panama, with proper instructions to their commanders to afford efficient aid in any emergency imperilling the lives and property of passengers or American citizens, at either place.

The conduct of the local authority and the natives, or resident people, at Panama appears, by the account this government has received, to have been to the last degree reprehensible on the disastrous night of the 15th of April. The government of New Granada will be held responsible and required to make adequate satisfaction for the injuries and outrages perpetrated against the persons, property, and rights of our citizens.

As there will doubtless be great discrepancy in the statements of the sufferers, and the persons implicated in the massacre and pillage, it is important that you should avail yourself of every opportunity to obtain full, precise, and authentic evidence of the conduct of the parties who participated in the wrongs, tracing as far as practicable the successive events from the beginning to the end of that calamitous scene. As reclamations will be made for the property destroyed or lost by the passengers and resident American citizens, evidence of the amount should also be collected. You will afford to the sufferers all

the aid you can give, to enable them to establish their claims to indemnity.

Steps have been already taken to exact of the government of New Granada, not only the punishment of the offenders in the outrage, but indemnity to those who have been maltreated in their persons or stripped of their property.

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

W. L. MARCY.

THOMAS WILLIAM WARD, Esq.,  
*United States Consul, Panama.*

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*Mr. Marcy to Mr. Bowlin.*

[No. 19.]

DEPARTMENT OF STATE.

*Washington, May 3, 1856.*

SIR: The government has just received information of the massacre of several of the passengers across the Isthmus, and of resident Americans at Panama, on the night of the 15th ultimo, by the natives or resident population at that place. To these revolting cruelties are to be added the pillage and destruction of a large amount of property. There is not time before the next steamer—which will leave New York on Monday—to furnish you with a statement of the accounts which this government has received of that cruel outrage, in which several lives were sacrificed, and a large amount of property destroyed. You will, doubtless, have received accounts of the lamentable occurrence long before this dispatch will reach you, and will probably have anticipated the instructions herein contained. The evidence here received directly and deeply implicates not only the people, but the civil authorities of Panama, in the barbarous cruelties committed upon the railroad passengers and American citizens, and in the plunder and destruction of property. The president does not doubt that the government of New Granada has acted promptly in this affair; that it has taken the necessary steps to punish the guilty, and that it will be ready at once to indemnify those who have suffered in their persons and property.

You will take the earliest opportunity to make known these expectations of the President, and to express to that government the pain it would give him to learn that there had been any remissness on its part, either in punishing the guilty or indemnifying the injured.

It is important, not only to the United States but to New Granada, that the passage across the Isthmus should be secure from danger of interruption. For this purpose, as well as for the ends of justice, exemplary punishment should be inflicted upon the transgressors, and the responsibility of New Granada for the misconduct of its people should be recognized.

In this case the complaint against the local authorities goes beyond the neglect of their duty, they are charged with active participation in the wanton destruction of human life. It is probable that different versions will be given to the lamentable affair of the 15th ultimo, and

that each party concerned will attempt to shift the responsibility of the outrage upon the other. The President may send from the United States a person to Panama to enquire into the facts on the spot where they transpired, yet he deems it proper that you should, after presenting the case to the consideration of the government of New Granada, repair to Panama and carefully examine into the transaction. If you shall find there on your arrival a person sent from the United States you will co-operate with him in the investigation.

This is, as you will at once perceive, a very grave matter, and if not properly conducted may lead to serious consequences. In this light you will present it to the consideration of the government of New Granada. You will make to this department full reports of everything which comes to your knowledge upon the subject.

I am, sir, your obedient servant,

W. L. MARCY

JAMES B. BOWLIN, Esq., &c., &c., &c.