Henningsen and Col. John P. Wates to conduct the negotiations.

Articles of Capitulation.

No. 7. Is dated at Rivas, May 1st, and is as follows:

RIVAS, May 1st, 1857.

An agreement is hereby entered into between Gen. William Walker, on the one part, and Commander Charles H. Davis, of the U. S Navy, on the other part, and of which the stipulations are as follows:

First. Gen. Walker, with 16 officers of his staff, shall march out of Rivas, with their side-arms, pistols, horse and personal baggage, under the guarantee of the said Commander Davis, of the United States navy; that they shall not be molested by the enemy, and shall be led to our embark on board the United States vessel-of-war St. Marys, in the harbor of San Juan del Sur, the said Commander Davis undertaking to transport them safely on the St. Marys to Panama.

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

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

Fourth. Commander Davis undertakes to obtain guarantee, and hereby does guarantee, that all native of Nicaragua, or Central America, now in Rivas, and surrendered to the protection of Commander Davis, shall be allowed to reside in Nicaragua, and be protected in life and property.

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

Gen. Walker and Commander Davis mutually pledge themselves to each other that this agreement shall be executed in good faith.

WM. WALKER. CHAS. HENRY DAVIS,
Commander U. S. Navy.

Present and acting: C. F. Henningsen, and Col. P. Waters, S. Winthrop Taylor.

Correspondence Continued—Surrender of Walker's Fleet.

No. 8. Dated May 1st, is a letter from Gen. Mora to Commander Davis, thanking him for his successful efforts in putting an end to the war.

No. 9. Dated outside of the Allies, Cuarto Esquinas, is a note from Commander Davis to Gen Canas, informing him that the city of Rivas and all Walker's munitions of war are at his disposal.

No. 10. Dated May 2d, at San Juan del Sur, is an order from Commander Davis to Lieut. Maury, directing him to take Walker's war schooner *Granada*, by force, if necessary, after informing Capt. Fassoux of the loss of National character his vessel has suffered.

No. 11. This dispatch I give you in full, as follows:

"SAN JUAN, May 2.

CAPT. FASSOUX:—Deliver the *Granada* to the United States.

WM. WALKER."

No. 12, Dated San Juan del Sur, May 3d, is a dispatch from Commander Davis to Gen. Mora, notifying him that he is satisfied that the claim of Nicaragua to the schooner *Granada* is just, and that he is ready to deliver her over. He asks him to make arrangements for the transportation of the officers and crew to the United States.

No. 13, Dated San Juan del Sur, May 3d, is an order to Lieut. Maury to transfer the *Granada* to Gen. Estrada, commanding in San Juan del Sur.

No. 14. Dated May 3, at San Juan del Sur, is an order from Com. Davis to Lieut. McCorkle, directing him to proceed to Virgin Bay, take Walker's men in charge, and proceed to Panama by such route as Gen. Mora shall direct, advising him that no deserters are to accompany the party.

No. 15. Dated at Rivas, May 3, is a dispatch from Gen. Mora to Com. Davis, telling him that he has received orders to march and fortify points on the San Juan River—that he has left Gen. Cañas in charge, and has directed him to continue the friendly relations with all parties. He notifies Com. Davis that Walker had not complied with the terms of the capitulation, he and Henningsen having broken off the trunnions of all the guns and thrown the powder into wells.

No. 16. Dated San Juan del Sur, May 4, is a letter from Com. Davis to Gen. Cañas, thanking him for his courtesy in all the negotiations, and his humanity to his prisoners, and notifying him that he will leave Dr. Royston in charge of the hospital.

No. 17. Dated on board the *St. Marys*, May 14, is a letter from Com. Davis to Commodore Mervine, of the flag ship *Independence*, in this harbor, expressing the great gratification he felt at Gen. Cañas's humane conduct, in having sent provisions and all necessaries to Walker's sick and wounded, and informing him that sixty sick and wounded, forty of whom were in the hospital, and twenty in private houses, remained in Rivas.

Othello's Occupation Gone—Walker's Last "Order."

After the capitulation, (which was made without the knowledge of the men) Walker issued the following general order. You will observe the significant words "departing for the present," etc. You will also notice that Gen. Walker speaks of the "incapacity" of some of his officers. Of course he cannot have intended to confess his own incapacity in neglecting the defence of his Gibraltar, the San Juan River, and the loss of which hastened his expulsion from Nicaragua.

HEAD QUARTERS OF THE ARMY,
Adjutant General's Office, Rivas, May 1, 1857.

General Order, No. 56.—The Commander in Chief, in communicating to the army the following agreement, thinks it proper to state, for the information of the army, the circumstances from Capt. Davis, that Col. Lockridge, with his whole command, left the San Juan River for the United States.

In parting for the present with the brave comrades who have adhered to our cause, through evil as well as good report, the Commander in Chief desires to return his deep and heartfelt thanks to the officers and soldiers of his command.

Reduced to our present position by the cowardice of some, the incapacity of others, and the treachery of many, the army has yet written a page in American history, which it is impossible to forget or erase. From the future, if not from the present, we may expect just judgment.

WM. WALKER, Commander-in-Chief.

Walker's Saved Staff—One "Col McDonald."

The *St. Mary's* arrived in our harbor on Sunday morning, the 17th, with Gen. Walker and officers of his suite, as follows:

Gen. Wm. Walker,	Capt. William-on,
Major Hoof,	Capt. McEachem,
Gen. C. F. Henningsen,	Capt. Fassoux, (Navy,)
Col. Bruno Von Natmer,	Capt. Hawkins,
Col. John P. Waters,	Lieut. Bacon,
Lieut. Col. Henry,	Lieut. Mathchel,
Lieut. Col. Rogers,	Dr. Kelum,
Lieut. Col. Tucker,	Dr. McLenny,
Capt. Wade,	Ordnerly Sgt. Romer.

The *St. Mary's* also brought a man, styling himself "Col. McDonald," who has been more or less connected with Walker, and who was brought down subject to the same conditions as the others, viz: that they would not endeavor to leave the ship without permission. As soon as the ship came to anchor, McDonald violated his parole by attempting himself away in a native bongo, and coming on shore. Commander Davis immediately sent a lieutenant with two marines on shore to arrest him—but he having declared himself a British subject, and claimed the protection of the British Consul, he was released. McDonald was formerly agent of the steamship company at San Juan.

The Chief Filibuster's Insolent Behavior on Board the St. Mary's.

From the moment Walker went on board the *St. Mary's*, his conduct was characterized by the most insolent to Commander Davis, who had saved his life, and to all his officers with whom he came in contact. Com. Davis kindly invited him to mess with him in his cabin, which he did the whole voyage, but Walker became so insulting that while the filibusters were walling two or three days on board here, for the Aspinwall steamer, Com. Davis never visited his own cabin except when he was obliged to communicate with his prisoner. Commodore Mervine, on Sunday, sent a polite message to Walker, asking him how many of his officers were able and willing to pay their own expenses to the United States, to which Walker replied that "when he had need of an agent he would appoint one." The Commodore then sent for Henningsen, and put the same question to him. Heanswered that the question would be a very delicate one for him to propose to his brother officers. Commodore Mervine responded: "Well, Gen. Henningsen, as many of Gen. Walker's officers, including himself, as hold his tone, will remain on board my ship until I go to California, when I will take them there." Upon this being reported to Walker, he got down from his high horse, and sent to Com. Mervine to say that himself and Henningsen would pay their own passage, but he could say nothing as to the others Walker charges Com. Davis with having enticed his men to desert, and with unjustly delivering over the schooner *Granada* to the allies.

When Walker capitulated he had four days' provisions, viz.: three mules, two horses and two bulls which were used to drive them with heavy 8-pounders.

His Last Official Act of Blood.

Some of the more respectable of the sympathizers with Walker will have less regret at his downfall when they are made acquainted with one of his last official acts. I have the particulars from an officer of high rank in the U. S. Navy, who was at Rivas at the time of the occurrence, and who vouches for the accuracy of his facts:—On the 25th of April, *after* Walker had determined to capitulate, one of his men went outside the lines, contrary to the general order. The man, however, quickly returned, thus showing that he had no intention to desert. He was taken before Walker, to be tried by properly acknowledged rules of war, and sentenced to be forgiven, as he had only gone out to get a bottle of aguardiente. Walker replied, in his cool, sarcastic tone: "Well, if you have any message to send to your friends, you had better prepare it, for at sunset you die." At the time designated, a platoon had their rifles pointed at his heart, when he suddenly appealed to them: "Boys, you wouldn't shoot a fellow-soldier for such an act as that, would you?" The rifles were raised and discharged over his head, upon which he broke and ran. Upon this, "Lieut. Col. Rogers," an Irishman, also style Secretary of the Treasury, brought the soldier to his knees by a shot from his revolver, and stepping up to him when in this supplicating attitude, put his pistol to the poor fellow's forehead and blew out his brains.

The Sick at Rivas.

It will be perceived that Commander Davis, in his letter to Commodore Mervine says that sixty sick were left in the hospitals and in private houses. He must mean, by this, those who are too sick to be moved, as, at the commencement of the siege of Rivas, March 21st, there were 470 in the hospitals. Commander Davis says, that the sick were in a most wretched condition. As soon as the allies entered the city, Gen. Cañas ventilated the rooms in the Melano Hospital, and furnished the sick with food, medicines, and clean linen.

Number of Filibuster Forces at the Time of the Capitulation.

Henningsen, in his report to Walker, in regard to his negotiations, estimates the number of men in the filibuster service, at the time of the capitulation, as follows:

Wounded and sick, and out-of-hospital surgeons and hospital attendants,	173
Employes of departments and armed citizens,	56
Officers, non-commissioned officers and privates, including the 16 who accompanied Walker to San Juan	161
Native troops,	40

I understand from Com. Mervine that the number of men and officers, under charge of Lieut. McCorkle, is about 210. There is a considerable number of officers in San Juan del Sur, who have wives and mistresses, and the balance, enumerated by Henningsen, are no doubt in Rivas, unable, from wounds or sickness, to travel.

No "Native" Recruits for the Filibusters—How Native Servants were Pressed.

It is unnecessary for me to repeat what I have so often written before, that Walker had no "native troops" whatever. Henningsen's forty native troops were bootblacks, cooks and servants, males and female, whom Walker took for the most part *forced* into his service. I will give you an idea as to how this was done. When at Rivas, in January last, I rode down to St. Carlos, from Colo Cayess. During his horses up to the door of the Alcalde, he ordered that functionary, who appeared to be holding a court, to appear. "Where," cried he, "are the five men I ordered you two or three days ago to send me to Rivas?" "Your Excellency," humbly replied the official, "I found it impossible to get them, as the people all ran into the bush as soon as they knew I wanted them for you." "Now, look here, Alcalde," responded Cayess, "I want five men by to-morrow morning, to take charge of my horses, and if they are not in my house by nine o'clock in the morning, I will take you and your Secretaries, who will work for me until you fetch them."

Why Walker did not Cut his way through the Enemy to the "Granada."

Henningsen also says in his report to Walker, that Commander Davis assured him of his intention to take possession of the *Granada*, which was a main reason for the capitulation—as Walker intended to have cut his way, which he could easily have done, to San Juan del Sur, and get on board of her, when he could not sustain his position any longer. I think it very doubtful if Com. Davis threatened to take the *Granada*—as there was no more reason for his doing so on the first of May than there was in February or March, when he recognized her in an official letter to Gen. Estrada as belonging to a "legitimate" party in the revolution of Nicaragua. Besides, Gen. Henningsen knew perfectly well that Gen. Walker could never have cut his way to San Juan del Sur. After the 30th March, when the allies was defeated in an attack on St. George, his soldiers plumply refused again to attack the enemy unless they were reinforced. They would not go again against barricades. It is possible, nay, even probable, that Walker, with his 400 men, might have cut their way through the enemy, first at Rivas, and then at San Juan, and got on board the *Granada*—but it would have been with the loss of two-thirds of his men, and these didn't love him well enough to lose their lives in a mad attempt, when they could have by surrendering they would be well treated by the allies.

Secret Resolution of Walker's Men to Surrender.

I have the most positive proof that Walker's officers, in discussing the chances in their own quarters, had determined to surrender, with or without Walker's permission, if Lockridge did not succeed in a few days in joining them with his forces. They would not have done so secretly, and intended to hold an open meeting on the Plaza, decide upon their course, and then communicate their unalterable determination to Gen. Walker. They had no information of the breaking up of Lockridge, on the first of May. Gen. Walker made a speech to them a few days before, in which he assured them that Lockridge would join them at Rivas in three or four days. The first news the men had that Lockridge had abandoned the river, was after the capitulation. Their own deserters were in the habit of coming in the night close up to their defences, and bawling out that Lockridge had succumbed; but they did not believe it, thinking it to be a trick of the enemy.

The Allies' Reasons for Granting Walker Terms.

The allies knew that Walker's men would follow him in an attempt to cut his way to San Juan; and thus those who think they allowed him his way free of capitulation through any fear of losing more of their men, do them an injustice. The main arguments used by Commander Davis, no doubt, were that the execution of Walker would react against the southern states of the United States, and that the United States (and might have added, Great Britain) would frown upon any attempt on the part of Walker to land again in Central America. The allies did not like to let Walker escape them, and this was the main difficulty which Commander Davis had in bringing the allies to agree to his propositions. As to Henningsen's bifulatin that they did not surrender to the Allies, it amounts to nothing, in the face of the fact that Commander Davis in one of the official notes I send you says, "I am authorized," etc., and in the agreement of capitulation writes in Article 4th, that he will "undertake to obtain guarantees," etc.

Show of the Filibusters at Panama—The Brave "Lieut. Col. Henry."

Walker and his officers were landed on the morning of the 10th of May, in charge of a guard of marines, who accompanied them to Aspinwall. The Commodore also sent four or five boats full of marines to the wharf at the railroad depot, with orders to land in case of any disturbance. Everything went quietly, however, the large number of people who assembled at the depot only being curious "to get a peep at the tiger," as they pronounced the party. There was no trouble at Aspinwall, save that "Lieut. Col. Henry," being offended that he could not break over the rule to get his ticket cheap, fired a pistol at the negro at the ticket ball passing between the legs of Mr. Henriques, sub-Agent of the Steamship Company. Henry afterwards fired his way through the gate, flourished the pistol about the head of Mr. Bourn, the Agent, and threatening logs upon which Capt Garland, in charge of the United States Marines, seized and bundled him on board the steamer. The firing of the pistol was said to have been an "accident," by his friends, but too many saw it to believe in the excuse.

Distribution between Walker and Others.

Walker and his officers were taken over the railroad *gratis*, and Dr. Bourn gave them steerage tickets to New Orleans at $10 each. Henningsen and "Col" Titus, the latter having deserted from Walker at the time before the capitulation, and come down from Costa Rica on the steamer *Panama*, went to New York. I saw Titus about Aspinwall on steamer day. He was pounced upon by newspaper men, and said he quitted him when he found out what a villain he was. I presume the only difference between Walker and Titus to be, that the former had courage enough to be a villain, while the latter would have become a murderer had he not been too much of a coward.

Disposition of the Common Filibusters—Dispatch from Greytown.

The steamship *Panama* arrived the same day with the *St. Marys*, from ports in Central America. It was expected she would have brought Lieut. McCorkle and Walker's 240 men; but Captain Dow heard nothing of their whereabouts when he left Punteneas or Costa Rica on the 7th. He says there were 210 deserters in Punteneas and San Jose, which the Government were collecting together at the latter place, with the intention of sending them to Greytown by way of the Serapiqui. Some think Lieut. McCorkle has taken his filibusters by way of the lake and river also. I am inclined to think not—but that the man spoken of in the following dispatch from Captain Canty, commanding on the river, are deserters, or more probably, the sick and wounded left in Rivas on the day of the capitulation.

SAN JUAN DE NICARAGUA,
GREYTOWN, 7th May, 1857.

By official dispatches from Rivas, dated May 1st, Walker surrendered on that day with two men under arms, and upwards of 100 sick and wounded.

By the terms of surrender, Walker and staff are allowed a free passage away from the country, on parole never to reenter it, in the U. S. sloop-of-war *St. Marys*. The remainder are to be sent home at occasion offers.

General Mora left Rivas on the 21st, with 200 Costa Ricans, who arrived in San Juan in triumph on the 4th.

General Canas remains in command of the remaining Costa Rican troops on the river San Juan, Lake Nicaragua, and at Rivas, in all about 700 men, who are to be relieved by fresh troops.

The new President was to be elected in Nicaragua on June 15th. Everything was quiet in the interior.

Two hundred filibusters, sick, and wounded, arrived at fort San Carlos, in the steamer of that name, on the way home to recruit their health. They are described to be in a most pitiable condition.

Nicaragua was to be occupied by the other four States till the Government was firmly established.

GEORGE F. CANTY.

Distress among the Women and Children at San Juan—Hatred of Walker.

It is said that a great deal of distress prevails among the women, children and sick at San Juan del Sur. They are about one hundred in number, and are probably supported by the allies. Tom Edwards, I understand, is "Chief of Police" at San Juan; and Bob Gray, Chris. Lilly's bar-keeper at the Abbey, and law and order ex-Treasurer of San Mateo County, Alcalde.

I have been assured here by some of the principal officers of Walker, that even had he succeeded in clearing Nicaragua of the allies, he would not have been chief of the filibusters two months longer. His despotism and cruelty had lost him the love, and won him the hatred, of most of his officers and men.

Walker Contemplating Another Filibuster Expedition.

No communication was allowed by Com. Mervine with Gen. Walker, while he was on board the *St. Mary's*, but all who came in contact with him on shore have told me, at Aspinwall, as well as most of the naval officers, were impressed with the idea that he contemplated another invasion of Central America. Indeed, one of the officers of the *St. Mary's* tells me he did not disguise his intention to his particular. I think he is doomed to disappointment, if he harbors such an idea.

The U. S. Intervention.

But little doubt can be entertained by any one that Commander Davis, in what he has done, has acted under secret instructions of President Pierce. Com. Davis arrived out here from Washington the last of December, and on the 24d of January, as soon as he could get a little addition to his stores, for which he waited, set sail for San Juan. It is not to be supposed he would have assumed such weighty responsibilities without instructions from head quarters. He was no doubt to watch the chances, and if he found Walker could not succeed, step in to save him. When Com. Davis heard that Lockbridge had abandoned the river, he deemed it time to promptly acknowledge the allies with his instructions, to enforce. The whole arrangement places our government in the light of an *accomplice* with Walker.

Henningsen's Misstatements Corrected.

Of Henningsen's "Statistics of Walker's Campaign" published here, it is unnecessary to say to any one who has had the least acquaintance with the Nicaragua Army, that they are a complete mass of misstatements. He commences by dividing the war into three periods. He says:

"The first period may be reckoned from June 25th, 1855, to 11th of April, 1856, comprising nine months, during which he fought against 4,500 foes, viz.: 1,900 servilles and 2,600 Costa Ricans. The result resulting, him, long, in round numbers, of 200 men killed and wounded, (and 1,000 of the enemies,) master of the soil of Nicaragua."

The impression left upon the reader's mind by this "glimmer" is, that Walker contended against 2 to 1 Costa Ricans the greater part of this period. The facts are that the first fight with the Costa Ricans was March 20th, 1856, when Schlessinger at the head of 300 filibusters was defeated at Santa Rosa, on Costa Rica, by about 400 Costa Ricans. This was only some days before the expiration of the nine months of Henningsen. The next fight with the Costa Ricans was a skirmish between a small force of Americans under Lieut. Green, and a party of Costa Ricans, eighteen miles above the mouth of the Serapiqui, on the following 10th of April. Baron Bulow entered San Juan del Sur, April 7th, and fought the battle of Rivas, at the head of about 1,800 men (not 8,000,) on the 11th of April.

At Masaya, Walker's force was surprised by forces of the allies at 2,000 men. Dozens of Walker's officers have assured me that this force did not exceed 1,200. Henningsen does not place Walker's "killed or died of wounds or sickness" during the whole war, at so high a figure as his most intelligent officers place it a number he intend to lose in the grave-yards at Granada alone. Henningsen gives 2,518 men as the whole number of Walker's forces during the two years he was in Nicaragua. When I was in Rivas in February last, I obtained incontestable evidence that the number of men up to that time did not fall but little short of 5,000. He gives the allied force at San Jorge, on Jan. 25th, at 2,000, when Col. Wheat, Col. Cayess, and a dozen other officers, told me it did not exceed 1,600: and Gen. Henningsen has been at pains to say that the allies lost two men for every time had 1,200 *fighting men* in their ranks previous to the last siege of Rivas, which he says the allies lost 600 at St. Geo. They did not lose half that number, as I was assured on the day of the fight by Walker's own officers and soldiers, as well as by natives. March 30th, he put down the loss of the allies at 500. The loss was 32 killed and 60 wounded—the names of all of these have been published by the allies—with a view to assisting their families or paying honors to their memory. But it is natural to follow Henningsen in such palpable misstatements. Walker's men fought well on most occasions—there is no doubt about that. But it is of little use to so signify their powers to such an extent. The statements are simply ridiculous.

No Filibuster Friends Among the Native Nicaraguans.

Gen. Walker, in his letter to Mr. Randolph, which in the main is a true statement of facts as they then existed, falls into two errors, one of which is an important one, and the other of trifling note. The latter consists in exaggerated statements of the loss of his enemy; and the former in believing he had numerous friends among the native population. The fact that, with the exception of Captain Sandoval, whom he made use of as a cattle-thief, and two others employed as scouts, he had no native in military service sufficiently refutes the idea of his having friends among the natives. Upon the burning of Granada was not calculated to make his cause popular; and certainly, the confiscation of nearly all the estates where his military service was given him no friends. His black-mail system, and that of his officers, could not have taught the people to love him. I will give you a specimen of the way he levied money from the natives:

Atrocious Treatment by Walker's Officers of a Spanish Lady.

On a fine hacienda, not far from Rivas, lived an old man, the owner, named Eva. Col. Eva, his son, was in the service of the allies at St. George. Senor Eva had two daughters, one about twenty-five years of age, who lived on the estate; and the other was married to an American gentleman of New Orleans, named Stanbury. Col. Bruno Von Natymer, Walker's Commissary-General, had an idea that the young lady on the estate, or her father, had money; and either he or his superior concocted a plan to get from her $2,000. A man by the name of Curran, belonging to the Commissary's department, was despatched to the estate. He introduced himself by stating that he came by command of Gen. Walker to assure the family of protection, etc., and was treated very politely for the next day. After succeeding in gaining the confidence of the lady, he remarked to her that he had very important business with a person in or near St. George, but he feared by going there he should fall into the hands of the allies and be sorely pressed. He finally proposed the lady should give him a note to her brother, so that in case of accident he might seek his protection. The unsuspecting lady immediately wrote the note, merely stating that Curran was a friend of the family who was going to St. George on private business, not connected with the war, and if he was arrested, to state his case to the commander-in-chief.

Armed with this missive, Curran at once returned to Rivas, and placed the note in the hands of the Executive power. Col. Cayess was despatched with orders to arrest Senorita Eva, and she was brought in and thrown into the guard-house on the main Plaza, among fifteen or twelve thieves, insubordinates and other criminals, the scum of the army. I have myself looked into the guard-house. It is a room with a dirty brick floor, alive with fleas and reeking with filth, with nothing but boards for the men to sleep on. Here this lady, of fine education, of an old Spanish family, was placed, and kept night and day. Her father, who proposed the lady should give him a note to her brother, so that in case of accident he might seek his protection, and