

TIGRE ISLAND AND CENTRAL AMERICA.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*Documents in answer to a resolution of the House respecting Tigre Island,
&c., &c.*

JULY 22, 1850.

Referred to the Committee on Foreign Affairs.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives, in compliance with the request contained in their resolution of the 24th day of January last, the information asked for by that resolution, relating to certain proceedings of the British government in the forcible seizure and occupation of the island of Tigre; also, all the "facts, circumstances and communications, within the knowledge of the Executive, relative to any seizure or occupation, or attempted seizure or occupation, by the British government, of any port, river, town, territory or island belonging to, or claimed by any of the States of Central America."

The resolution of the House speaks of the island of Tigre, in the State of Nicaragua. I am not aware of the existence of any such island in that State, and presume that the resolution refers to the island of the same name in the gulf of Fonseca, in the State of Honduras.

The concluding part of the resolution, requesting the President to communicate to the House all treaties not heretofore published which may have been negotiated with any of the States of Central America "by any person acting by authority of the late administration, or under the auspices of the present administration," so far as it has reference to treaties negotiated with any of those States by instructions from this government, cannot be complied with, inasmuch as those treaties have not yet been acted upon by the Senate of the United States, and are now in the possession of that body, to whom, by the constitution, they are directed to be transmitted for advice in regard to their ratification.

But, as its communication is not liable to the same objection, I transmit, for the information of the House, a copy of a treaty in regard to a ship-canal across the isthmus, negotiated by Elijah Hise, our late chargé d'affaires in Guatemala, with the government of Nicaragua, on the 21st day of June, 1849, accompanied by copies of his instructions from, and correspondence with, the Department of State.

I shall cheerfully comply with the request of the House of Representatives to lay before them the treaties negotiated with the States of Central America, now before the Senate, whenever it shall be compatible with the public interest to make the communication. For the present, I communicate herewith a copy of the treaty with Great Britain, and of the correspondence between the American Secretary of State and the British plenipotentiary at the time it was concluded. The ratifications of it were exchanged at Washington on the fourth day of July instant.

I also transmit the report of the Secretary of State, to whom the resolution of the House was referred and who conducted the negotiations, relative to Central America, under the direction of my lamented predecessor.

MILLARD FILLMORE.

WASHINGTON, July 18, 1850.

List of documents accompanying the President's message to the House of Representatives, of the 18th July, 1850, in answer to the resolution respecting the occupation of Tigre island, &c., &c.

1. Report of the Secretary of State, July 19, 1850.
2. Mr. Buitrago to Mr. Buchanan, with seven enclosures, November 12, 1847.
3. President Guerrero to President Polk, December 15, 1847.
4. Mr. Salinas to Mr. Buchanan, with two enclosures, March 17, 1848.
5. Mr. Castellon to Mr. Buchanan, November 5, 1848.
6. Mr. Buchanan to Mr. Hise, June 3, 1848.
7. Mr. Hise to Mr. Buchanan, October 26, 1848.
8. Same to same, December 20, 1848.
9. Same to same, February 8, 1849.
10. Same to same, February 28, 1849.
11. Same to the Secretary of State, March 20, 1849.
12. Same to same, May 25, 1849.
13. Same to Mr. Clayton, with copy of special convention with Nicaragua, September 15, 1849.
14. Mr. Clayton to Mr. Hise, May 2, 1849
15. Same to Mr. Squier, with enclosures, May 1, 1849.
16. Mr. Squier to Mr. Clayton, with enclosures, June 10, 1849.
17. Same to same, with enclosures, June 23, 1849.
18. Same to same, with enclosures, August 20, 1849.
19. Same to same, with enclosures, September 10, 1849.
20. Same to same, on the practicability of the canal across the isthmus, with enclosures, October 10, 1849.
21. Same to same, with enclosures, October 25, 1849.
22. Mr. Buchanan to Mr. Bancroft, October 23, 1848.
23. Mr. Bancroft to Mr. Buchanan, November 17, 1848.
24. Same to same, January 12, 1849.
25. Same to same, January 26, 1849.
26. Same to same, with enclosure, February 7, 1849.
27. Mr. Bancroft to the Secretary of State, with enclosures, March 9, 1849.
28. Same to same, March 31, 1849.
29. Mr. Clayton to Mr. Bancroft, May 2, 1849.

30. Mr. Bancroft to Mr. Clayton, May 30, 1849.
31. Same to same, June 29, 1849.
32. Same to same, with seventeen enclosures, August, 1849.
33. Mr. Consul Livingston to Mr. Buchanan, December 16, 1847.
34. Same to same, April 8, 1848.
35. Christopher Hempstead's commission as consul of the United States for Belize, March 3, 1847.
36. Mr. Hempstead to Mr. Buchanan, February 12, 1848.
37. Mr. Buchanan to Mr. Hempstead, March 7, 1848.
38. Same to same, August 29, 1848.
39. Mr. Carcache to Mr. Clayton, December 31, 1849.
40. Mr. Clayton to Mr. Carcache, January 2, 1850.
41. Mr. Clayton's instructions to Mr. Lawrence relative to Tigre island, December 29, 1849.
42. Mr. Lawrence to Mr. Clayton, transmitting memorandum of interview with Lord Palmerston about Tigre island, February 8, 1850.
43. Mr. Clayton to Mr. Bulwer, proposing the treaty of April 19, 1850.
44. Mr. Bulwer to Mr. Clayton, accepting the treaty.
45. Treaty between the United States and Great Britain, April 19, 1850.
46. Mr. Bulwer to Mr. Clayton, disclaiming any treaty with Costa Rica and future British protectorates over distant states, April 29, 1850.
47. Mr. Clayton to Mr. Bulwer, accepting the disclaimer, April 30, 1850.
48. Mr. Squier to Mr. Clayton, with accompaniments showing the feeling of Central America to the United States, June 25, 1850.

Report of the Secretary of State, in compliance with the resolution of the House of Representatives, requesting the President of the United States to communicate to that body, "provided the publication thereof be not prejudicial to the public interest, all such information as may be within the knowledge of the Executive department, relative to the alleged extraordinary proceedings of the English government in the forcible seizure and occupation of the island of Tigre, in the State of Nicaragua, Central America; also, all facts, circumstances, or communications within the knowledge of the Executive, relative to any seizure, occupation, or attempted seizure or occupation, by the English government, of any port, river, town, territory, or island belonging to, or claimed by, any of the States of Central America; also, that he be requested to communicate to this House (if not incompatible with the public interest) all treaties not heretofore published, which may have been negotiated with any of the States of Central America, by any person acting by authority from the late administration, or under the auspices of the present Executive;" passed on the twenty-fourth day of January, A. D. eighteen hundred and fifty.

To the President of the United States:

The Secretary of State, to whom was referred by the President the resolution of the House of Representatives of the 24th of January last, in regard to Central America, has the honor to report the facts disclosed by

the accompanying correspondence, which is respectfully submitted in response to the resolution.

The Secretary of State of the State of Nicaragua, Señor Buitrago, in a letter to the Hon. James Buchanan, late Secretary of State of the United States, dated the 12th day of November, 1847, solicited the friendly offices of this government to prevent an attack upon the town of San Juan de Nicaragua, then contemplated by the British authorities as allies of the Mosquito King. This letter, a translation of which is herewith sent, distinctly charges that "the object of the British government in taking this key of the continent is, not to protect the small tribe of Mosquitos, but to establish their own empire over the Atlantic extremity of the line by which a canal connecting the two oceans is most practicable, insuring to them the preponderance on the American continent as well as their direct relations with Asia, the East Indies, and other important countries in the world." No answer appears to have been returned to this letter.

The President and Supreme Director of the State of Nicaragua, Don José Guerrera, also, on the 15th day of the same month, addressed a communication to President Polk, a translation of which is herewith sent, expressing an earnest desire to establish relations of amity and commerce with this government. In this the president of Nicaragua says: "My desire was carried to the utmost, on seeing in your message, at the opening of the 29th Congress of your republic, a sincere profession of political faith, in all respects conformable with the principles professed by these States, determined as they are to sustain with firmness the continental cause, the rights of America in general, and the non-interference of European powers in their concerns." He also announces the critical situation in which Nicaragua was then placed, and charges upon the Court of St. James "a well known design to establish colonies on the coast of Nicaragua, and to render itself master of the inter-oceanic canal, for which so many facilities are presented by the isthmus in that State." No reply was made to this letter.

On the 8th day of February, 1848, (six days after the negotiation, by Mr. Trist, of the treaty of Guadalupe Hidalgo,) the British ships of war "Alarm" and "Vixen" arrived at San Juan de Nicaragua, and took possession of that town, the name of which was changed to "Greytown." On the 12th of that month the British forces attacked and, after a sharp action, captured the port of Serapaqui, then garrisoned by the troops of Nicaragua. The war was ended on the 7th day of March, 1848, by articles of agreement concluded by Captain Granvill Gower Loch, the commander of the expedition, on the part of Great Britain, with the commissioner of the State of Nicaragua, a copy of which accompanies the note of the Minister of Foreign Affairs of Nicaragua to the Secretary of State of the United States, under date of the 17th of March, 1848.

It is provided by the third article of this agreement, "that Nicaragua shall not disturb the inhabitants of San Juan, understanding that any such act will be considered by Great Britain as a declaration of open hostilities." By the 6th article of the same agreement, it is provided that "these articles will not hinder Nicaragua from soliciting, by means of a commissioner to her Britannic Majesty, a final arrangement of these affairs."

Mr. Salinas, the Secretary of Foreign Relations of Nicaragua, in his letter of the 17th of March, 1848, to Mr. Buchanan, the Secretary of State of the United States, fully sets forth the alleged aggressions of the British government, in seizing upon the territory of Nicaragua in the name of their ally, the Mosquito King. No answer was given to this letter.

Joseph W. Livingston, who, on the 28th day of October, 1847, was appointed consul of the United States for the port of San Juan de Nicaragua, addressed an official letter to Mr. Buchanan, Secretary of State, bearing date the 16th day of December of the same year, a copy of which is herewith submitted, representing that he had received information that the British government had it in contemplation to seize the port of San Juan in January following. In another communication dated the 8th day of April, 1848, Mr. Livingston states: "At the request of the Minister for Foreign Affairs, I transmit a package of papers containing the correspondence relative to the occupation of the port of San Juan by British forces, in the name of the Mosquito nation." No measures were adopted by the government of the United States in consequence of this information.

Elijah Hise, having been appointed chargé d'affaires of the United States to Guatemala, received his instructions on the 3d day of June, 1848, (a copy of which is herewith transmitted,) in which it is declared that "the independence, as well as the interests of the nations on this continent, require that they should maintain the American system of policy entirely distinct from that which prevails in Europe. To suffer any interference, on the part of the European governments, with the domestic concerns of the American republics, and to permit them to establish new colonies upon this continent, would be to jeopard their independence and to ruin their interests. These truths ought, everywhere throughout this continent, to be impressed on the public mind. But what can the United States do to resist such European interference, whilst the Spanish American republics continue to weaken themselves by division and civil war, and deprive themselves of the ability of doing anything for their own protection?" This last significant inquiry would seem to disclose the true reason for the omission to interfere, after notice of the course pursued by the British government in extending the limits of the Mosquito protectorate in Central America. These instructions, after stating the dissolution of the Central American republic, formerly composed of the five States of Nicaragua, Costa Rica, Honduras, San Salvador, and Guatemala, and their *continued separation*, authorize Mr. Hise to conclude treaties of commerce and navigation with the States of Guatemala and San Salvador; but conclude by saying that it was not deemed advisable to empower him to negotiate with the States of Nicaragua, Costa Rica or Honduras, "until he should have communicated to the Department of State more full and statistical information than that which it then possessed."

The States of Nicaragua, Costa Rica, and Honduras, are the only States of Central America whose consent or co-operation would, in any event, be necessary for the construction of the ship canal contemplated between the two oceans, by way of Lake Nicaragua.

In October, 1848, Mr. Osma, minister from Peru to Great Britain, while in Washington, gave information to Mr. Buchanan, Secretary of State,

"that Señor Castro, the governor of Costa Rica, (as he had been credibly informed,) had offered to place that State under the protection of the British government." No instructions were given to Mr. Bancroft to remonstrate officially against this new protectorate, but he was informed that "in case the information given by Mr. Osma was well founded, then he should be vigilant in preventing unofficially, and by private conversation in the proper quarter, the acceptance by Great Britain of the proffered protectorate."

In pursuance of the sixth article of the agreement of the 7th of March, 1848, between the forces of Great Britain and the authorities of Nicaragua, Señor Francisco Castellon was appointed commissioner from the State of Nicaragua to Great Britain, and, on the 5th of November, 1848, while at Washington, on his way to London, he addressed a letter to Mr. Buchanan, then Secretary of State—a translation of which is herewith presented—asking this government to instruct its minister in London to sustain the rights of Nicaragua to her territory, and especially to the port of San Juan, claimed by Mosquito, expressing the hope that "the government of the Union, firmly adhering to its principle of resisting all foreign intervention in America, would not hesitate to order such steps to be taken as might be effective, before things reached a point in which the intervention of the United States would prove of no avail." To this letter no answer appears to have been made, nor were any instructions given to our minister in London in pursuance of the request which it contained.

But on the 12th day of January, 1849, Mr. Bancroft, referring to the arrival of Mr. Castellon in London, and to the subject of his mission, which was to settle the affair of San Juan de Nicaragua with the British government, says: "I think it proper to state to you my opinion that Lord Palmerston will not recede. I have of course taken no part." And in another letter to the present Secretary of State, dated 9th March, 1849, he says: "Now, as we are gaining greatness in the Pacific, Great Britain, under pretence of protecting the Mosquito tribe of Indians, has seized the key to the passage to the Pacific by the lake of Nicaragua, and has changed the name of the town of San Juan de Nicaragua to Greytown. This subject is important, because the route to the Pacific which that town commands is here esteemed the best of all. The representative of Nicaragua, who is here, is in great perplexity, and may well be in doubt what to do. * * * * He would very gladly seek advice from the United States. I have always made answer to him that I am not authorized by my government to give him advice; that I can only communicate to the American government whatever facts he may desire to make known to it. My instructions warrant not much more." The same letter was accompanied by a copy of a despatch from Lord Palmerston to Mr. Castellon, of the 17th February, 1849, announcing that "her Majesty's government cannot do anything which can be interpreted as admitting any doubt that Greytown belongs exclusively to the Mosquito territory."

The maps accompanying the correspondence exhibit the extent to which the limits of the Mosquito kingdom have been carried in Central America. One of these maps has been supplied by our present chargé d'affaires at Guatemala; the other is a British map recently published by authority of the British government, and transmitted to the Department of State by our present minister in London. From these and other

maps, it appears that the limits of the Mosquito kingdom have been changed from time to time, until they embraced more than half of Central America, and have even been pushed beyond the boundaries of New Grenada, as far as Boca del Toro.

Christopher Hempstead having been appointed consul of the United States for Belize, on the 3d day of March, 1847, an application was made for his exequatur to the British government through Mr. Bancroft. That application was referred by Lord Palmerston to the Colonial Office. The exequatur was granted, as will be seen by a copy of a letter addressed by Mr. Hempstead to the Department of State, on the 12th day of February, 1848, herewith submitted. Thus far, the existence of a British colony at Belize, in Honduras, has been recognised by this government.

On the 26th day of May, 1848, in a letter addressed to the Secretary of State, Mr. Hempstead represented that the Indians in Yucatan had "applied to her Majesty's superintendent at Belize for protection, and had desired him to take possession of the territory which they occupied, and take them under his protection, as British subjects;" and he further added, that, in the event of the success of their application, "the British government would then have possession of the entire coast from 'Cape Coonte to San Juan de Nicaragua.'" Again, on the 29th of July, 1848, he wrote: "I have no doubt but the designs of her Majesty's officers, here and on the Mosquito shore, are to obtain territory on this continent." The receipt of this letter was regularly acknowledged on the 29th of August, 1848.

Accompanying the note of Señor Buitrago will be found copies of the treaties of 1783 and 1785, between Great Britain and Spain, from which a judgment may be formed of the relative rights of the parties to those treaties in the territory of which British Honduras was then a part.

Without instructions from Congress, the Executive could not disturb the British possession in Honduras; the more especially since the recognition of it, in 1847, as a British colony. But as to the province of Yucatan and the State of Costa Rica—over both of which it appeared, from the official correspondence in the Department of State, that certain persons, represented to be British agents, had for a long time been seeking to establish protectorates—the late President directed the Secretary of State to make inquiries as to the intentions of the British government. These inquiries resulted in the accompanying correspondence between the British minister, in Washington, and the Secretary, from which it will appear that the British government, in the most cordial spirit of friendship, have now declared it to be their fixed policy to establish no more protectorates over distant States. This frank declaration of Great Britain—made, as I understand it, for the purpose of explaining her intentions, in regard to the future acquisition of territory in America, through the medium of protectorates—cannot fail to strengthen the amicable relations existing between the two chief commercial nations of the world.

The island of Tigre, in the State Honduras, was occupied by British forces on the 16th day of October, 1849, by order of Mr. Chatfield, her Britannic Majesty's chargé d'affaires in Central America. No instructions appear to have been given to him for that purpose by the British government, nor were any given to the American chargé d'affaires in that country to negotiate for the cession of this or any other territory to the United States. As soon as it was known to me that Mr. Squier had com-

menced such negotiations, he was instructed that the capitalists who proposed to construct the ship navigation between the Atlantic and Pacific oceans through the lakes Nicaragua and Managua had never applied to this government for any treaty with Honduras on that subject, and that his instructions from the Department of State, by which he should be governed, did not warrant the negotiation of a treaty acquiring more territory for the United States.

The occupation by authority of the British chargé d'affaires finally appeared to have been made in consequence of alleged spoliations on the commerce of Great Britain and the imprisonment of her subjects. As we had in the progress of the negotiation of the new treaty with Great Britain been informed that she did not intend to occupy any part of Central America, the late President directed the inquiry to be made of the British government what the intentions of that government were in taking possession of this island. From the answer given, it appeared that shortly after the occupation, and even before we had applied to her Majesty's government for information on the subject, the British forces and flag had been withdrawn from the island by the British admiral commanding in the Pacific, and that the flag of Honduras had been hoisted by his order, under a salute of twenty-one guns.

The unauthorized acts of the British and American diplomatic agents in Central America in regard to this island might for the time have seriously interrupted the friendly understanding existing between their respective governments, but for the fact that the negotiations which have at length terminated in an amicable treaty had progressed so far in November last that both nations then understood each other on the subject of the occupation of Central American territory, and were rapidly approaching their final determination, that the whole territory of Central America should be neutral, and the passage across the isthmus dedicated as a highway for all nations, whose commerce should never be overawed or endangered by the colonization or dominion of any great maritime power.

A copy of the treaty concluded between Great Britain and the United States in regard to Central America is herewith submitted. Its engagements apply to all the five States which formerly composed the republic of Central America and their dependencies, of which the island of Tíger was a part. It does not recognise, affirm, or deny the title of the British settlement at Belize, which is, by the coast, more than five hundred miles from the proposed canal in Nicaragua. The question of the British title to this district of country, commonly called British Honduras, and the small islands adjacent to it claimed as its dependencies, stands precisely as it stood before the treaty. No act of the late President's administration has in any manner committed this government to the British title in that territory, or any part of it.

When the late President came into office he found the British government in possession of the port of San Juan de Nicaragua, which it had taken by force of arms, after we had taken California, and while we were engaged in the negotiation of a treaty for the cession of it, and that no official remonstrance had been made by this government against the aggression, nor any attempt to resist it. Efforts were then being made by certain private citizens of the United States to procure from the State of Nicaragua, by contract, the right to cut the proposed ship canal, by the way of the river San Juan and the lakes of Nicaragua and Managua, to

Realijo, on the Pacific ocean. A company of American citizens entered into such a contract with the State of Nicaragua. Viewing the canal as a matter of great importance to the people of the United States, the late President resolved to adopt the policy of protecting the work, and binding by treaty the government of Nicaragua, through whose territory it would pass; also to protect it. The instructions to E. George Squier, appointed by him chargé d'affaires to Guatemala, on the 2d day of April, 1849, are herewith submitted, as fully indicating the views which governed the late President in directing a treaty to be made with Nicaragua. He considered the interference of the British government on this continent in seizing the port of San Juan, which commands the route believed to be the most eligible for the canal across the isthmus, and occupying it, at the very moment when it was known, as he supposed, to Great Britain, that we were engaged in the negotiation for the purchase of California, as an unfortunate coincidence, and one calculated to lead to the inference that she entertained designs by no means in harmony with the interests of the United States; but he confidently expected that the amicable convention lately entered into and ratified by the two countries, would be sufficient to dispel every doubt as to the friendly intentions of Great Britain.

With regard to the special convention negotiated by Mr. Hise with the State of Nicaragua, it is proper to remark that, inasmuch as he had been positively instructed to make no treaty—not even a treaty of commerce—with Nicaragua, Costa Rica, or Honduras, it was not imagined that he would act in opposition to his instructions; and in September last the Executive was for the first time informed that he had negotiated two treaties with the State of Nicaragua—the one a treaty of commerce, the other a treaty for the proposed ship canal—both of which he brought with him on his return home. He also negotiated a treaty of commerce with Honduras; and in each it is recited that he had full powers for the purpose. He had no such powers; and the whole proceeding, on his part, with reference to those States, was not only unauthorized by instructions, but in opposition to those he had received from President Polk, and after the date of his own letter of recall and the appointment of his successor. But I have no evidence that Mr. Hise, whose letter of recall (a copy of which is herewith sent) bears date the 2d day of May, 1849, had received that letter on the 21st of June, when he negotiated the treaty with Nicaragua. The difficulty of communicating with him was so great that I have reason to believe he had not received it. He did not acknowledge it.

The twelfth article of the treaty negotiated by Mr. Hise in effect guarantees the independence of the State of Nicaragua, and her sovereignty over her alleged limits, from the Caribbean sea to the Pacific ocean, pledging the naval and military power of the United States to support it. This treaty authorizes the chartering of a corporation by this government to cut a canal outside of the limits of the United States, and gives to us the exclusive right to fortify and command it. The late President did not approve it, nor did he submit it to the Senate for ratification—not merely because of the facts already mentioned, but because, on the 31st of December last, Señor Eduardo Carcache, on being accredited to this government as chargé d'affaires from the State of Nicaragua, in a note to the Secretary of State (a translation of which is herewith transmitted) declared that "the special convention concluded at Guatemala, by Mr.

Hise, the chargé d'affaires of the United States, and Señor Selva, the commissioner of Nicaragua, had (as was publicly and universally known) been disapproved by his government."

We have no precedent in our history to justify such a treaty as that negotiated by Mr. Hise since the guarantees we gave to France of her American possessions. The treaty negotiated with New Grenada, on the 12th day of December, 1846, did not guaranty the sovereignty of that State over the whole of her territory, but only over the "single province of the isthmus of Panama," immediately adjoining the line of the railroad, the neutrality of which was deemed necessary by the President and Senate to the construction and security of the work.

The policy adopted by this government in negotiating with the Central American States, and with all foreign nations in regard to those States, owes its origin to the resolution of the Senate of the United States, unanimously adopted on the 3d of March, 1835, in the following words:

"Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of Central America and New Grenada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

President Jackson approved and adopted the principles of this resolution, and, in pursuance of it, sent Charles Biddle as agent to negotiate with the governments of Central America and New Grenada. The result is fully set forth in the report of a select committee of the House of Representatives, of the 20th of February, 1849, upon a joint resolution of Congress to authorize the survey of certain routes for a canal or railroad between the Atlantic and Pacific oceans. The policy adopted by the President and Senate, as indicated in the resolution of the 3d of March, 1835, was fully confirmed by President Polk in his Executive message to the Senate of the 10th of February, 1847, (in which he cites and relies on that resolution,) and by the Senate, which, in consequence of the recommendation contained in that message, confirmed the treaty with New Grenada in regard to a canal or railroad across the isthmus at Panama. The objects of the late President, like those of his predecessors to whom I have referred, were to open communications across the isthmus to all nations, and to invite their guarantees on the same terms; to propose no guaranty of territory to a foreign nation in which the United States would not have a common interest with that nation; and to constitute alliances, not for political objects, but for purely commercial purposes, equally interesting to all the navigating nations of the world.

We are more deeply interested in the construction of a ship canal through the isthmus which divides North and South America than any other nation. Without it, we may not be able to maintain our possessions on the Pacific. We shall profit more by the treasures of that ocean, in the event of the construction of inter-oceanic communications through that isthmus, than any other people; and, in view of this, the late President

determined to extend the protection of this government to every such communication, whether by canal or railroad; inviting, also, that of all other nations desiring to enjoy the rights of passage, without which a heavy expense might be entailed upon the United States in maintaining a sufficient naval and military force for that purpose.

In submitting this report, which is made in obedience to the directions of the President, I have endeavored briefly to explain the policy of the late lamented Chief Magistrate, whose instructions, in reference to the interesting subjects embraced in the resolution of the House, it was my pleasure not less than my duty to obey; and with a view to greater accuracy, I have often, in this communication, used the language employed by him in a paper relating to the same subject.

JOHN M. CLAYTON.

DEPARTMENT OF STATE, *July 18, 1850.*

[Translation.]

Mr. Buitrago to the Secretary of State.

GOVERNMENT HOUSE,
Leon, November 12, 1847.

Since the glorious emancipation of your beautiful section of the American continent and the establishment of your admirable political system were displayed in all their splendor before the whole world, not only have your States rapidly arisen to an eminent degree of prosperity, but they have also by their wise doctrines and their heroic example influenced the independence of the Spanish American portions of the new world, as well as the forms of government adopted by them.

North America (the United States) appearing as a sovereign nation at the head of the continent, showed the people of the other portions that the great divisions made by nature, for the occupation of the various families of the human race, are at the same time the only legitimate boundaries of their rights and the sacred asylum of their political existence; and the institutions of the immortal Washington cast their vivifying light over the unfortunate countries which formerly belonged to Spain. Placed at the head of its majestic march, the excellent President who now directs the government of your republic is the natural protector of all the States of the continent and the centre of the hopes of the American cause; and with these sure foundations of fraternal confidence, the supreme government of the State of Nicaragua, in Central America, doubts not that its representations will be received on a subject which presses seriously in its vital rights, threatens its independence and its institutions, and affects the interests of all America. This subject is the occupation of the port of San Juan de Nicaragua by Great Britain, as the protector of the pretended King of the savage tribe called the Mosquitos.

Your enlightened government well knows, this wandering tribe, induced by the suggestions of certain British subjects to consider itself as the proprietor of a territory separate from those of Nicaragua and Hon-

duras, extending from Cape de Gracias, along the coast of Honduras, to the mouth of the San Juan de Nicaragua river, which forms the port of the same name on the Atlantic side, and as constituting an independent nation, in alliance with and under the protection of her Britannic Majesty, as asserted by the British agents.

Before Central America had pronounced its independence of the Spanish monarchy, in the years 1783 and 1786, the British government disavowed all sovereignty on the part of the Mosquito tribe, ordered all British subjects to retire from their coasts and from the whole continent, and prohibited them from supplying the Indians on the frontier of the Spanish provinces with arms and munitions of war. This is shown in the definitive treaty of peace concluded between the two Crowns in September, 1783, and in the convention in complement of the same, concluded at London on the 14th of July, 1786, of which an authentic copy is sent with this note under the No. 1.

These solemn recognitions of the territorial integrity of the continent, made by his Britannic Majesty with respect to the old kingdom of Guatemala, were regulated according to the claim of his Catholic Majesty to those countries by the laws of the Indies; and this same settlement of boundaries was confirmed by the Spanish constitution in 1812. From this reason it was, that whilst Central America remained in the possession of Spain, British subjects were silent as to territorial pretensions in favor of the Mosquito Indians. But after the declaration of independence of Central America in 1821, (and although the Federal constitution of 1824, and the fundamental laws of Nicaragua in 1826 and 1838, had adopted the same boundaries of the old kingdom of Guatemala,) the English revived their projects of appropriating that part of the north coast of these States to themselves; and in 1842, Mr. Frederick Chatfield, her Britannic Majesty's consul general, pretended to extend territorial rights of the Mosquitos from the cape above named to the south bank of the San Juan, at its entrance into the Atlantic, as may be seen by the annexed documents No. 2.

Since 1842 the said consul general of her Britannic Majesty had left unanswered the reply given by this government, on the 19th of November of the same year, against his territorial pretensions in favor of the Mosquitos; nor was any answer given to the complaint and protest addressed by our minister plenipotentiary at the courts of the Tuileries and others to all the cabinets mentioned in the accompanying document, and of which the minister plenipotentiary of your respectable nation acknowledged the receipt, in a letter also annexed; until at length the British consul, in his letter of the 10th of September last, gave notice to this government that her Britannic Majesty, the ally and protectress of the kingdom and King of the Mosquitos, had formed the opinion that the said territory extends from Cape de Gracias to the mouth of the San Juan, on the Atlantic; and that she would afford them her protection against any attack which might be made on them from the States of Honduras and Nicaragua.

From that moment my government knew that neither disunion nor any other pacific means of international law, nor justice, were to be employed; but that force would be used to wrest from Nicaragua a property possessed from time immemorial, as the port of San Juan on the north had been;

and, in consequence, the answer was given to the consul which may be found in No. 4.

Meanwhile, and without any answer whatever having been received from the British consul general, Mr. Joseph Hodgson, a British subject, bearing the title of late councillor of the pretended King of the Mosquitos, addressed from Bluesfields, under date of the 5th ultimo, a notice to the commandant of this State, at the said port of San Juan, and this supreme government, of which a copy will be found, No. 5. This notice, brought by the British ship of war *Alarm*, was to the effect that the establishment of Nicaragua at the said port should be abandoned, with the threat that, unless this should be done before the 1st of January next, force would be employed to effect it. At the same time, a flag, which had been manufactured for the Mosquitos, was hoisted and saluted by the discharge of artillery, as shown by the same paper, No. 5. Thus, within a few days, a flag, utterly unknown to the barbarous Mosquitos, will float over the port of San Juan del Norte, in the State of Nicaragua, which will be appropriated to those barbarians, under the protection of her Britannic Majesty's naval forces, as intimated above.

His Excellency the President of your republic well knows the geographical position of the country of Nicaragua, its lakes and navigable rivers, affording the greatest facilities for the opening of a great canal, uniting the two oceans, through this isthmus, as has been demonstrated by the Centro-American Don Juan Jose de Ajcinena, in his memoir written in the United States on the 24th September, 1836, and sent herewith in paper No. 6. It may thus be easily understood that the object of the British in taking this key of the continent is not to protect that small tribe of the Mosquitos, but to establish their own empire over the Atlantic extremity of the line, by which a canal connecting the two oceans is most practicable, insuring to them the preponderance on the American continent, as well as their direct relations with Asia, the East Indies, and other important countries in the world.

Central America suffers most grievously from these advances of British power just at the moment when the four States which have remained faithful to their compact and national union, viz: Salvador, Honduras, Nicaragua, and Costa Rica, are occupied in determining the political system under which they are to exist as a federal republic; and they have from this moment agreed to maintain the integrity of their territory threatened, as will be seen by the communications addressed by the other governments to that of Nicaragua, contained in Nos. 7 and 4.

In this perilous state of things, the supreme government of the State of Nicaragua, conformably with the true interests of its allies, Salvador, Honduras, and Costa Rica, and well imbued with those principles of liberty and justice which the distinguished government of your happy republic professes in favor of the independence of all and each of the States of the American continent, has ordered the undersigned, Secretary of Foreign Affairs, to address the present exposition to the Hon. Secretary of State of the cabinet of Washington, in order that he may, in fraternal deference, be pleased to submit it to his Excellency the President of the United States, to the effect that he may deign to afford to Nicaragua his respectable amicable mediation with Great Britain, so that our just and legitimate rights to the territory in question may be established in a peaceful and amicable manner, and that he may also declare whether he

is disposed to conclude with Nicaragua, or the confederacy now in process of establishment, a treaty of amity, alliance, and commerce, upon bases of the most perfect reciprocity, by receiving or sending an agent suitable for the conduct of so interesting a business.

The importance of the subject of this communication must be evident to the wisdom of his Excellency the President; and he may be assured that any measure which he may be pleased to take for the removal of all foreign influence or intervention from this portion of the continent will be well received and highly esteemed by the sovereign State of Nicaragua.

The undersigned entertains the strongest confidence that the honorable Secretary of State will make known his determination on this affair as speedily as the importance of the case requires; and he avails himself of this occasion to assure that minister of the high esteem and respect with which he remains, &c.,

PABLO BUITRAGO.

To his Excellency the MINISTER OF FOREIGN RELATIONS
of the Supreme Government of the Republic of the United States.

NOTE.—It does not appear, from the records of the Department of State, that the above communication was answered during the administration of Mr. Polk.

No. 1.

The definitive treaty of peace and friendship between his Britannic Majesty and the most Catholic King, signed at Versailles, the 3d day of September, 1783, as published by authority. In the name of the Most Holy and undivided Trinity—Father, Son, and Holy Ghost. So be it.

Be it known to all those whom it shall or may in any manner concern: The most serene and most potent prince, George the Third, by the grace of God King of Great Britain, France, and Ireland, duke of Brunswick and Lunenbourg, archtreasurer and elector of the holy Roman empire, &c., and the most serene and most potent prince Charles the Third, by the grace of God King of Spain and of the Indies, &c., being equally desirous to put an end to the war which for several years past afflicted their respective dominions, accepted the offer which their Majesties the Emperor of the Romans and the Empress of all the Russias made to them of their interposition and of their mediation; but their Britannic and Catholic Majesties, animated with a mutual desire of accelerating the re-establishment of peace, communicated to each other their laudable intentions, which Heaven so far blessed that they proceeded to lay the foundations of peace by signing preliminary articles at Versailles, the 20th of January, in the present year. Their said Majesties the King of Great Britain and the Catholic King, thinking it incumbent upon them to give their imperial majesties a signal proof of their gratitude for the generous offer of their mediation, invited them in concert to concur in the completion of the great and salutary work of peace, by taking part, as mediators, in the definitive treaty to be concluded between their Britan-

nic and Catholic Majesties. Their said imperial majesties having readily accepted that invitation, they have named as their representatives, viz: his Majesty the Emperor of the Romans, the most illustrious and most excellent Lord Florimond, Count Mercy-Argenteau, viscount of Loo, baron of Crichegnee, knight of the golden fleece, chamberlain, actual privy counsellor of state to his imperial and royal apostolic majesty, and his ambassador to his most Christian majesty; and her Majesty the Empress of all the Russias, the most illustrious and most excellent lord Prince Iwan Bariatinskoy, lieutenant general of the forces of her Imperial Majesty of all the Russias, knight of the orders of St. Anne and of the Swedish sword, and her minister plenipotentiary to his most Christian Majesty, and the Lord Arcadi de Marcoff, counsellor of state to her Imperial Majesty of all the Russias, and her minister plenipotentiary to his most Christian Majesty. In consequence, their said Majesties the King of Great Britain and the most Christian King have named and constituted for their plenipotentiaries charged with the concluding and signing of the definitive treaty of peace, viz: the King of Great Britain, the most illustrious and most excellent Lord George, duke and earl of Manchester, Viscount Mandeville, baron of Kimbolton, lord-lieutenant and custos rotulorum of the county of Huntingdon, actual privy counsellor to his Britannic Majesty, and his ambassador extraordinary and plenipotentiary to his most Christian Majesty; and the Catholic King, the most illustrious and most excellent Lord Peter Paul Abarca de Bolea Ximenes d Urrea, &c., count of Aranda and Castel Florido, marquis of Torres, of Villanan and Rupit, viscount of Rueda and Yoch, baron of the baronies of Gavin, Sietamo, Clamosa, Eripol, Trazmoz, La Mata de Castil Viego, Antillon La Almolda, Cortes, Jorva, St. Genis Rabovillet, Arcan and St. Colome de Farnes, lord of the Tenance and honour of Alcalatem, the valley of Rodella, the castles and towns of Maella, Mesones, Tinrana, and Villa Plana, Taradel, and Viladran, &c., Rico-Hombre in Arragon by descent, grande of Spain of the first class, knight of the order of the golden fleece and of that of the Holy Ghost, gentleman of the King's chamber in employment, captain-general of his forces, and his ambassador to the most Christian King; who, after having exchanged their respective full powers, have agreed upon the following articles:

ARTICLE 1. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established, between their Britannic and Catholic Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception either of places or persons; so that the high contracting parties shall give the greatest attention to the maintaining between themselves and their said dominions and subjects that reciprocal friendship and intercourse, without permitting hereafter, on either part, any kind of hostilities to be committed either by sea or by land, for any cause or under any pretence whatsoever; and they shall carefully avoid for the future everything which might prejudice the union happily re-established, and endeavoring on the contrary to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage, without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high contracting parties. There shall be a general oblivion and amnesty of

everything which may have been done or committed before or since the commencement of the war which is just ended.

ART. 2. The treaties of Westphalia, of 1648; those of Madrid, of 1667 and of 1670; those of peace and of commerce of Utrecht, of 1713; that of Baden, of 1714; of Madrid, of 1715; of Seville, of 1729; the definitive treaty of Aix-la-Chapelle, of 1748; the treaty of Madrid, of 1750; and the definitive treaty of Paris, of 1763, serve as a basis and foundation to the peace and to the present treaty; and for this purpose they are all renewed and confirmed in the best form, as well as all the treaties in general which subsisted between the high contracting parties before the war, and particularly all those which are specified and renewed in the aforesaid definitive treaty of Paris, in the best form, and as if they were herein inserted word for word, so that they are to be exactly observed for the future in their full tenor, and religiously executed by both parties in all the points which shall not be derogated from by the present treaty of peace.

ART. 3. All the prisoners taken on either side, as well by land as by sea, and the hostages carried away or given during the war, and to this day, shall be restored without ransom, in six weeks at the latest, to be computed from the day of the exchange of the present treaty, each Crown respectively discharging the advances which shall have been made for the subsistence and maintenance of their prisoners by the sovereign of the country where they shall have been detained, according to the receipts, attested accounts, and other authentic vouchers which shall be furnished on each side; and sureties shall be reciprocally given for the payment of the debts which the prisoners may have contracted in the countries where they may have been detained, until their entire release. And all ships, as well men-of-war as merchant ships, which may have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall likewise be restored, *bona fide*, with all their crews and cargoes. And the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

ART. 4. The King of Great Britain cedes in full right to his Catholic Majesty, the island of Minorca: *Provided*, That the same stipulations inserted in the following article shall take place in favor of the British subjects with regard to the above-mentioned island.

ART. 5. His Britannic Majesty likewise cedes and guarantees in full right to his Catholic Majesty, East Florida, as also West Florida. His Catholic Majesty agrees that the British inhabitants or others who may have been subjects of the King of Great Britain in the said countries may retire in full security and liberty where they shall think proper, and may sell their estates and remove their effects as well as their persons, without being restrained in their emigration under any pretence whatsoever, except on account of debts or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty; but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportionate to that end. It is further stipulated, that his Britannic Majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery or other matters.

ART. 6. The intention of the two high contracting parties being to

prevent as much as possible all causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dyeing, or logwood, and several English settlements having been formed and extended, under that pretence, upon the Spanish continent, it is expressly agreed that his Britannic Majesty's subjects shall have the right of cutting, loading, and carrying away logwood in the district lying between the river Wallis, or Belize, and Rio Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations, to wit: by the river Wallis, or Belize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land and forms an isthmus or neck with another similar inlet which comes from the side of Rio Nuevo, or New river, so that the line of separation shall pass straight across the said isthmus, and meet another lake formed by the water of Rio Nuevo, or New river, at its current. The said line shall continue with the course of the Rio Nuevo, descending as far as opposite to a river, the source of which is marked in the map, between Rio Nuevo and Rio Hondo, and which empties itself into Rio Hondo; which river shall also serve as a common boundary as far as its junction with Rio Hondo; and from thence descending by Rio Hondo to the sea, as the whole is marked on the map which the plenipotentiaries of the two Crowns have thought proper to make use of for ascertaining the points agreed upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and laborers may not trespass from an uncertainty of the boundaries. The respective commissaries shall fix upon convenient places in the territory above marked out, in order that his Britannic Majesty's subjects, employed in the felling of logwood, may, without interruption, build therein houses and magazines necessary for themselves, their families, and their effects; and his Catholic Majesty assures to them the enjoyment of all that is expressed in the present articles; provided that these stipulations shall not be considered as derogating in anywise from his rights of sovereignty. Therefore, all the English who may be dispersed in any other parts, whether on the Spanish continent or in any of the islands whatsoever dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose, orders shall be issued on the part of his Britannic Majesty; and on that of his Catholic Majesty, his governors shall be ordered to grant to the English dispersed every convenience possible for their removing to the settlement agreed upon by the present article, or for their retiring wherever they shall think proper. It is likewise stipulated that if any fortifications should actually have been heretofore erected within the limits marked out, his Britannic Majesty shall cause them all to be demolished, and he will order his subjects not to build any new ones. The English inhabitants who shall settle there for the cutting of logwood shall be permitted to enjoy a free fishery for their subsistence on the coasts of their district above agreed on, or of the island situated opposite thereto, without being in anywise disturbed on that account; provided they do not establish themselves in any manner on the said island.

ART. 7. His Catholic Majesty shall restore to Great Britain the island of Providence and the Bahamas, without exception, in the same condi-

tion they were in when they were conquered by the arms of the King of Spain. The same stipulations inserted in the fifth article of this treaty shall take place in favor of the Spanish subjects, with regard to the islands mentioned in the present article.

ART. 8. All the countries and territories which may have been, or which may be conquered in any part of the world whatsoever, by the arms of his Britannic Majesty, as well as by those of his Catholic Majesty, which are not included in the present treaty, neither under the head of cessions, nor under the head of restitutions, shall be restored without difficulty, and without requiring any compensation.

ART. 9. Immediately after the exchange of the ratifications, the two high contracting parties shall name commissioners to treat concerning new arrangements of commerce between the two nations, on the basis of reciprocity and mutual convenience; which arrangements shall be settled and concluded within the space of two years, to be computed from the 1st of January, 1784.

ART. 10. As it is necessary to appoint a certain period for the restitutions and evacuations to be made by each of the high contracting parties, it is agreed that the King of Great Britain shall cause East Florida to be evacuated three months after the ratification of the present treaty, or sooner, if it can be done. The King of Great Britain shall, in like manner, enter again into possession of the island of Providence and the Bahamas, without exception, in the space of three months after the ratification of the present treaty, or sooner, if it can be done. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships which shall carry them, immediately after the ratification of the present treaty.

ART. 11. Their Britannic and Catholic Majesties promise to observe, sincerely and *bona fide*, all the articles contained and established in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties guaranty to each other, generally and reciprocally, all the stipulations of the present treaty.

ART. 12. The solemn ratifications of the present treaty, prepared in good and due form, shall be exchanged in this city of Versailles, between the high contracting parties, in the space of one month, or sooner, if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we, the underwritten ambassadors extraordinary and ministers plenipotentiary, have signed with our hands, in their names, and by virtue of our respective full powers, the present definitive treaty, and have caused the seals of our arms to be affixed thereto.

Done at Versailles, the third day of September, one thousand seven hundred and eighty-three.

LE COMPTE D'ARANDA. [L. S.]
MANCHESTER. [L. S.]

SEPARATE ARTICLES.

ART. 1. Some of the titles made use of by the contracting parties, whether in the full powers and other instruments during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged, it has been agreed that no prejudice should ever

result therefrom to either of the said contracting parties; and that the titles taken or omitted, on either side, upon occasion of the said negotiation, and of the present treaty, shall not be cited or quoted as a precedent.

ART. 2. It has been agreed and determined that the French language, made use of in all the copies of the present treaty, shall not form an example which may be alleged or quoted as a precedent, or in any manner prejudice either of the contracting powers; and that they shall conform, for the future, to what has been observed and ought to be observed, with regard to, and on the part of powers who are in the practice and possession of giving and receiving copies of like treaties in a different language from the French; the present treaty having, nevertheless, the same force and virtue as if the aforesaid practice had been therein observed.

In witness whereof, we, the underwritten ambassadors extraordinary and ministers plenipotentiary of their Britannic and Catholic Majesties, have signed the present separate articles, and have caused the seals of our arms to be affixed thereto.

Done at Versailles, the third day of September, one thousand seven hundred and eighty-three.

LE COMPTE D'ARANDA.
MANCHESTER.

[L. S.]
[L. S.]

DECLARATION.

The new state in which commerce may perhaps be found, in all parts of the world, will demand revisions and explanations of the subsisting treaties; but an entire abrogation of those treaties, in whatever period it might be, would throw commerce into such confusion as would be of infinite prejudice to it.

In some of the treaties of this sort, there are not only articles which relate merely to commerce, but many others which insure reciprocally, to the respective subjects, privileges, facilities for conducting their affairs, personal protections, and other advantages, which are not, and which ought not to be of a changeable nature, such as the regulations relating merely to the value of goods and merchandise, variable from circumstances of every kind.

When, therefore, the state of the trade between the two nations shall be treated upon, it is requisite to be understood that the alterations which may be made in the subsisting treaties are to extend only to arrangements merely commercial; and that the privileges and advantages, mutual and particular, be not only preserved on each side, but even augmented, if it can be done.

In this view, his Majesty has consented to the appointment of commissioners, on each side, who shall treat solely upon this object.

Done at Versailles, the third of September, one thousand seven hundred and eighty-three.

MANCHESTER. [L. S.]

COUNTER DECLARATION.

The Catholic King, in proposing new arrangements of commerce, has had no other design than to remedy, by the rules of reciprocity and mutual convenience, whatever may be defective in preceding treaties of commerce. The King of Great Britain may judge from thence, that the

intention of his Catholic Majesty is not in any manner to cancel all the stipulations contained in the above-mentioned treaties: he declares, on the contrary, from henceforth, that he is disposed to maintain all the privileges, facilities, and advantages expressed in the old treaties, as far as they shall be reciprocal, or compensated by equivalent advantages. It is to attain this end, desired on each side, that commissioners are to be named to treat upon the state of trade between the two nations, and that a considerable space of time is to be allowed for completing their work. His Catholic Majesty hopes that this object will be pursued with the same good faith, and with the same spirit of conciliation, which have presided over the discussion of all the other points included in the definitive treaty; and his said majesty is equally confident that the respective commissioners will employ the utmost diligence for the completion of this important work.

Done at Versailles the third of September, one thousand seven hundred and eighty-three.

LE COMPTE D'ARANDA. [L. s.]

We, ambassador plenipotentiary of his imperial and royal apostolic Majesty, having acted as mediator in the work of pacification, declare that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his Catholic Majesty, with the two separate articles thereto annexed and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of his imperial and royal apostolic Majesty.

In witness whereof, we have signed these presents with our hand, and have caused the seal of our arms to be affixed thereto.

Done at Versailles this third of September, one thousand seven hundred and eighty-three.

LE COMPTE DE MUCY ARGENTEAN. [L. s.]

We, ministers plenipotentiary of her Imperial Majesty of all the Russias, having acted as mediators in the work of pacification, declare that the treaty of peace signed this day at Versailles, between his Britannic Majesty and his Catholic Majesty, with the two separate articles thereto annexed and of which they form a part, as also with all the clauses, conditions, and stipulations which are therein contained, was concluded by the mediation of her Imperial Majesty of all the Russias.

In witness whereof, we have signed these presents with our hands, and have caused the seals of our arms to be affixed thereto.

Done at Versailles the third of September, one thousand seven hundred and eighty-three.

PRINCE IWAN BARIATINSKOY. [L. s.]
A. MARCOFF. [L. s.]

Convention between his Britannic Majesty and the King of Spain, signed at London the 14th of July, 1786.

The Kings of England and of Spain, animated with the same desire of consolidating, by every means in their power, the friendship so happily subsisting between them and their kingdoms, and wishing, with one accord, to prevent even the shadow of misunderstanding which might be occasioned by doubts, misconceptions, or other causes of disputes between the subjects on the frontiers of the two monarchies, especially in distant countries, as are those in America, have thought proper to settle, with all possible good faith, by a new convention, the points which might one day or other be productive of such inconveniences as the experience of former times has very often shown. To this end, the King of Great Britain has named the most noble and most excellent Lord Francis, Baron Osborn of Kiveton, Marquis of Carmarthen, his Britannic Majesty's privy counsellor, and principal Secretary of State for the Department of Foreign Affairs, &c., &c., &c.; and the Catholic King has likewise authorized Don Bernardo de Campo, Knight of the noble order of Charles the Third, Secretary of the same order, Secretary of the Supreme Council of State, and his minister plenipotentiary to the King of Great Britain: who, having communicated to each other their respective full powers, prepared in due form, have agreed upon the following articles:

ART. 1. His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the third article of the present convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the commissioners of the two Crowns in 1783.

ART. 2. The Catholic King, to prove on his side, to the King of Great Britain, the sincerity of his sentiments of friendship towards his said Majesty and the British nation, will grant to the English more extensive limits than those specified in the last treaty of peace; and the said limits of the lands added by the present convention shall, for the future, be understood in the manner following:

The English line, beginning from the sea, shall take the centre of the river Sibun or Jabon, and continue up to the source of the said river; from thence it shall cross in a straight line the intermediate land, till it intersects the river Wallis, and by the centre of the same river the said line shall descend to the point where it will meet the line already settled and marked out by the commissioners of the two Crowns in 1783; which limits, following the continuation of the said line, shall be observed as formerly stipulated by the definitive treaty.

ART. 3. Although no other advantages have hitherto been in question, except that of cutting wood for dyeing, yet his Catholic Majesty, as a greater proof of his disposition to oblige the King of Great Britain, will grant to the English the liberty of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits or produce of the earth, purely natural and uncultivated, which may, besides being carried away in their natural state, become an object of utility or of commerce;

whether for food or for manufactures; but it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any fabric or manufacture, by means of mills or other machines whatsoever, (this restriction, however, does not regard the use of saw-mills for cutting or otherwise preparing the wood,) since, all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed.

The English shall be permitted to transport and convey all such wood and other produce of the place, in its natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers beyond their bounds into the countries belonging to Spain.

ART. 4. The English shall be permitted to occupy the small island, known by the names of Cafina, St. George's Key, or Cayo Cafina, in consideration of the circumstance of that part of the coasts opposite to the said island being looked upon as subject to dangerous disorders; but this permission is only to be made use of for purposes of real utility; and as great abuses, no less contrary to the intentions of the British government than the essential interests of Spain, might arise from this permission, it is here stipulated, as an indispensable condition, that no fortification or work of defence whatever shall at any time be erected there, nor any body of troops posted, nor any piece of artillery kept there; and, in order to verify with good faith the accomplishment of this condition *sine qua non*, (which might be infringed by individuals, without the knowledge of the British government,) a Spanish officer or commissary, accompanied by an English commissary or officer duly authorized, shall be admitted twice a year to examine into the real situation of things.

ART. 5. The English nation shall enjoy the liberty of refitting their merchant ships in the southern triangle included between the point of Cayo Cafina and the cluster of small islands which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Cafina, and three from the river Sibun, a place which has always been found well adapted to that purpose. For which end, the edifices and storehouses absolutely necessary for that service shall be allowed to be built; but in this concession is also included the express condition of not erecting fortifications there at any time, or stationing troops, or constructing any military works; and, in like manner, it shall not be permitted to station any ships-of-war there, or to construct an arsenal, or other building, the object of which might be the formation of a naval establishment.

ART. 6. It is also stipulated that the English may freely and peaceably catch fish on the coast of the country assigned to them by the last treaty of peace, as also of that which is added to them by the present convention; but without going beyond their boundaries, and confining themselves within the distance specified in the preceding article.

ART. 7. All the restrictions specified in the last treaty of 1783, for the entire preservation of the right of the Spanish sovereignty over the country, in which is granted to the English only the privilege of making use of the wood of the different kinds, the fruits and other produce in their natural state, are here confirmed: and the same restrictions shall also be

observed with respect to the new grant. In consequence, the inhabitants of those countries shall employ themselves simply in the cutting and transporting of the said wood, and in the gathering and transporting of the fruits, without meditating any more extensive settlements, or the formation of any system of government, either military or civil, further than such regulations as their Britannic and Catholic Majesties may hereafter judge proper to establish for maintaining peace and good order amongst their respective subjects.

ART. 8. As it is generally allowed that the woods and forests are preserved, and even multiply, by regular and methodical cuttings, the English shall observe this maxim as far as possible; but if, notwithstanding all their precautions, it should happen in course of time that they were in want of dyeing-wood or mahogany, with which the Spanish possessions might be provided, the Spanish government shall make no difficulty to furnish a supply to the English, at a fair and reasonable price.

ART. 9. Every possible precaution shall be observed to prevent smuggling; and the English shall take care to conform to the regulations which the Spanish government shall think proper to establish amongst their own subjects in all communications which they may have with the latter—on condition, nevertheless, that the English shall be left in the peaceable enjoyment of the several advantages inserted in their favor in the last treaty, or stipulated by the present convention.

ART. 10. The Spanish governors shall be ordered to give to the said English dispersed all possible facilities for their removal to the settlements agreed upon by the present convention, according to the stipulations of the sixth article of the definitive treaty of 1783, with respect to the country allotted for their use by the said article.

ART. 11. Their Britannic and Catholic Majesties, in order to remove every kind of doubt with regard to the true construction of the present convention, think it necessary to declare that the conditions of the said convention ought to be observed according to their sincere intention, to insure and improve the harmony and good understanding which so happily subsist at present between their said Majesties.

In this view, his Britannic Majesty engages to give the most positive orders for the evacuation of the countries above mentioned by all his subjects, of whatever denomination; but if, contrary to such declaration, there should still remain any persons so daring as to presume, by retiring into the interior country, to endeavor to obstruct the entire evacuation already agreed upon, his Britannic Majesty, so far from affording them the least succor, or even protection, will disavow them in the most solemn manner, as he will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish dominion.

ART. 12. The evacuation agreed upon shall be completely effected within the space of six months after the exchange of the ratifications of this convention, or sooner, if it can be done.

ART. 13. It is agreed that the new grants described in the preceding articles in favor of the English nation are to take place as soon as the aforesaid evacuation shall be entirely accomplished.

ART. 14. His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England that he will not exercise any act of severity against the Mosquitos inhabiting in part the countries which are to be evacuated by virtue of the present convention, on ac-

count of the connexions which may have subsisted between the said Indians and the English; and his Britannic Majesty, on his part, will strictly prohibit all his subjects from furnishing arms, or warlike stores, to the Indians in general situated upon the frontiers of the Spanish possessions.

ART. 15. The two courts shall mutually transmit to each other duplicates of the orders which they are to despatch to their respective governors and commanders in America, for the accomplishment of the present convention; and a frigate, or proper ship of war, shall be appointed on each side, to observe in conjunction that all things are performed in the best order possible, and with that cordiality and good faith of which the two sovereigns have been pleased to set example.

ART. 16. The present convention shall be ratified by their Britannic and Catholic Majesties, and the ratifications exchanged within the space of six weeks, or sooner, if it can be done.

In witness whereof, we, the undersigned, ministers plenipotentiary of their Britannic and Catholic Majesties, in virtue of our respective full powers, have signed the present convention and have affixed thereto the seals of our arms.

CARMARTHEN, &c.

DON BERNARDO DEL CAMPO, &c., &c.

JULY 14, 1786.

No. 2.

BRITISH CONSULATE,

Leon, October 24, 1842.

SIR: A complaint has been made to the government of her Britannic Majesty, by the State of Nicaragua, against her Majesty's superintendent at Belize, in consequence of certain proceedings on the part of the latter, which took place at San Juan in the month of August, 1841, when an officer of the Nicaragua government was removed from that port, taken on board her Majesty's ship Tweed, and subsequently landed at the Cape Gracias á Dios. Nothing can be further from the wishes of her Majesty's government than that the conduct of any British officer should give cause of complaint to a friendly State; and therefore I, as the representative of Great Britain in Central America, have been desirous, since my arrival at this capital, to avail myself of the opportunity to treat on the subject of the occurrences at San Juan, under the pleasing conviction that, after a calm and impartial examination of the facts connected with them, the supreme government of Nicaragua will perceive that the proceedings of Colonel Macdonald on that occasion did not originate, as it has been alleged, in any intention to give offence to the State of Nicaragua, or rudely to interfere with its authority. The principal ground of complaint on the part of Nicaragua, is the infraction of the territory alleged to belong to that State; but it is the belief of her Majesty's government that the place whence Señor Quijano was removed was Mosquito territory, and not Nicaragua territory; and it is a fact well deserving of notice, as tending to confirm this belief, that since the year 1831, the Central American authorities have removed their public offices from the

north to the south side of the port of San Juan, where they occupy buildings belonging to Señor Zapata, a British subject. With regard to the ignorance which the government of Nicaragua professes concerning the existence of the State of Mosquito, that government probably forgets that some years ago I announced to the general government of Central America the fact that Great Britain recognised the State of Mosquito, and that she would not see with indifference the usurpation of the territory of a State with which she has been on terms of close alliance for a long series of years. Spain herself, moreover, when she was in possession of these countries, publicly recognised the Mosquito nation, especially on a certain occasion, still fresh in the memory of many persons who are yet living, when the Indian Mosquito Prince Estevan visited San Salvador and Guatemala in 1797, and was everywhere received with the honors and ceremonies due to a King by the order of the Spanish authorities, who defrayed all the expenses. According to the evidence to be found in the British colonial archives, which are accessible to the public, the place whence Señor Quijano was removed by Colonel Macdonald was Mosquito territory, and not Nicaragua territory; and the government of her Majesty has been credibly informed that the persons and property of British subjects were placed in jeopardy by the acts and conduct of said Quijano; and as Colonel Macdonald was perfectly well aware that her Majesty's government would never tolerate the least usurpation of authority in the territory of a State which has lived under its protection for more than a century, her Majesty's government sees no tangible cause to justify the State of Nicaragua in claiming compensation.

It is true that the government of her Majesty would have preferred the usual custom of representing to the government of Nicaragua the improper conduct of its functionaries; but the government of her Majesty would not have considered itself justified in persisting to expose the persons and the property of British subjects to outrage. The Nicaragua agent in San Juan was looked upon as a person so utterly unfit to be intrusted with any kind of authority by the supreme government, that to this fact may be attributed, in a certain measure, the results which unfortunately followed. The government of her Majesty has issued instructions for exacting from the government of Nicaragua an acknowledgment of the grounds upon which Mr. George Bell and four other British subjects, connected with the company of Segoria in London, were, in the month of September, 1841, forcibly detained by the authorities of this State; it having been represented to her Majesty's government that the illegal detention of these individuals, one of whom died in confinement, had been determined upon by the authorities of Nicaragua by way of retaliation for what had taken place at San Juan the preceding month; but from the explanations given by the supreme government of Nicaragua on this subject to the British agents in Central America, previously to my return to this country, I am disposed to look upon the detention of Mr. Bell and his companions as an act of indiscretion on the part of a subordinate officer in Acoyapa, at variance with the wishes and intentions of the supreme government of Nicaragua, which seized the very first opportunity to rectify the error. It only remains for me now to assure the supreme government of Nicaragua that any assistance it may require from her Majesty's government in order to facilitate the amicable settlement of any dispute in which it may be involved with its neighbors, will be most [cheerfully] given at all times, since the government of

her Majesty has no other object in view than to see other States and nations at peace with themselves and with their neighbors, and in the full enjoyment of free institutions and a flourishing trade.

I have the honor to remain your most obedient, humble servant,
FREDERICK CHATFIELD,
Consul General in Central America.

To the SECRETARY GENERAL
of the Supreme Government of the State of Nicaragua.

BRITISH CONSULATE GENERAL,
Leon, November 15, 1842.

To the Principal Secretary of the Supreme Government of the State of Nicaragua:

SIR: The answer which you have been directed by the supreme government of Nicaragua to return to my communication of the 24th ultimo has been received, and I now propose to reply to those points which seem to demand immediate notice. I shall, however, carefully abstain from making any assertion that is not susceptible of the closest scrutiny, and avoid the use of all expressions which can in any way be looked upon as either irrelevant or indecorous in a correspondence of this character. The grounds upon which the supreme government of Nicaragua rests its pretensions to a territorial right to the left coast of the river *San Juan del Norte* is not a question for me to discuss. I shall therefore limit my remarks to the two principal points about which the government of Nicaragua is desirous to obtain information.

Firstly. What is the nature of the alliance between Great Britain and the Mosquito nation?

Secondly. Upon what foundation does her Majesty's government base its opinion that the south side of the port of *San Juan del Norte* is Mosquito and not Nicaragua territory?

The answer which I intend to give to these interrogatories will, I believe, remove all doubts as to the correctness of the views presented in my note of the 24th ultimo, and satisfy your government that the opinion of her Majesty's ministers in maintaining that the State of Nicaragua has no just cause to claim compensation for what took place at *San Juan* in the month of August, 1841, is proper and consistent. The first direct communication between the English and the Mosquito Indians appears to have taken place some time before 1670, when a British settlement was already in existence on the Mosquito coast as a dependency of Jamaica, and the most friendly and intimate relations were established between the latter and the neighboring Indians. In the course of this year, the rights of Great Britain to that coast were secured by a treaty with Spain, which was signed in Madrid on the eighteenth day of July, 1670. In the year 1687, or thereabouts, while the Duke of Albermarle was governor of Jamaica, the Mosquito Indians made a formal cession of their territory to the King of England, from whom the Indian King received his commission as a gift, under the broad seal of that island. Since that period, it has been customary for the King's governors, on their accession to

power, to repair to Jamaica, for the purpose of doing homage into the hands of the governor of that colony. In 1733, the Mosquito chiefs and the soldiers under their command went over to Jamaica to assist the British forces against the Marrones. A British agent was assigned, from time to time, by the governor and council of Jamaica, to superintend the settlements in the Mosquito territory; and the appointment of such functionaries is mentioned regularly during the last thirty-three years of British occupancy in that country. The last superintendent who had been sent there, in 1776, was removed, together with the troops and British settlers on the coast, in consequence of a treaty between Great Britain and Spain, which was signed in London on the 14th of July, 1786. Notwithstanding the abandonment of the Mosquito coast by Great Britain, the government of Old Spain never assumed more than a mere nominal authority over the territory, which has remained in possession of the Indians ever since. Since the power of Spain in this hemisphere and the obligations of the treaty have ceased to be in force, the former relations of friendship and commercial alliance between England and the Mosquitos have been re-established, and the ancient custom of crowning the kings of Mosquito within the territorial boundaries of Great Britain has been permitted to be resumed. What may be the object of the government of Nicaragua in striving to maintain that the Mosquito nation was not only formerly, but is actually at present, subject to Spain, it is not my purpose at present to inquire. The inference to be drawn, however, from the peculiar mode of reasoning that government has adopted in order to establish this fact, cannot, in my opinion, redound greatly to the interest of Central America. If a mere declaration on the part of Spain, unaccompanied by any act of occupation or of authority over the Mosquito territory, can confer upon that country the exalted right of sovereignty which the government of Nicaragua assumes for it, and if the fact that Spain never has, either directly or indirectly, recognised the independence of this nation, tends to enhance that right, it follows necessarily that Central America, whose formal submission to the Crown of Spain cannot be called into question, and whose independence has never to this day been recognised by that power, must, at this very moment, also be subject to the Spanish monarchy.

The two cases you have been pleased to cite to prove the dependency of the Mosquito Indians upon Spain are not, in my opinion, entitled to much consideration. If an Indian soldier from the frontier were to be convicted of having bartered away the independence of his nation, because he happened to have intermarried into a Nicaraguan family, whose daughter was probably given to him with the hope of securing their property against his predatory attacks, during one of which the young lady herself had been carried away—if, I say, this soldier were to be pronounced guilty of having made a transfer of the independence of his nation, in consequence of this alliance, it would be impossible to say what is the precise relation or dependence of any country in regard to others. As you have omitted to specify the exact period when Spanish authority was in force on the *Colorado* or Black river, I take it for granted that the date to which you refer is that subsequent to the removal of the British superintendent, after the treaty of 1786, from the place where the English had erected a small fortress, which, being abandoned by the British settlers, was clandestinely taken possession of by the Spaniards: the latter,

however, were immediately driven away by the Indian general Robinson. Many instances might be mentioned when Spain fairly admitted the independent existence of the Mosquito nation; but, as the inference which I have drawn from the fact that the Mosquito Indian prince Estevan had been received by the Spanish authorities of this ancient kingdom, in 1797, with legal honors, has been disputed, I will mention, for your information, a much stronger case, adding thereto the date, without which the narrative would not be sufficiently intelligible.

In 1807, the cannibals on the borders of Trujillo rebelled, and fled into the Mosquito territory; the Spanish authorities pursued and captured them, and compelled them to go back again, along with several native Indians whom they had taken prisoners. The last mentioned king, (Estevan,) who, at the death of the Indian King George, had been made King Regent, despatched a communication to Colonel Ballegos, the officer in command at Trujillo, threatening to send an expedition to burn that place, and to wage war into the country beyond the frontier if the Mosquitos were not immediately restored to their homes. Ballegos forwarded this communication to the President of Guatemala, who forthwith ordered them to be set at liberty and to be conveyed beyond the line, where they were received by commissioners from the Mosquito chief, who, at the request of the Spanish officer, gave a written acknowledgment of their return. This correspondence, as well as what took place on other occasions between the Spanish and Mosquito authorities, was conducted according to the usages of independent States. As a further proof that, in other countries, the Mosquito Indians are looked upon as an independent nation, I am enabled to show, that in the year 1840 a French gentleman of the name of *Gracee* wrote to the Mosquito king for permission to occupy certain lands which he had sold many years before to a French company in Paris; and that in the month of July, 1841, *Señor Antonio Escalano*, commanding the New Grenada settlements in *San Andrés*, addressed a communication to Frederick Charles Robert, king of the Mosquito nation, asking for the surrender of sundry fugitive negroes who had gone over into his territory. I again repeat the fact, so rudely denied by the cabinet of Nicaragua, that the federal government of Central America was informed by me, several years ago, of the recognition of the Mosquito nation by her Majesty's government.

I shall now proceed to explain, in the second case, the grounds upon which her Majesty's government has based its convictions, that the south or meridian side of the port of *San Juan del Norte* is Mosquito territory, and not Nicaragua territory. The dimensions of the coast of Mosquito proper are believed to be comprised within the degrees $10^{\circ} 30'$ and $16^{\circ} 10'$ of north latitude, and $83^{\circ} 37'$ and 86° of west longitude. Since the country has been known to Europeans, the Mosquito Indians have always possessed and enjoyed this area of land, without the least interference on the part of any other people to their native rights of holding it. Reference might be made to the various accounts of the boundaries of the Mosquito coast, comprising sketches of the condition of the people, the amount of native population, and the number of British settlements along the coast, such as have been given from time to time by different British superintendents; but the following extract from an official notice of the council of Jamaica on the subject, dated the 16th day of July, 1774, will suffice for my present purpose:

"To his honor Lieutenant Governor Dalling:

"We find it difficult to give any exact definition of the limits and extension of the Mosquito coast. The cape of Gracias á Dios, to the 15th degree of north latitude, is recognised as the centre of the seacoast, which runs from Cape Honduras to the small stream or northern branch of the channel of the river *San Juan de Nicaragua*, about 180 leagues; and the distant mountains which constitute the limits of the Spanish territories may be considered as forming the boundary line of the interior. There are various works in which the precise boundaries are set down; but I think it only necessary to mention one, whose testimony upon this subject at least cannot be suspected of partiality towards the Mosquitos. I allude to the historian of the kingdom of Guatemala, Don Domingo Túarro, who, in page 52, vol. 1, describes two provinces situated between the districts of Nicaragua and Comayagua, inhabited by uncivilized Indians, who he says are alternately called Jicagues, Mosquitos, and Sambos; which provinces, he adds, extend all along the Atlantic coast, from the Agnan river to that of *San Juan del Norte*. Having thus shown that a perfect alliance has existed for nearly two hundred years between the government of her Majesty and the people of Mosquito, and, moreover, that her Majesty's government has good reasons for believing that the left shore of the mouth of *San Juan* is Mosquito and not Nicaragua territory, all that remains for me to do is to recommend a little more caution to the government of Nicaragua for the future, so that it may not again presume to impute motives of action to the British government for which there is not the slightest foundation. In fact, the expression that the government of her Majesty has descended so far as to resort to subterfuge in order to avoid the fulfilment of obligations towards the government of Nicaragua, is so utterly absurd that it disarms the anger which such an imputation would otherwise have excited. In order to prevent at all times and in all cases the least equivocation or misconstruction as to the intentions of her Majesty's government in regard to the Mosquito nation, on the part of those evil-disposed persons who are striving without effect, I believe, to foment feelings of malevolence against Great Britain and British subjects in this country, I here declare my conviction that her Majesty's government simply desires that the chief of the Mosquito nation shall exercise his power like one who rules supreme over his own territory, receiving the protection of her Majesty's government against foreign aggression, and, as a necessary consequence of that protection, the benefit of its counsel in all those matters where advice is considered necessary.

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

"FREDERICK CHATFIELD,

"*Consul General in Central America.*

"P. S.—The collection of documents which accompanied your communication of the 10th instant are herewith returned.

"F. C."

From the Secretary General of the government of Nicaragua to Frederick Chatfield, Consul General of Great Britain.

GOVERNMENT HOUSE, LEON,
November 18, 1842.

SIR: Under date of the 7th instant I said to you as follows:

"The supreme government of the State of Nicaragua has received your esteemed communication of the 24th ultimo, in which you state that her Britannic Majesty's government had been informed of the complaint against the conduct of Colonel Macdonald, the superintendent of Belize, towards the administrator, Colonel Manuel Quijano, at the port of San Juan del Norte, in this State, and is highly satisfied to learn that, as you declared verbally to the supreme director, the settlement of this affair having been intrusted to you, you had begun it by writing, inasmuch as the government hopes, from the evident justice of the cause of Nicaragua, that it will receive the effective satisfaction and indemnification to which it is entitled. With this object, one of the supreme commissioners will call on you this morning, in order to dissipate the objections which you urge, in your esteemed note above mentioned, to the complaints so justly advanced by this government, and to obtain from you, as the representative of Great Britain in this affair, the equitable settlement of a question so interesting to the maintenance of reciprocity between the two nations."

In the confidence inspired by your official communication to this supreme government, that you had come expressly to treat on the affair mentioned in the previous note from this department, the licentiate Pedro Zeledon and Señor Gregorio Juares were appointed as commissioners to develop its views and expose everything which might tend to remove your obligations to the recognition of the justice of the cause of Nicaragua, by a quiet and impartial examination of the question. But those commissioners have this day informed the supreme executive power that on entering into the business, you had assured that all you had to say was expressed in your above-mentioned note of the 24th ultimo, and you had thus declined to discuss the question.

The supreme government of the State of Nicaragua, on learning from you that her Britannic Majesty's government had confided to you the examination of this question, was persuaded that you had instructions for its settlement; and although the most expeditious means of doing so would be that proposed by the commissioners, as you do not choose to discuss the matter with them, I can only repeat the evidence of the positive rights of this State to the satisfaction and indemnification which it has more than a year since asked from her Britannic Majesty, in a statement supported by documents, dated the 16th of October of last year, which is answered by your assurance that you had been charged to examine and treat upon this question impartially, as given in your esteemed note above mentioned.

In that note you say "nothing can be further from the desires of her Majesty's government than that the proceedings of any British officer should give cause of complaint to a friendly State;" and the Nicaraguan government adds, that nothing should be further from the intention of Queen Victoria's cabinet than to assert the right of territorial possession, in favor of the Mosquitos, to the place from which Colonel Manuel Qui-

janó, the administrator of the port of San Juan del Norte, was driven, in order to free itself from the responsibility which it has contracted in consequence of the proceedings of its subaltern, the superintendent of Belize, towards a functionary of this State.

For this reason, in the communication to his Excellency the Minister for Foreign Affairs, it was said that whatsoever error may have been committed by the administrator, Quijano, in his altercations in writing and in words, with the superintendent of Belize, they did not authorize the latter to constitute himself the superior of the functionary, and, without any previous communication with this supreme government on the subject of the pretensions of the (so called) King of the Mosquitos, or of the complaints of the American or British subjects against that person, *to remove* from his position by force, and with violation of the Nicaraguan territory, the officer employed by the law, and subject exclusively to the instruction and direction of this supreme government.

The government of Nicaragua has the strongest grounds for denying the existence of the Mosquito State. You, sir, know that sovereignty is essential to such existence; and that the Mosquitos do not possess this requisite, is proved by the declaration of the King of Spain on the 5th of January, 1785, in the following decisive words: "The Mosquito Indians inhabiting one of the provinces of Guatemala have been vassals of the Crown of Spain ever since the conquest and reduction of those dominions; and although they some time ago yielded to the assistance and instigations of certain English adventurers, who established themselves furtively among them, they have several times solicited to be allowed to return under the dominion of Spain, and it was finally conceded to them that they should be kindly admitted to the reconciliation which they desire.

"The rebellion of the Mosquitos was also aided by the insurrection of many negro slaves belonging to the King, and to private proprietors in the kingdom of Guatemala, who flying to the recesses of the mountains, united themselves with those Indians, and made common cause with them and with the English intruders on their territory, in order to maintain the liberty which they so much desired.

"From these indubitable facts it may be inferred, evidently, that the Musquito Indians and the Sambos united with are subjects of Spain, and that this monarchy has the ancient right of sovereignty over them, especially as they have never, since their rebellion, been acknowledged as independent, either expressly or tacitly, but, on the contrary, they have been obliged to implore pardon for their fault of insurrection, and others committed against their legitimate government, offering in return to expel the English and all other intruders from their territory. Those offers are substantiated by formal acts," &c.

In consequence of this ancient right of dominion, the Spanish authorities established and sustained ports and settlements on the Musquito coast, at Bluefields river, Black river, and Cape Gracias á Dios. At the second of these places there was a large population and a garrison, with its commandant, established by the Spanish government: the name of the officer who performed these functions is now before us; he was Don Antonio Echeverriás. At Cape Gracias á Dios was an administration of the treasury, at the head of which was Don José Arisay Torres—first with eight

Doc. No. 75.

hundred dollars, and afterwards one thousand six hundred and fifty dollars of annual salary.

There are other innumerable acts proving the relation and dependence of the Mosquitos on the Spanish authorities, especially in this State, among which may be added the marriage of their chief, (Carlos Castilla,) at the end of the last century, to Donna Maria Rodriguez, of the district of Chartales, whose eldest son obtained the grade and pay of captain under the Spanish government, whose tutor was the governor intendant of this province, who was a student in the Tridentine Seminary of this city, and, in the year 1827, served among the troops of the supreme chief of this State, Don Manuel Antonio Cenda, under the republican system.

On these firm grounds, the national constitution of 1824 says, in its fifth article: "The territory of this republic is the same formerly comprised in the old kingdom of Guatemala, with the exception, for the present, of the province of Chiapas." The constitution of this State, on the 12th of November, 1838, declares, in its second article: "The territory of the State is the same as formerly comprised in the province of Nicaragua. Its limits are: on the east and northeast, the Caribbean sea; on the north and northwest, the State of Honduras; on the west and south, the Pacific ocean; and on the southeast, the State of Costa Rica. The lines dividing it from the other adjoining States shall be determined by a law, which shall form a part of this constitution." It is, therefore, evident that neither Spain, nor Central America, nor Nicaragua, has recognised any Mosquito Territory, or State, though they cultivated friendship with those Indians and their chiefs with a view of civilizing them, and that the consideration so frequently shown by the Spanish authorities for the Mosquito Indian you call a prince were by no means proofs of recognition.

For these reasons, all documents which have been produced from the British colonial archives, without notice to or information from the authorities of Nicaragua and other Central American States, are null, and the opinions which the British government founded upon them are erroneous, as that government could never have meant to recognise as a State a horde of savages, wanting all the constituent principles of a sovereign society, and especially a constitution, such as to give them legitimately a form and Territory. What is here submitted to your enlightened judgment will suffice to convince you how trivial and illegal are the grounds on which the high and respected government of her Britannic Majesty has been made to believe in the existence of a Mosquito State with a king and a Territory. But although certain British subjects may have endeavored, for their own interests, to legitimize their pretensions to certain points on the coast inhabited by the Mosquitos, and have prepared a dispute on those points of the Nicaraguan and Central American territory, there can be no question as to the port of San Juan del Norte, in this State, from which the administrator, Colonel Quijano, was removed.

The idea that the Mosquitos could pretend to have a right to a point comprehended in that port itself, is not a declaration which could have excluded it from the dominion and ancient possession by Nicaragua in its whole extent. The population, the preservation of the authorities, the trade, the use of the lands, waters, and other properties of the port, are the means by which its possession has been administered and enjoyed by this State; and thus any order to transfer offices from one part to another

within the same port, in place of rendering the administrative right of this supreme government doubtful, serves to confirm it.

I repeat, that to allege an opinion in favor of this right of the Mosquitos to a part of the port of San Juan is not a legal declaration, such as would have preceded the act of violence committed by the superintendent of Belize, and have authorized him to act with an armed force upon a territory possessed by Nicaragua openly before the world, and to remove its administrator.

It is a principle universally recognised, that the functionaries of every country are subordinate exclusively to the inspection, judgment, and proceedings of their respective governments; and consequently the slightest usurpation of these rights by any officer of any other nation is an attack upon the sovereignty of the other, and a horrible crime.

In vain has the superintendent said, what you state in your communication, that the powers and property of British subjects were in danger, when he himself, in his report of the 15th of August of last year, specifies no one act showing any serious risks to which they were exposed, nor accompanies it by any proof of the delinquency said to have been committed by Colonel Quijano, as you may see by the incontestable documents which the commissioner Zeledon is charged to present to you, and which you will please to return to me.

But, if the superintendent had possessed any proofs of any offensive act towards the foreigners residing at the said port, and therefore subject to the laws of this State, in case he was authorized to represent them, he should have addressed his complaint, with the proofs, to this supreme government for its determination. The compensation which you consider just, on the supposition that Mr. George Bell and other Englishmen were detained, in retaliation for the proceedings of the superintendent of Belize, in the last year, at Acoyapa, by the authorities of that place, is of itself inadmissible, as the only reason of their detention was their having entered in an illicit and secret manner by the Rio Mico to Catagua, a port not opened for intercourse; and all that was done by the authorities of that place, in consequence of this infraction of the laws prohibiting commerce in that way, was to keep them in custody until a resolution could be taken on a petition which they addressed through the eastern prefecture. The executive replied that they should retire to ports open to foreign commerce; and so far from their having suffered any injury from the said authorities, no obstacle at all was placed in the way of their immediate return, though they had committed a punishable delinquency. This will convince you fully that there was no such confinement, much less that the death of either of those persons was occasioned by such punishment.

This point being settled, I observe that you also say that the pretended Mosquito State is under the alliance and protection of her Britannic Majesty. You know that an alliance is counteracted by a treaty, and that the protection to be afforded to an ally cannot exceed the limits of justice. Now at what time, between what sovereigns, by what agents, at what place, was concluded a compact of this strict alliance between the British government and the pretended Mosquito King? To what courts in the world has this compact been communicated? What copies of it have been sent to the cabinets of Central America? None. Nor do you say that it has been communicated to the national government.

Even supposing this to have been done, the protection, as I have said, could not exceed the limits of justice; and thus, under the conviction that the means of making complaint in the case is that not only usual but also proper among nations, the superintendent should have adopted it.

Still less are foreign functionaries allowed to enter into an examination of the personal qualities of the persons employed in other countries, as this belongs exclusively to the governments of those countries whose laws prescribe their conduct, and the punishments to which they are to be subjected.

This sacred conservative principle of harmony has been set aside by Colonel Alexander Macdonald, her Britannic Majesty's superintendent at Belize.

The supreme government of the State of Nicaragua, under these circumstances, requires of you, sir, the impartial examination and equitable decision of this interesting question, so important to the cause of reciprocity between the two nations.

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

SIMON OROSCO.

From the Secretary General of the government of Nicaragua.

GOVERNMENT HOUSE,

Leon, November 19, 1842.

SIR: On the morning of the 16th instant I received your esteemed communication, dated on the preceding day, in answer to one of the 10th from this department, remarking on the refusal of your government to render itself responsible for the separation and indemnification claimed by my government in consequence of the conduct of Alexander Macdonald, the superintendent of Belize, towards Colonel Manuel Quijano, the administrator of the port of San Juan del Norte, in this State; and I have to notice your error in supposing that you have been asked for information as to the alliance between Great Britain and the so-called Mosquito State, and as to the grounds upon which her Britannic Majesty's government considers that any point in the port of San Juan del Norte is Mosquito territory and not Nicaraguan, and if this supreme government were not certain that there is no such alliance, and that the port belongs to it entirely, and in all its ports 'n full dominion and possession.

You insist upon the assertion that her Britannic Majesty is the ally of the Mosquito King, and you now found your assertion upon the statement that the earliest permanent commerce between the English and the Mosquito Indians appears to have been before the year 1670, when a British establishment already existed on the Mosquito coast as a dependency of Jamaica, and an intimate commerce and alliance was established between that power and the neighboring Indians.

The supreme government of the State of Nicaragua will, for a moment, admit this hypothesis, and will analyze it in all its circumstances, its nature, and its results, and it will then be seen how absurd it is to consider it as the positive origin of a strict alliance between her Britannic Majesty and the pretended Mosquito King.

If those English going from Jamaica, in place of presenting themselves

in the thickly peopled parts of the kingdom, introduced themselves into the said coast, such introduction was clandestine. As it does not appear that they obtained the permission of the Spanish government of that day, they thus contravened the prohibitory laws established by that government, and therefore committed a crime which exposed them to the penalties prescribed by the laws.

If you could have proved that the commercial establishment had been formed with the permission of that government, it would have given them no further advantage than that of the trifling traffic which they might have carried on with a horde of savages, consuming only a few of the coarsest articles, and in no way did it give them the essential right of an *intimate alliance*. According to the principles recognised by the laws of nations and the usages of diplomacy, negotiations and treaties can be conducted only through agents formally accredited by sovereigns; and these intruding merchants were no more diplomatic agents of the British government than the Mosquito chief was a sovereign. That this Indian was not a sovereign you yourself admit when you say that the rights of Great Britain were in the same year secured to her by a treaty with Spain, signed on the 10th of July, 1670, at Madrid. The sovereignty thus recognised by Great Britain over the said coast, refuted and annulled the cession which, as you say, was made by the Mosquitos to the governor of Jamaica in 1687, as well as the subsequent dispositions of the British government. You thus most strangely assert that these people, considered as allies of Great Britain in 1670, appear as the subjects of the governor of Jamaica seventeen years afterwards—in 1687. The acts by which the Mosquitos were obliged to render services, and the British establishments and superintendent were maintained down to the year 1776, were therefore acts of complete usurpation. For this reason it was established by the sixth article of the definitive treaty of peace between the monarchs of Great Britain and Spain, in September, 1783, that—

“ VI.—The intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dyeing, or logwood, and several English settlements having been formed and extended under that pretence, upon the Spanish continent, it is expressly agreed that his Britannic Majesty’s subjects shall have the right of cutting, landing, and carrying away logwood, in the district lying between the river Wallis, or Belize, and Rio Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations, to wit: by the river Wallis or Belize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land and forms an isthmus, or neck, with another similar inlet which comes from the side of Rio Nuevo or New river; so that the line of separation shall pass straight across the said isthmus, and meet another lake formed by the water of Rio Nuevo, or New river, at its current. The said line shall continue with the course of Rio Nuevo, descending as far as opposite to a river, the source of which is marked in the map, between Rio Nuevo and Rio Hondo, and which empties itself into Rio Hondo; which river shall also serve as a common boundary as far as its junction with Rio Hondo; and from thence descending, by Rio Hondo, to the sea, as the whole is marked in the map which the plenipotentiaries of the two Crowns have thought proper to make use of for ascertaining the points agreed

upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and laborers may not trespass from an uncertainty of the boundaries.

“The respective commissioners shall fix upon convenient places, in the territory above marked out, in order that his Britannic Majesty’s subjects employed in the felling of logwood may, without interruption, build therein houses and magazines necessary for themselves, their families, and their effects; and his Catholic Majesty assures to them the enjoyment of all that is expressed in the present article; *provided* that these stipulations shall not be considered as derogating in anywise from his rights of sovereignty.

“Therefore, all the English who may be dispersed in any other parts, whether on the Spanish continent, or in any of the islands whatsoever, dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described, in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose orders shall be issued on the part of his Britannic Majesty. His governors shall be ordered to grant to the English dispersed every convenience possible for their removing to the settlement agreed upon by the present article, or for their retiring wherever they shall think proper.

“It is likewise stipulated, that if any fortifications should actually have been heretofore erected within the limits marked out, his Britannic Majesty shall cause them all to be demolished; and he will order his subjects not to build any new ones. The English inhabitants who shall settle there for the cutting of logwood shall be permitted to enjoy a free fishery for their subsistence, on the coasts of the district above agreed on, or of the islands situated opposite thereto, without being in anywise disturbed on that account; *provided* they do not establish themselves, in any manner, on the said islands.”

In order to prevent such usurpations on the Mosquito coast, in addition to what there is comprehended in the general terms of the treaty of Versailles, it was specially decided in the treaty concluded between the two governments at London, in July, 1786, that the English should abandon that coast; and, in virtue of this, the settlers, troops, and superintendent were withdrawn, as you confess. The sovereignty exercised by the Spanish government over the coast called by that imaginary name, the name of those Indians, was effective; and the rights which the British pretend to claim from amity, commerce, and intimate alliance with those people, become null.

As such intimate alliance did not exist, it would not have been renewed, as you say it was, after the cessation of the power of Spain in this hemisphere, because as it could only be counteracted by means of treaties between sovereigns. You confess that the treaty concluded between the Kings of England and Spain prohibited such relations between the English and the Mosquitos. It is clear that these Indians possessed no sovereignty according to the views not only of the Spanish government, but also of the British, and that the latter could not contract an alliance with the pretended King of the Mosquitos; so that, as this alliance never existed, it could not have been renewed.

What this supreme government has declared, and you have admitted, as to the power of Spain over the coast called the Mosquito coast, goes to

prove that the Mosquitos have never been sovereigns, but have only formed a small portion of the kingdom of Guatemala, within whose limits are comprised—according to the Recopilacion de Indias, book 2, title 15, law 6, now in force, so far as it is not contrary to existing institutions, declaring that its government should include, and its audience should have for its district—“the said province of Guatemala, with those of Nicaragua, Chiapas, Higueras, Cabo de Honduras, Vera Paz, and Locomisco, with the islands on the coast, bounded on the east by the province of Tierra Firme, on the west by that of New Galicia, by the Atlantic sea on the north, and the South sea on the south.”

These boundaries evidently embrace the coast in question, and consequently the Mosquito Indians thereon dwelling were inhabitants of the same kingdom of Guatemala. All the documents cited in the answer from this department of the 10th instant, and acknowledged by you in your reply of the 16th, prove the authority exercised by the kingdom of Guatemala over these people and the territory inhabited by them; and there is no difficulty in proving to you that the establishment on Black river was in existence in 1800. The acts mentioned by you could not give any rights to the Mosquitos, and formal measures were afterwards taken to provide an effective government for those coasts.

The return stated by you to have been made by the President of Guatemala of some Mosquito Indians, who had been brought away as prisoners with some Caribs to Truxillo, by the Commandant Vallegos, and that they crossed the dividing line at Manto, are circumstances which, although they might have occurred, as stated, prove nothing in favor of the Mosquitos, as an act of humanity could not be interpreted, in rigorous justice, to that effect; nor were any boundaries in question; nor did the President have powers to agree upon any which should alter those established by the law of the whole kingdom.

The mistakes committed by certain subjects of France or of New Grenada, in addressing themselves to the pretended Mosquito King for the restoration of negro slaves, does not prove that the governments of those nations, and still less that Great Britain, which had by solemn acts disarmed the pretended sovereignty of those Indians, could have recognised this sovereignty as residing in their chief, possessing a separate territory.

This government therefore had abundant grounds for denying that you had a legal right to declare to the government of Central America, that her Britannic Majesty's government recognised the Mosquito nation. As that nation does not exist, so is the territory wholly imaginary which is claimed for them between the latitudes of 10 degrees 30 minutes and 16 degrees 10 minutes, and the longitude of 83 degrees 37 minutes and 88 degrees. Equally devoid of validity are the boundaries as set forth by the council of Jamaica on the 16th of July, 1774, in these words: “Of the boundaries and extent of this country, we find it difficult to form a precise idea; Cape Gracias a Dios, in 15 degrees north latitude, is generally reckoned the centre of its seacoast, which is supposed to extend from Cape Honduras to the northern branch of the Desaguadero of Nicaragua, about 180 leagues; and the distant mountains which bound the Spanish territories behind may be considered as the inland line.”

This document moreover justifies the right of Nicaragua to the port of

San Juan del Norte, as well as the following with regard to its establishment as a port of entry, and its confirmation: "With the object of advancing the population and commerce of Camen island, his Majesty, taking into consideration the report of the Marquis de Branciforte, viceroy of New Spain, has been pleased to open the port contiguous to its fortress, and to place it in the class of minor ports, granting to it all the privileges and immunities conceded by the decree of October 18, 1789, and the subsequent orders respecting that class of ports. In order moreover that the province of Nicaragua, and others of the kingdom of Guatemala, distant more than 300 leagues from the capital, and from the ports of Orona, Santo Tomas de Castilla, may carry a direct trade with the northern country without the inconvenience otherwise occasioned by the distance, his Majesty has been pleased to open for commerce the port of San Juan de Nicaragua, on the coast of the river of the same name, extending the rights of entry for the present to the city of Grenada, on the Lake of Nicaragua, to which point this river is navigable; so that all the liberties and occupations granted to the port of San Juan may be enjoyed for the present by the city of Grenada. I inform you of this order for its fulfilment. May God preserve you many years. Aranjuez, February 29, 1796.

"GORDOQUI."

"To the Governor Intendant of Nicaragua:

"The King has been informed of what you state in your letter of January 3, 1806, number 609, as well as in your number 652, of the 18th of June of the same year, accompanying the document respecting the navigation and commerce of the river of San Juan de Nicaragua, proposing that it should continue open as a port of entry, and that for the advancement of the interests of the adjoining country, by clearing and cultivation of the lands, the same privileges should be granted to its inhabitants which were allowed by the royal order of November 20, 1803, to the new settlers on the Mosquito coast, exempting them also from duties and tithes for ten years on all the productions of the lands within ten leagues of the river *on either of its sides*; and his Majesty, being well informed on the subject, has been pleased to agree to the measures proposed by you, and has moreover resolved that endeavors should be made to increase the population in the vicinity of the shores of the said river of Nicaragua to the number of not more than 300 inhabitants. All which I communicate to you by royal order.

"MADRID, March 31, 1808.

"AZANZA."

In possession of this port, the State of Nicaragua in its constitution, article 2, says: "The territory of the State is the same formerly comprised in the province of Nicaragua; its limits are—on the east and northeast the Caribbean sea, on the north and northwest the State of Honduras, on the west and south the Pacific ocean, and on the southeast the State of Costa Rica."

From all this it follows clearly that there is no alliance between the Mosquitos and the British government, and that the belief entertained by you, that the left bank of the San Juan at its mouth is Mosquito territory,

and not Nicaraguan, is an absolute error, which cannot relieve you from the heavy responsibility which has been contracted in consequence of the conduct of your subaltern, the superintendent of Belize, towards the administrator, Colonel Manuel Quijano. I repeat, that the allegation in favor of the right of the Mosquitos to the port of San Juan is not a legal declaration, such as should have preceded the act of violence committed by the superintendent of Belize, and have authorized him to serve with armed force a territory possessed by Nicaragua before the whole world, and remove its administrator. This person was a functionary of the State of Nicaragua, subject exclusively, as regards his conduct, to the investigation and determination by this supreme government, or by the tribunals who were entitled to take cognizance of the case, in the order established by the laws, which constitute the peculiar sovereignty of this country, in all matters of government and justice, over its own subjects, with absolute exclusion of all others.

If the officers of any one nation had the right to proceed against those of another, because the former might conceive that the latter were acting in a territory not belonging to their nation, the security of all the nations of the earth would be rendered dependant on the various opinions of their respective functionaries, and universal anarchy would be the certain consequence of so horrible a maxim. It cannot but be far from the intentions of her Britannic Majesty's government, and from your intention, to evade responsibility by such a subterfuge.

Mr. Superintendent Macdonald, beyond the limits of his establishment at Belize, listening to complaints against the administrator, Colonel Quijano, deciding them according to his own judgment, using armed force, and thus carrying that functionary as a prisoner on board the sloop-of-war Tweed, and conducting him in his expedition along the coast northward, until he was set ashore at Cape Gracias a Dios, is a usurpation, without question or excuse, on the rights of sovereignty of the State of Nicaragua, and a criminal act, which should be severely punished.

Such is the real object of the claim addressed by this supreme government on the 16th of October of the past year to that of her Britannic Majesty for satisfaction and indemnification, of which this department will present an account so soon as the justice of its demand has been admitted, as also for the measures which should be adopted for the conduct of the subalterns, who may pretend to imitate the superintendent of Belize. The British government, from that time to the present, has not done justice to the State of Nicaragua; and you, sir, after declaring that you came for that purpose, are now retiring without effecting it.

For these reasons this supreme government protests solemnly before you, that so long as her Britannic Majesty's government shall not have done justice in this State, Nicaragua does not hold herself responsible for the result of the claims of that government or its agents, and that it will pursue its claim until it should have been completely satisfied.

I am, sir, your obedient servant,

SIMON OROSCO.

To F. CHATFIELD, Esq.,
Consul General of her Britannic Majesty.

DEPARTMENT OF SECRETARY OF SUPREME GOVERNMENT OF THE
STATE OF NICARAGUA, Leon, December 6, 1842.

True copies:

OROSCO.

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No. 3.

Translation of a circular addressed by Don F. Castillon, the envoy of the States of Honduras and Nicaragua, at Brussels, to the foreign ministers.

BRUSSELS, September 28, 1844.

As it has been stated in several newspapers published in London, Paris, and Brussels, that the naval forces of her Britannic Majesty have occupied the port of Bluefields, situated in the territory of Nicaragua, and I have seen this confirmed by a letter written from Cartagena, in New Grenada, on the 17th July last, I have considered it my duty, as the representative of the governments of Honduras and Nicaragua, to address to his Excellency Lord Aberdeen the following communication:

"It is stated in several newspapers published in Paris, on the authority of others which have appeared in your capital, that her Britannic Majesty's forces have occupied the port of Bluefields, on the Atlantic coast of the territory of Nicaragua, in Central America, which has been known under the name of the Mosquito coast ever since the discovery of that part of the New World. I have been unable to admit the truth of this report, being, as I am persuaded, that the spirit of moderation and justice presides over the acts of her Britannic Majesty's cabinet; and I confide entirely in the sincerity of the unequivocal marks of friendship, and the consideration which it has given to the Central American States, ever since they declared themselves free and independent of the mother country, by sustaining with ardor the just cause of their emancipation. But as the act to which these newspapers refer may possibly have been committed without her Majesty's knowledge, as in the case of the occupation of the island of Raatan in 1830, and subsequently in 1839, with respect to which representations were respectfully made to the throne of her Britannic Majesty itself, I have judged it proper to declare to your lordship, in my character of representative of the States of Honduras and Nicaragua, that the governments of those States, being most anxious to maintain the relations of good understanding and affinity so happily subsisting between them and the government of her Britannic Majesty, have especially instructed me to communicate frankly to your cabinet the just title which they have to the territory called the Mosquito territory, and the adjacent islands on the Atlantic, formerly comprised within the jurisdiction of the kingdom of Guatemala, afterwards recognised under the name of the republic of Central America; in order that, upon this full knowledge of the case, your cabinet may admit, in the most formal and solemn manner, the right of those States to the said territory, and cause justice to be observed towards them by your subaltern agents, and prevent them from

being disturbed in the tranquil and lawful possession in which they have continued for so long a period.

" It is, my lord, well known in Europe that the Central American (portion of the) continent belonged for more than three hundred years to the King of Spain, and that his rights in this territory were respected on the Atlantic as well as on the Pacific coasts. The celebrated treaty of June 14, 1786, between that monarch and his Britannic Majesty, proves that this dominion was recognised on the part of Great Britain, as her sovereign, by the 11th article, engaged to give the most positive orders to his subjects and other colonists, who had until that time enjoyed the possession of the territory, to evacuate the Mosquito countries as well as the continent in general, and the adjacent islands, without exception, within the term of six months, (see article 12;) he, in return, obtaining the permission to cut dye and other woods in the Belize territory, agreeably to the limitations expressed in the second article.

" It is likewise well known that this treaty was scrupulously observed by the British government, so long as Central America remained under the dominion of Spain; as also that in the constitution of the Spanish monarchy promulgated in 1812, it is declared by the 12th article, that 'Guatemala, with the internal provinces of the east and of the west and the adjacent islands in both seas, form parts of the Spanish dominions,' nor was this ever questioned in any way by any European power, although King Ferdinand VII communicated to all of them, and particularly to Great Britain, his resolution to accept that constitution; and the answer to this communication was addressed at Carlton House on the 21st of April, 1820, and was published in the *Moniteur* of that year, No. 143.

" It is, moreover, well known that the people of Central America, having recovered their sovereignty with the dominion and empire of their whole territory, has never ceded nor alienated in any way any portion of its coast; and so far from this, they declare in the fifth article of the first constitution, published to the world in 1824, that the territory of the republic is the same which formerly composed the old kingdom of Guatemala, (with the exception of the province of Chiapas;) bounded, agreeably to the 6th chapter, title 15, of the 2d book of the *Recopilacion de Leges de Indias*, (code of laws of the Indies,) on the east by the Audiencia of Tierra Firme or the Escudo de Veragua, on the west by Mexico or New Spain, by the Atlantic on the north, and by the Pacific on the south.

" On these principles have been written the books of geography published even in London, as well as the prospectus to the History of Guatemala, by the enlightened American, Don José de la Valle, presenting the boundaries of Central America.

" Finally, it is as well known that on these same principles Señor Marcial Tebohia, minister plenipotentiary of Central America near your cabinet in 1826, introduced into the preliminaries of a negotiation, which was unfortunately frustrated by the delay of the arrival of the new powers confided to him for that purpose, an article reserving to British subjects the concessions made to them in the treaty of 1783, and the convention of 1786, already mentioned, upon the representations of your government that this was necessary for its interests in that country, and that nothing more would be in any way required of it.

"These facts being established, it remains for me only to state that—the limits of the States of Nicaragua and Honduras being the same which existed when they were provinces of the old kingdom of Guatemala—the State of Honduras extends from the State of Guatemala on the west eastward to Cape Gracias á Dios, and south and southeast, and from the Gulf of Cœuchaqua, on the Pacific ocean, to the Atlantic on the east, northeast, and north, including also the coasts and adjacent islands on both seas; while Nicaragua is bounded on the east by the Caribbean sea, on the north by Cape Gracias á Dios, which separates it from the State of Honduras, on the west by the Gulf of Cœuchaqua, on the south by the Pacific ocean, and on the southeast by the State of Costa Rica. These boundaries are all declared by the respective constitutions, so that no grounds are left for the supposition that they could have acknowledged as an independent territory what is called, agreeably to the old nomenclature, the Mosquito country, to the civilization of which those States have begun to devote themselves, as the condition in which that country is placed does not allow it to be regarded as an independent State, nor even as a mere settlement, it being as well known without a government or authorities or laws requisite to constitute an organized community, as required by the principles of international law.

"Such are the grounds upon which stand the rights of the States of Honduras and Nicaragua to the possession of the so-called Mosquito country; and upon these I rest my hope that the spirit of rectitude and moderation which directs the government of her Britannic Majesty will induce it, not only to admit and respect those rights, agreeably to the usages of nations which value and observe the maxims of equality and justice as the most important supports of their security and tranquillity, but likewise to afford proper protection, and to see that the rights are equally respected by others, so as to leave the States in the enjoyment of what so justly belongs to them.

"I pray your lordship to place what I have here exposed before the eyes of her Majesty the Queen of Great Britain, and to communicate to me the resolution which she may think proper to adopt with regard to it, as soon as may be convenient.

"I avail myself of this occasion, with the utmost satisfaction, to assure your lordship of the sincere and respectful feelings which animate me, and with which I have the honor to be your lordship's most obedient servant."

Having made the above communication, and desiring furthermore to secure the well founded rights of the said States of Honduras and Nicaragua to the above-mentioned territory against the measures taken by the British officers and agents in Central America, notwithstanding the attempts already made by the British to appropriate that country to themselves, by establishing in various parts, taking advantage of the deplorable condition of the States, or by encouraging the chief of the savages inhabiting the country in the idea of his sovereignty, as the independent monarch of an independent State, in alliance with, and under the protection of, her Britannic Majesty, I have conceived it my duty, as most conducive to these ends, to protest, as I now protest, in the most solemn and formal manner, before all the governments of Europe, and especially before that of his Majesty the King of *****, against all the acts of vio-

lence and force committed by the naval forces of her Britannic Majesty in the island of Raatan and the Mosquito territory, for the purpose of taking possession of either of those places, so important, from their position, in case of the execution of the enterprise of the great canal between the two oceans; as also against all the consequences which may ensue from such acts—protesting, as I do protest, in the name of the said States, which I represent, against those grievances, with the hope of one day obtaining the reparation so justly due on account of them from those whom it may concern. It is my duty to declare that the said States do not consent, nor will they ever consent, to cede the slightest portion of their respective possessions, of which an attempt is made to despoil them by means of force, so long as reason and justice (the only means now employed by them) are respected by the other powers, as compatible with the preservation of universal society—the interest of which is to repress, and even to punish, those who arbitrarily trample justice under foot, and, by their conduct, always manifest their disposition to aggrandize themselves at the expense of the weak, without regard to the rights of other nations.

Be pleased, sir, to submit this present declaration and protest to his Majesty the King of *****, for his information, and to accept the assurances of most distinguished consideration with which I have the honor to be your most humble servant,

FRANCISCO CASTELLON.

A true copy:

BUITRAGO.

LEON, December 15, 1847.

Answer to the preceding, from the Hon. W. R. King, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris.

LEGATION OF THE UNITED STATES, PARIS,
October 22, 1844.

SIR: I have the honor to acknowledge the receipt of the communication which your excellency has been pleased to address to me; and I shall, with great pleasure, transmit it to the Department of State of the United States.

I avail myself of this occasion to offer to your excellency the assurance of my high consideration.

WILLIAM R. KING.

His Excellency the Envoy Extraordinary and
Minister Plenipotentiary of the States of Nicaragua and Honduras.

A true copy:

BUITRAGO.

LEON, December 15, 1847.

No. 4.

Mr. Chatfield to the Principal Secretary of the governments of Honduras and Nicaragua.

GUATEMALA, September 10, 1847.

SIR: Questions having arisen, at various times, with the States of Honduras and Nicaragua, as to the extent of the coast frontier of the kingdom of Mosquito, her Majesty's government have carefully examined the various documents and historical records which exist relative to this subject, and they are of the opinion that the right of the King of Mosquito should be maintained as extending from Cape Honduras down to the mouth of the river San Juan; and I am therefore instructed to inform the supreme government of the States of Honduras and Nicaragua, as I have now the honor to do, that this is an extent of coast to which her Majesty's government consider the King of Mosquito to be entitled, without prejudice to the right of the Mosquito King to any territory south of the river San Juan; and that her Majesty's government will not view with indifference any attempt to encroach upon the rights or territory of the King of Mosquito, who is under the protection of the British Crown.

I have, &c.,

FRED'K CHATFIELD.

[Translation.]

GOVERNMENT HOUSE, MANAGUA,
October 14, 1847.

This supreme government—being without any answer from you to the communication which this ministry addressed to you on the 19th of November, 1842, (an authorized copy of which is hereby enclosed,) supporting incontestably the rights of this State on the coast called Mosquito and the port of San Juan on the north, on the occasion of the proceedings of Colonel Alexander Macdonald, ex-superintendent of Belize, against Colonel Manuel Quijano, then the administrator of that port, and in disregard of the best relations of peace, amity, and commerce with British subjects—has seen with extraordinary surprise your note of the 10th of last month, which, supporting questions of territory between the nomad tribe of Mosquito and the States of Honduras and Nicaragua; states that, after a careful examination of various historical records, her Britannic Majesty's government are of opinion that the proper extension of that imaginary kingdom is from Cape Honduras to the mouth of the river San Juan on the Atlantic; and that, as their ally, they are disposed to grant every protection against any aggression which these States may make upon it.

You know, sir, very well, that the established practice of a society which considers itself capable of assuming the rank of a nation to obtain its recognition as such, is, that its chief, by his ministers or direct accredited agents, should formally solicit the recognition of his sovereignty according to international law; and it is certain that the pretended King of Mosquito has never applied by any agent of his own to the govern-

ment of Central America, nor to any of its States, soliciting their acknowledgment of him as a sovereign, much less raising questions of territory apart from those of Honduras and Nicaragua: wherefore, my government, legally and in good faith, can and does declare that it has never recognised, nor does recognise, such a kingdom or king of Mosquito, and therefore it cannot recognise, and does not recognise, the territorial pretensions spoken of in your note above referred to.

The kingdom of Mosquito has never existed, and does not now exist. Truly, sir, all is reduced to a few savages, who wander in the deserts and forests on the coast of Honduras and Nicaragua, living by the chase and fishing, without houses, without a known language, without written characters, without arts, commerce, laws, or religion, which, according to received principles, would make them appear before the civilized world as composing a regular society, and, what is much more, constituting an empire.

What is unquestionable, (if one may speak candidly,) is, that certain British subjects, under favor of the neighboring settlements of Jamaica and Belize, and in consequence of the traffic established by the Spanish government, and subsequently by the central republic, came to the coasts and familiarized with the Mosquito tribe; and seeing the virgin state and abundance of the natural productions of that part of the Central American territory and its advantageous geographical situation, they became desirous of appropriating it, seeking, for the purpose, the improper means of teaching their English idiom and a part of their customs to some of the Mosquitos—carrying with them the son of some favored family, educating him in their fashions, and thus preparing an instrument to serve their designs with the title of King. This fantastic personage has not and cannot be presented to the civilization of the nineteenth century, nor make himself acknowledged by this government, or by other neighboring ones, since there cannot nor ought to be a sovereignty in that wandering fraction of the Central American people; for such an act would give a right to the savage hordes who exist in different parts of the world to form kingdoms under the protection of other governments, and to put themselves in comparison (*en paragon*) with civilized States, which would place limits on civilization, and establish disorder and universal anarchy.

Subjects and agents of her Britannic Majesty are the persons who have announced and proclaimed the leader of this tribe as a sovereign and ally of the English government; but neither of their agents has been able to present, or has presented, to any government of Central America, credentials of his appearing to be a real and direct agent of the supposititious King of Mosquito; neither has Great Britain herself accredited a *charge d'affaires* to these governments, who might have moved these questions of sovereignty, territory, and appropriation of a port, acknowledged by the whole world as the property of the sovereign State of Nicaragua. On the contrary, the government of her Britannic Majesty, through the medium of the chief of its naval forces on the Atlantic station, Vice-Admiral Sir Charles Adam, in establishing the blockade of 1842 at the port of San Juan on the north, recognised and declared it as belonging to Nicaragua, in order to coerce the government of this State to pay various British subjects certain sums they claimed, amounting to \$14,000, as he made known to this ministry and to the trade of other nations.

Honduras and Nicaragua have submitted no questions with Mosquito to the knowledge of her Britannic Majesty's government—neither the rights nor interests of these States admit of their doing so. According to your note, hereinbefore referred to, her Britannic Majesty is the protector of the Mosquitos, and consequently wants the impartiality which alone can give a semblance of justice to her opinion in favor of the aforesaid tribe, especially as the assumed questions respecting territory have been moved by British subjects alone; therefore, the opinion of the British government which you announce cannot be considered as a resolution in the said questions with the Mosquitos, and much less as a rule which might serve them for fixing, either *de jure* or *de facto*, their imaginary territorial limits from Cape Gracias a Dios, along the northern coast of these States, to the northern branch of the river San Juan of Nicaragua, as you say in your communication of the 15th of November, 1842, referring to a doubtful report of the council of Jamaica.

Neither is it to be conceived, in the face of the principles of universal justice, that it could in any way be reputed an aggression on the part of Nicaragua upon those Central American savages, called Mosquitos, the conservation of the rights of property, and possession of this State in the coast of the north and port of San Juan. On the contrary, Nicaragua will receive as such aggression, hostility, and war, on the part of the British government, any occupation which, under its protection, the Mosquitos may effect on any part of the port of San Juan. Nicaragua will disallow it, resist and repel it, with the force of justice and with all her strength, until, if necessary, she disappears completely from the face of the earth, before she consents that a mixed race, between the most splendid civilization and the most obscure barbarism, should snatch away a property which, according to the great demarcations of nature, sanctioned by laws, international right, and immemorial possession, belongs to her in the port of San Juan and on the coast called Mosquito.

Thus my government solemnly protests. It will denounce the spoliation with which it is menaced before all the just governments of civilized nations; and the world will see how the ambition of a few English subjects darkens the enlightened mind of the cabinet of her Britannic Majesty, to the point of making it agree that the august Queen Victoria should appear at the side of a despicable savage.

Such are the views which my government has directed me to transmit to you, sir, in answer to your letter of the 10th of September last; and, in doing so,

I have, &c.,

SEBASTIAN SALINAS.

No. 5.

[Translation.]

The latest intelligence received by the government respecting the occupation of the port of San Juan by British subjects, under the pretext of protection of the Mosquitos; and respecting the arrival of the troops of the line at the city of Grenada, for the purpose of establishing proper means of defence, whenever the dignity and rights of Nicaragua shall be threatened by a foreign invasion:

COMANDANCIA SAN JUAN, *October 27, 1847.*

Yesterday evening, at 5 o'clock, an English frigate of war, called the "Alarm," arrived off this port. At daybreak she anchored in the bay; and about 9 o'clock in the morning two officers presented themselves to me, and placed in my hands the communication which I enclose, sealed, charging me to lay it before the government with as little delay as possible; and also a copy, which I enclose, translated, of a similar communication which they delivered to me, indicating that it was of the same tenor as that addressed to the government. They had also the assurance to intimate to me that from this day forward the flag of the State must not be hoisted, because the port belonged to the King of the Mosquitos. I replied that my government did not recognise such King, and that I, who was but its subaltern, had to obey its orders at the cost of my life; and since the term they allowed me was two months, they should not interfere in any way with the internal and economical government of the port till the said term was run, and that I would hoist the flag on all customary occasions. Whereupon they retired; and on board hoisted the Mosco flag, and saluted it with twenty-one guns of the largest calibre.

These disputes and the intimation made to me, obliged me to make a protest in duplicate to the captain of the frigate, of which I enclose a copy, and which I sent on board by an officer; but they did not acknowledge its receipt, saying that the frigate would return with the answer in three or four weeks. They immediately weighed anchor and set sail.

These occurrences have obliged me to despatch my own orderly with the aforesaid communications, who will place them in the hands of the governor; and I hope that the resolution that may be formed will be communicated to me with the least possible delay, keeping in mind that two months pass in an instant; and I hope the prefect of Grenada will be charged to facilitate a passage to the orderly on his return.

I hope, sir, that you will lay what is here set forth before the supreme director, and meantime I repeat, &c.

RAFAEL BERMUDES.

OFFICE OF THE COUNCIL OF STATE,
Bluefields, Mosquito, October 25, 1847.

SIR: I have this day been commanded by the King, in council, to notify through you to his Excellency the President of Nicaragua the fact that many protests have been made to his government against the usurpa-

tion by the State of Nicaragua of the territory of the King; and that these representations have not only failed to procure redress, but have remained unnoticed. After due deliberation, and the necessary communication with the government of her Britannic Majesty, the ally and protector of this kingdom, it has been determined that the King, with the assistance of her Britannic Majesty's government, shall now maintain and recover his ancient hereditary rights.

The King, in council, hopes that his Excellency the President, and the government over which he presides, in order to insure those friendly relations between Mosquito and Nicaragua which are so important to their mutual benefit, will give orders to remove the Nicaraguan establishment from its present position at the mouth of the river San Juan.

The King, in council, desiring to act harmoniously and courteously towards Nicaragua, will allow the State of Nicaragua till the 1st of January next for the removal. After that date, notice is hereby openly and expressly given that strong measures will be employed to maintain the King's sovereign rights.

I have, &c.,

GEORGE HODGSON,
Senior Member of Council.

GOVERNMENT HOUSE,
Leon, November 8, 1847.

SIR: Your communication of the 25th of last month, in which, under the title of senior member of the council of the pretended King of the Mosquitos, you require, in his name, the removal of the establishment at the mouth of the river San Juan del Norte, appointing for this the 1st January next as the latest term, and threatening that thereafter strong measures will be employed to maintain the rights of the said King of the Mosquitos, was presented to my government, which has ordered me to inform you that the subject of the territorial limits, and the acknowledgment of the kingdom and King of Mosquito, is actually under arrangement with Mr. Frederick Chatfield, her Britannic Majesty's consul general in Central America, who, as he avers, is sufficiently authorized to conclude it; but that if the acts respecting the occupation of the port should be proceeded with by the threatened force, the government of Nicaragua is prepared, as it has already manifested to the said consul in the communication of 14th October last, of which I send you a copy, to employ all its power to defend the dignity of the State; and in such event the hostilities which may ensue will have originated solely on the part of those who attempt the occupation of a territory which belongs, and has from time immemorial belonged, to Nicaragua.

Receive, &c.,

SEBASTIAN SALINAS.

Copy of the protest made on the 27th October, 1847, to the commander of the English frigate "Alarm."

OCTOBER 27, 1847.

SIR: The undersigned, commandant of the port of the mouth of San Juan de Nicaragua, being informed of the forcible assistance and co-operation which the commander of her Britannic Majesty's frigate "Alarm," in the name of the British government, has decided to afford in favor of the occupation of this port intended by the King of the Mosquitos, cannot but deeply deplore the attack which said assistance involves against the rights of sovereignty and integrity of the territory of the free State of Nicaragua, whose government the undersigned represents on this occasion, and in name of which he is called upon to protest against the abuse of the naval forces and the name of the great nation which the commander of the frigate "Alarm" represents.

The State of Nicaragua, in present circumstances, wanting other means for the defence of her rights than those afforded by reason and justice, sustained solely by the morality (moral) of the civilized world, at the head of which is Great Britain, the government of Nicaragua reserves to itself, through the undersigned, the right of remonstrating, as may be convenient, and with all possible means, against the violation and usurpation of a port within its territory which has always belonged to this State, which all commercial nations have ever recognised as such, and which, although it may be occupied by a foreign power, will always continue to belong to the Nicaraguan territory, where nature has placed it.

I request, sir, that you will receive the protest in due form, returning to me one of the duplicates in which it is made, accepted by you; and, at the same time, I have, &c.,

RAFAEL BERMUDEZ.

The frigate referred to in the foregoing notes is manned by English officers and three hundred or four hundred men. The flag with which she entered San Juan is the British, and she subsequently hoisted the flag called the Mosquito flag. On the envelope of the communication of the so-called officer of the council of his Mosquito Majesty is the seal of the British consul resident at Bluefields; so that the whole is the work of English subjects on the coast of Mosquito.

To prove the indisputable right which the State of Nicaragua really and effectually has to the port of San Juan, which it is now desired to take away from us, we here insert the following documents:

To the Governor Intendant of Nicaragua.

In order to foment the population and trade of the island of Carmen, his Majesty has been pleased, in consideration of the report of the Viceroy of New Spain, the Marquis of Branciforte, to make its port a port of entry of the second class, with all the privileges and immunities granted under the decree of the 18th of October, 1789, and subsequent orders applicable to ports of that class.

Further, that the province of Nicaragua, and others of the kingdom of Guatemala, distant upwards of three hundred leagues from the capital and ports of Omoa and Santa Tomas de Castilla, may trade direct with the metropolis, without the inconvenience of such great distances, his

Majesty has been pleased to make a port of entry of San Juan de Nicaragua, on the banks of the river of that name, of the smaller class, extending, for the present, such order to the city of Grenada, in the lake of Nicaragua, as far as such river is navigable; wherefore, all the privileges belonging to the port of San Juan are to be enjoyed, for the present, by the city of Grenada.

By royal order I communicate this to you, &c. Aranjuez, February 26, 1796.

GUARD O'QU

To the Governor Intendant of Nicaragua.

That Don Juan Zavala may effect the shipment which he proposes to make, from Cadiz to the port of San Juan, the King has been pleased to order, as a mark of royal protection, that, renewing the instructions contained in the royal order of 28th February last, upon this subject, you are now directed to promote plantations of coffee, which will probably be encouraged by the opening of the port; and you will aid Zavala with laborers for the selling of choice woods, Brazil woods, and other commercial articles, as also carriages and small vessels, as he may require, without prejudice to the law 3, title 14, book 6, and others, prohibiting personal service: you and the first alcaldes exhorting and enjoining the inhabitants to work. That you procure, by every possible means, that provisions be found for the seamen and laborers, on board and in the port, at the same prices as those paid by the people of Masaya for the garrison of the fort of San Carlos. That you give the use of the naval stores in Grenada, for the construction of flat-bottomed boats for bringing up the cargo by the rivers, at the same rate and distances as the royal treasury pays, if not required for any urgent service of the King. That the dues of the consulado, and the sole contribution which the shipment has to pay for the privilege allowed in the smaller ports, be deposited in your custody, for erecting strong sheds in the places which the consulado may consider best. That, for the several financial measures connected with this expedition, you will require a report from Zavala, if he should be near the spot and can give it; for, as the author of the project, and by his knowledge of the river, his report may be of much use. Finally, you will report all that occurs, to the President, Don José Domas, to whom, by royal order of this date, instructions are given to favor this enterprise.

By order of his Majesty, I communicate this to you for its fulfilment; and I desire you to watch the progress of Zavala's project, to report thereon opportunely, and that the King may duly reward his zeal and exertions in the promotion of an object of such importance: adding, that, for the present, his Majesty has granted an absolute freedom of all import duties into Spain on the money and produce returned by this expedition or shipment. Aranjuez, March 27, 1796.

GUARDOQUI.

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No. 6.

Memoir on the projected canal through the isthmus of Nicaragua, by D. Juan Aycinena, Minister General of Guatemala. Paris, 1844.

Since reason has taught us, and experience has practically demonstrated, that public prosperity cannot exist without commerce, the spirit

of trade has been looked upon as the principal agent in the aggrandizement of nations. The wisdom of a government, it is generally maintained, is never so clearly indicated as when it has no other object in view except to promote the common good; more strictly speaking, however, we should say, that a government only becomes identified with the public interest when, instead of wasting time in discussing schemes of national prosperity, without a definite object, it applies itself in earnest to devise means for facilitating the development of the internal resources of the country, and the exportation of the products of agriculture and of industry.

In former times, when the science of political economy was almost unknown, an opinion prevailed that, in order to encourage agriculture and industry, restrictive laws were, to a certain extent, indispensable; yet, if these laws—the offering of ignorance, and destructive of liberty and just equality—are found to have contributed at any time to build up the fortune of a few favored individuals, they must be pronounced as having always been unjust and arbitrary—as absolute obstacles created by the hand of man himself in order to thwart the progress of every branch of productive labor; for they have destroyed competition, which is the natural and most efficacious stimulus that can be given towards perfecting the works of human industry.

While the erroneous doctrine of restrictive laws prevailed both in England and in the United States, where political liberty was at the same time established as a social dogma and the foundation of all government, a desperate struggle was carried on for many years between the natural impulses of that liberty and the obstacles erected under the pretext of protection. As soon as the development of a more enlightened policy permitted those impulses to have free scope, they progressed gradually in achieving partial triumphs, and each year has witnessed the abolishment of some of those restrictions which an unwise and obsolete policy had accumulated for the purpose of protecting industry.

Under the administration of the celebrated George Canning, a most important change took place in the sentiments of the British government, owing to the profound sagacity of that wise minister. In spite of the errors and prejudices with which the popular mind was still imbued on this subject, Canning advocated the adoption of a system far more fair and liberal; through his efforts were abolished those laws prohibiting the importation of certain articles from foreign countries which were manufactured at home, but which could not compete in quality with those imported. The effect produced by this first effort of enlightened policy was to stimulate competition, and consequently to improve English fabrics, which, owing to the existence of prohibitory laws, had long remained stationary. The false prophets who had prognosticated the ruin of the country were shamefully belied by the results. Since that time, no prohibitory laws have been established; while those that were still in existence have, by a skilful management and prudence, either been gradually modified or entirely abolished. Ancient evils are apt to create habits and interests which cannot be eradicated at once, without causing mischief. The salutary influence of the English policy made itself felt in the United States in the year 1832, by giving rise to the famous tariff controversy which originated in South Carolina. This tariff was based upon that system which imposed additional taxation upon certain articles manufac-

tured in the country. The home manufacturers, relying upon the certainty of sale, in consequence of the new taxes imposed upon foreign articles of the same class as those manufactured by themselves, made an attempt either to reduce their prices or to improve the quality of their goods; and the people, unable to exercise the privilege of choice between the competitors, paid a much higher price than was either fair or equitable. The immediate effect of this system was to encourage indolence among manufacturers; eventually, however, it led to the enactment of a law, which caused the existing tariff gradually to disappear, and obliged the manufacturer to assume an attitude more consistent with that respect which is due to the spirit of competition. Privileged indolence was forced to retire, and industry, left to its own intrinsic energies, has made a progress within the last three years which would never have been witnessed under the old system.

In England, as well as in the United States, ancient customs have been superseded by an entirely new order of things, calculated to enlarge the area of freedom, instead of contributing to its restriction; the false doctrine of prohibitory laws has been abandoned; and in order to foster agriculture and industry, a great principle has been adopted, the object of which is to facilitate trade by means of local improvements, opening canals wherever art finds it practicable, or otherwise by constructing railroads, cutting through mountains if necessary, and filling up the deepest cavities. Although I may have to deviate for a moment from the principal object of this memorial, I cannot allow the opportunity to pass without noticing how strange it appears that there should be found in Central America, at the epoch in which we live, rank politicians, who, without taking the least cognizance of what passes in the enlightened world, or noting the discoveries that have been made in the regions of political economy in latter years, and imbued with stale notions of policy which have been sufficiently falsified by experience, undertake to condemn the government for not recommending the enactment of restrictive laws for the purpose of encouraging the manufacture of very imperfect and expensive goods. There have fallen into my hands a number of papers upon this subject, which cannot be read without a feeling of shame—as much on account of the ridiculous character of their contents, as for the very vulgar and improper language in which they are written. To send such productions into the world, is to place our country in a ridiculous position, and to confirm the injurious opinions that have been formed by more civilized nations, concerning our capacity for living and governing ourselves as freemen.

Returning to my subject, I assert that the prosperity which Great Britain and the United States are enjoying at the present moment, affords a practical demonstration that the only sure mode of securing the public welfare within reach of every government, is to facilitate trade by means of canals and railways. Apart from this, all speculations are mere waste of time—it is to deceive the people with chimerical promises of prosperity; it is to undermine their liberties under the hypocritical pretext of protection; it is, in one word, to tyrannize over them while pretending to promote their interests.

Since experience and repeated experiments have conclusively demonstrated that facilities for developing trade constitute the only effective means that a nation can employ with a view to fostering industry and

agriculture, the recognition of this fundamental axiom has led to new and important discoveries calculated to improve the method of administering government to a people. Witness, for instance, what has been achieved in connexion with this subject within the last ten years, in the United States—thanks to the great genius of Clinton, who, if not the originator of the project for constructing the Erie canal, in the State of New York, had at least the sagacity and discrimination to foresee the probable results, and to devise a plan accordingly, which proved to be the most lucrative and beneficial for the people that had ever been thought of before his time; a plan which produced similar results in Pennsylvania and Ohio, and which was finally adopted by other States, as the only one capable of carrying out the views of their respective governments in matters of public interest.

Let it not be supposed that my recommendation of this plan, while I have not even yet explained any of its features, is the result of blind admiration of whatever presents itself to my eyes, or the effect of indiscreet wonder, caused by the contemplation of objects hitherto unknown to me. I am not a blind admirer of everything I see in the United States. I find there some things that are truly great and wonderful, which, in my belief, are deserving of being imitated as tending to benefit the people. Among these, I would instance the administrative plan of Clinton. I also find abuses and deformities, which I should desire never to see introduced in my country. There is no government nor race of people perfect in this world.

Many travellers have written lately on the United States, but not one of them has paid the least attention to the subject about which I am going to speak. This was probably owing to the absence of a positive interest to stimulate the writers to make inquiries and to seek for information. From the moment I conceived the idea of writing this memorial, I saw the necessity of procuring the most reliable data. This has enabled me to ascertain many facts which, at the present day, nobody ever thinks of inquiring into, most people being generally satisfied with admiring the effects that have resulted from causes not now understood or cared for. With a little labor, I have succeeded in collecting together a mass of documents relative to the construction of the Erie canal, comprising, among other things, the first memorial of Mr. Clinton, in which he points out the advantages that would accrue to the State of New York by undertaking the execution of the work on her own account. In this memorial, I found all that I could have desired for the object I had in view. In it I saw distinctly what that great man aimed at:

1st. To create a territorial and commercial wealth in a tract of land, which until then had been looked upon as useless and almost barren.

2d. That the revenue of the canal should be made to cancel the debt incurred by the costs of construction; after which, the work itself and the products thereof would serve to fill the coffers of the State treasury, and relieve the people from the burden of taxation.

Having witnessed with my own eyes the realization of both these objects, and being convinced of the possibility of establishing a communication between the Atlantic and Pacific oceans, through the medium of a canal in the State of Nicaragua, I was naturally led to inquire, by concentrating all the faculties of my mind upon the subject, whether the execution of such an undertaking could be made to produce the same results

in Central America as those which had flowed from the construction of the Erie canal. In the course of this memorial I will show—

1st. That by the construction of a canal in Nicaragua, the government would obtain advantages far more important in a pecuniary point of view than those produced by the Erie canal.

2d. That in order to carry out the scheme effectually, the alternative of a loan is preferable to every other plan.

The physical capacity of the soil both in Nicaragua and Panama for building a canal of communication between the two oceans, is a point entirely out of question. If my object were to write for the purpose of stimulating enterprising foreigners, although I am not an engineer, I could nevertheless point out some very superior advantages which the location of Nicaragua presents for the execution of such a project; but my purpose being simply to submit to the consideration of my fellow-citizens the necessity of making most of advantages which are within their reach, the use of which is a right which nobody can dispute, I shall not enter into a discussion about points of preference, as the subject requires only to be viewed through the medium of our own interests. We know that a canal can be opened in our own territory, and this is all the knowledge that we want to engage our energies in behalf of the scheme, convinced, as everybody must be, of the usefulness of the enterprise, and well acquainted with the means by which the object can be accomplished. Taking it for granted that those who have been intrusted with the management of public affairs are actuated by a sincere desire to promote the common good, all that is necessary is simply to submit the project to their consideration, with a calculation based upon contemplated results. I have not the vanity to believe that this memorial is sufficiently comprehensive to shadow forth the magnitude of the object in view; still, the data to which reference has been made in it may enlighten others to prosecute the subject, and fill up the gaps that may be found in it.

The governments of New York, Pennsylvania, and Ohio, in undertaking the construction of canals and railways, have not been able to look beyond the pale of their own immediate territories; and in calculating the advantages of the enterprise which have been so happily realized, they had to limit themselves to a simple estimate of the value of the productions of their own soil, and the articles of consumption necessary to the support of their own population. The object of the Nicaragua canal is to afford easy means of transportation from sea to sea to those vessels that are freighted with the agricultural and other productions of rich and powerful nations, whose immense trade is now carried on by way of Cape Horn and Cape of Good Hope. Some idea may be formed of the great advantages which will accrue to commerce from this contemplated canal, by taking into consideration the amount of time that will be saved in the voyage, the lessening of danger, and the reduction of costs in navigation.

Mr. Radcliff, formerly consul of the United States at Lima, has lately published a memorial, in which the following language, concerning this very portion of my subject, is used:

"The saving of above twelve thousand miles in the circumnavigation of South America by Cape Horn, and avoiding the delays and dangers of doubling that cape at all seasons of the year, would be its first great general effect, which would be a reduction of distance, time, expense, and risk, far exceeding what the globe admits of being effected anywhere else."

By means of a ship canal across the isthmus, through either of the routes mentioned, (which are both within the tropics, where no changes of weather interrupt navigation, as well as nearly central between the most populous and wealthy regions of America, and also in the most direct line from Europe and the United States to the eastern countries of Asia and the islands of the Pacific,) the trade and intercourse between all of them in every direction would become comparatively *easy, safe, cheap and rapid*; and millions of the human race be thus brought into communion with one another, who are now widely separated by nature's barriers, and scarcely known to each other.

"But to specify its effects more particularly, (as they well deserve to be,) it is apparent, from a mere inspection of the map of the world, and a slight calculation of the wants and interests and desires of a large portion of its inhabitants, especially on this continent—

"1st. That the inhabitants of the western side of America, from Chili inclusive on the south to the Russian possessions on the north, a distance of about eight thousand miles, (as the coast winds,) together with those of the numerous islands of the Pacific, would be peculiarly and most extensively benefited, by reason of its opening to them all an easy and intimate intercourse with the inhabitants of the eastern side of America and those of Europe, and the best means of effecting their exchanges with the world in general, and also facilitating the introduction among them of those improvements in agriculture, arts, and sciences, and especially in self-government, wherein they are yet so woefully deficient.

"2d. That the inhabitants of the United States would be next highly benefited by reason of the immense increase of commerce in general, which would result from the facility of intercourse with the western side of America and the islands of the Pacific, wherein they would participate more largely, and from which they would reap greater advantages than Europeans or others, in consequence of their proximity and superiority in navigation.

"3d. That the very rich, extensive, and highly-important trade of the United States and Europe with China, Japan, and the Indian Archipelago, would be much facilitated and increased by reason of shortening the distance above four thousand miles, and saving time in the voyages still more in proportion, from the whole route passing through the most favorable latitudes for winds and currents each way.

"4th. That the immense and still growing whale fishery, and skin and fur fishery, of the United States, and other nations in the Pacific ocean, would be exceedingly accommodated, extended, and made more lucrative, by shortening the voyages of those engaged therein above one half, and enabling them to realize the fruits of their enterprise, skill, and capital, at much less risk, expense, and loss of time.

"5th. That the settlement and improvement of the extensive and important territory of the United States bounding on the Pacific ocean, and its general advantage to the Union, would be greatly facilitated and augmented by bringing it, on an average, about twelve thousand miles nearer to the seat of government and the States on the Atlantic, by way of the isthmus, than it is by way of Cape Horn, and admitting of a rapid and regular intercourse with it, by means of a steam navigation and otherwise.

"6th. That the commerce in general of the United States, and of the world at large, would become more extended, and the products of agri-

culture and manufactures of the various portions more demanded, by reason of its opening new markets to each through the increased facility of exchanges.

" 7th. And finally, that, in consequence of the more intimate intercourse and communion of such numerous and immense bodies of the human race, the characters of nations would gradually become more improved and assimilated, a pacific and harmonious disposition more generally cultivated, forms and the administration of governments amended, liberty, knowledge, and virtue more widely diffused, and prosperity and happiness more generally enjoyed.

" From this imperfect sketch of the tendency and effects of the execution of this project, it is manifest that there is not an improvement to be made, on the whole globe, so highly beneficial to mankind in general as the one in contemplation; nor, from what has been shown before, is there any one so easy of execution in proportion to its benefits."

I have inserted this descriptive picture in full, in order that my fellow-citizens may see the magnitude of the undertaking as portrayed by a foreigner, to whom the aggrandizement of our country could have been of no possible interest—who cannot have been led astray by national predilections, and who could not have been induced to express these sentiments from any of those considerations of local interest which must influence ourselves. What would this same foreigner have said, if he had been called upon to enumerate the advantages which would redound to Central America from the execution of this project? If his memorial contains nothing upon a point of so much importance to ourselves, I will endeavor to supply the defect by presenting my fellow-citizens with a sketch, such as my limited means of information will permit me to give. I implore them to listen to me attentively, for their own sakes; to forget, for a moment, rivalries which are the offspring of a partisan spirit; to turn their eyes towards their own country, and, seeing to what a height of splendor and magnificence they can raise her by their own efforts, to unite in concert of action, until there shall be no voice heard, from one end of the republic to the other, except the echo of the popular voice, reverberated in harmonious sounds on every side, calling aloud for the opening of the Nicaragua canal, as tending to the welfare and glory of the present generation, as calculated to lay the foundation of a happy destiny for our posterity, and to obtain for us, as a people, a distinguished place among the galaxy of enlightened nations.

In the sketch I am about to submit, it is my intention to avoid all vain and useless words, and to base my calculations upon comparative data and established facts. The execution of this vast undertaking cannot fail to create a mercantile revolution as great as it will be beneficial, enabling our country to emerge from the state of depression and insignificance in which she is plunged at present, and transferring her, as it were by enchantment, into one of the most privileged nations on this continent—as one possessing the best geographical position in the world. Fortune and nature combine together in unfolding to us the most singular prospects of national greatness and prosperity. If we do not take advantage of this, it will only be through excess of ignorance, indolence, or stupidity. Why should we not be the first on the Spanish-American continent to give some evidence of popular energy and political vitality? Why should we not be the first to profit by the example which has been set to us by well-governed nations, and cast aside that ruinous and big-

oted colonial policy which still prevails in the management of our public affairs, with only a change of names and rulers? No: we are led astray like children. Let us think like men. Let us work as becomes a brotherhood of republicans. Let us endeavor to promote our welfare by resorting to the just and honorable means which are within our reach, and which, until this moment, we have neglected for want of proper knowledge. Let us adopt, in one word, that system of action which is recommended to us as the safest by the experience of other nations, and which appeals to our conviction by results at once natural and certain. Trusting, therefore, that I shall be listened to with attention and some interest, I proceed at once with the details.

According to Mr. Radcliff's own showing, we perceive that, by connecting the Atlantic and Pacific oceans, through the medium of a ship canal in Nicaragua, such will be the saving of time and distance, such the reduction of expenses and risks in navigation, that all the valuable traffic of Europe and the United States with China, Japan, the Indian Archipelago, Asiatic nations, western America, and the Pacific islands, as well as that of the whale and skin and fur fisheries in the same seas, must pass through this channel. This traffic constitutes an amount of wealth which, as I shall demonstrate hereafter, cannot be less than two hundred and fifty millions of dollars. This enormous sum is only waiting for the opening of the canal to flow through our country, paying for the privilege of way a transit duty commensurate with the reduction in the expenses of the voyage, and the interest upon the capital invested in the enterprise. This commerce being the property of other nations, it follows that the amount of money collected in toll duties would be contributed by foreigners; and if this sum should suffice to cover the interest on the capital invested in the work, and gradually to cancel the debt itself, two important results would eventually follow:

Firstly. That the work would be executed at the expense of foreign commerce, without the least burden being imposed upon the people of Central America.

Secondly. That, on the final liquidation of the debt, the work and all the products thereof would become the exclusive property of the nation, and the people would be relieved of at least a considerable portion of the taxes necessary to defray the expenses of the government.

The object of the Nicaragua canal is so comprehensive, that its magnitude affords an opportunity of carrying out in our own country the great plan of Clinton, but upon a scale of grandeur incomparably superior. I have already mentioned, incidentally, what would be the amount of traffic which, by the lowest calculations, would have to flow through this canal, from the day of its opening. On a subject of this kind, however, indefinite statements are not enough.

England exported, in the course of last year, two hundred millions of pounds weight of cotton fabrics, of every kind and texture, for the Asiatic market. Estimating the average value of the fine and grosser articles at the low rate of three shillings in the pound, we have the sum of seventy-five millions of dollars. As England receives from Asia a return freight of equivalent value, the whole amount of traffic must have been one hundred and fifty millions of dollars. Moreover, England exports into Asia gold, silver, hardware, and other articles; but, as I have not been supplied with data to estimate their proper value, I pass by this

important item, and its corresponding returns, without including it in my calculation.

Supposing that all the nations of the European continent combined do not receive directly more than twenty millions of dollars' worth of Asiatic productions, this and the equivalent return in trade make up a sum of forty millions.

The exports from the Philippine and other islands of the Pacific into Europe are computed at three millions of dollars, which, with an equivalent return in trade, amounts to six millions.

The importation of Asiatic goods into the United States has amounted lately to ten millions of dollars; so that, with the corresponding return, we have the gross sum of twenty millions.

The exports from England, from the continent of Europe, and the United States, into Chili, Bolivia, Peru, Ecuador, the coasts on the Pacific—such as New Grenada, Central America, Mexico—as far as the Russian possessions, are not under twelve millions of dollars, which, with corresponding returns in trade, would amount to twenty-four millions.

The whale and fur and skin fishery in the Pacific amounts to twelve millions.

These amounts, united, make up the sum of two hundred and forty millions of dollars' worth of merchandise which must pass through the canal. This estimate, so far from being an exaggeration of facts, is, I believe, considerably below the mark; and, when more reliable statistics shall have been obtained, I have no doubt that a much larger balance will be exhibited in our favor. The question now is, What rate of tollage ought to be imposed upon this property for the privilege of transit through the canal, so that trade may be substantially benefited, even after payment of the same? This problem can only be solved by referring to precedents.

Among the various canals that are now in full operation in the United States, the Erie canal affords the cheapest mode of transportation, in consequence of the proportionably low rate of tollage; and by comparing the amount collected with the net value of all the goods that have been transported, the former will be found to stand in relation to the latter at the rate of $3\frac{1}{5}\%$ per cent. Some articles pay higher duties than others: therefore, everything must be taken in the average. As we are more generous towards foreign nations, however, than the government of New York is to its own citizens, we will fix the rate of tollage upon the Nicaragua canal at $3\frac{1}{2}\%$ per cent. only, which will secure to us the handsome sum of seven million two hundred thousand dollars upon the two hundred and forty millions' worth of merchandise.

Now, it is necessary to inquire whether foreign vessels, after paying $2\frac{1}{2}\%$ per cent. upon the value of goods, will be sufficiently compensated in the end to render this route still preferable to that by way of Cape Horn and Cape of Good Hope.

"The average length of voyages from the United States, round Cape Horn," observes Mr. Radcliff, "to the principal ports on the west side of America, and the whaling districts of the Pacific, is above four months, while by way of the canal it would not exceed one month—making a difference of three months each way, and six months on a voyage out and home—usually performed in about a year, except by whaling vessels. Consequently, there would be a saving effected of *insurance* on vessels

and cargoes, and of *interest* on the amount of their cost, and of *expense* in navigating those vessels, just in proportion to the saving of time on the voyages. This saving would be about one-half of one per cent. both on the insurance and on the interest, as is usually paid, and considerably more on the expenses of navigation—making not less than ten per cent. per annum.

But let us suppose that the saving of time to the commerce of the world is only four months instead of six, and appeal to the laws of arithmetic to show us what are the advantages which the canal route presents, after paying two and a half per cent. for transportation duties. Let it be borne in mind that the saving of four months in the round voyage is equivalent, in commercial rates, to double that time: for on one side you avoid disbursements of interest; on the other, you have an increase of profit proportionate with the prospective increase of capital.

Premium of one and a half per cent. of interest saved upon

240 millions in the course of four months	\$4,800,000
Premium to be realized in four months from the use and anticipation of same capital	4,800,000
Saving of two per cent. upon the insurance of said capital, estimated at one and a half per cent. a month	4,800,000
Aggregate amount saved in salaries for ships' crews during four months; the cost of provision of the maintenance of said crew during that period of time; the saving of interest upon the value of vessels, and of insurance upon the same; and, finally, the comparative freedom from maritime danger by the saving of four months in the voyage: all of which, by the lowest calculation, cannot amount to less than	2,000,000
Sum total	16,400,000
Transit duties on the canal upon 240 millions' worth of merchandise, at the rate of two and a half per cent.	7,200,000
Total saving to trade, after paying tollage	9,200,000

From the foregoing estimate, it appears that foreign commerce, by paying a tollage of two and a half per cent., would yield into our hands the sum of seven million two hundred thousand dollars—realizing, nevertheless, a saving of nine million two hundred thousand dollars in the round voyage through the superior advantages offered by the canal.

In order to form a reliable calculation of the net profits of the canal, it would be necessary to have a correct estimate of the costs of the work; but as I am not aware of any engineer at all acquainted with the various localities having as yet been employed in making such an estimate, I will endeavor to supply the deficiency, basing my calculations upon the comparative expenses of other canals, which, however, must not be taken as a definite opinion. The following table exhibits the extent and cost of the Erie canal, and of its various ramifications:

The principal canal (called Erie) is 363 miles long, and cost	\$9,027,456 05
The branch called Champlain, 63 miles long, cost	1,179,871 95

The branch called Oswego canal, 38 miles	-	-	\$565,437	35
The branch called Cayuga and Seneca canal, 20 miles	-	-	256,804	74
The branch called Chemung canal, 36 miles	-	-	342,133	95
The branch called Crooked canal, 8 miles	-	-	136,331	99
 Total amount of miles, 528; cost	-	-	11,488,035	99

The principal branch of this canal (363 miles long) cost nine million twenty-seven thousand four hundred and fifty-six dollars and five cents; and its dimensions are: forty feet width on its water surface, twenty-eight feet at the bottom, and four feet depth of water; with an elevation of six hundred feet, overcome by means of eighty-four locks.

Speaking of the Nicaragua canal, Mr. Radcliff says: "By the route through Lake Nicaragua, a ship canal would require an excavation of proper depth and breadth (about twenty-two feet deep, forty feet wide at bottom, and one hundred feet wide at top) for a distance of from sixty to seventy miles between the Atlantic and the lake, with locks to ascend about one hundred and forty feet to the level of the lake; and another similar excavation of about twenty or twenty-five miles long between the lake and the Pacific, with locks to descend about the same number of feet." According to this description, each excavation would be from eighty-five to ninety-five miles in length. I have made inquiries of Mr. Huggans, formerly secretary of the Netherlands legation, who in 1830 ascended and descended the river twice, and he has assured me that there are about forty navigable miles of the river course, and that for the remainder it would be necessary to build a lateral canal in order to avoid a few rapids. If this information be correct, the distance to be excavated does not exceed fifty miles. It is calculated that every ten feet of elevation will require one lock; so that fourteen locks will have to be constructed for each excavation, making twenty-eight in all. In comparing the length of the Erie canal with that contemplated in Nicaragua, it will be seen that the distance requiring excavation in the latter instance is about one-seventh of the former. That although this excavation requires to be five times as deep as the other, and the dimensions both on the surface and at the bottom three times wider, yet, as the length is only to be one-seventh part of the other, and the number of locks required only one-third, the cost of these works must be proportionably less than that of the Erie canal.

The Holland canal is fifty miles and a half long, twenty feet nine inches deep, thirty-six feet wide at bottom, one hundred and twenty-four feet wide at top, with two tide locks at the extremities, and two sluices with flood-gates in the intermediate space, being on a level with the sea, and supplied with water from thence at high tides, and occasionally by the aid of a powerful steam-engine. It cost about five millions of dollars.

The Caledonian canal, in Scotland, is sixty-nine miles and a quarter long from sea to sea, including the intermediate lakes forming a part of the line; but it has only twenty-three miles of excavation, with an expensive deepening of those lakes. It is twenty feet deep, forty feet wide at bottom, and eighty or ninety feet wide at top, having twenty-three locks to overcome an elevation of ninety four feet. It cost about four and a half millions of dollars.

The last mentioned canal, as regards length, dimensions and eleva-

tion, appears to approximate more nearly to the calibre of that contemplated in Nicaragua, and it only cost, as we perceive, four millions and a half dollars. Allowances, however, must be made in our favor for the difference in the rate of wages, which, with us, hardly amount to one half the sum that is paid for labor in the United States, Holland, and Scotland. In the former country, where they are even now constructing canals and railways, laborers receive from ten to twelve shillings daily.

Judging from these facts, we have sufficient reason to believe that five millions of dollars would defray the expenses of the Nicaragua canal; but assuming, for argument's sake, the most disadvantageous position, we will suppose that no less a sum than ten millions of dollars will suffice to complete the work; that, in consequence of our want of credit, this money cannot be obtained for less than 8 per cent. a year; and finally, that the revenue of the canal will not amount to seven millions of dollars, as I have calculated, but only to two millions. Even in this case, the benefits to be derived from the undertaking are self evident, because, deducting from the two millions of revenue eight hundred thousand dollars for the payment of interest, there would still remain twelve hundred thousand dollars to be applied towards the liquidation of the debt from the first year after the completion of the work. The instalment for the second year would be much larger, as the original debt, and consequently the interest upon it, would be diminished. Following these progressive payments with just regularity, the debt would, in a very few years, be cancelled altogether at the expense of foreign commerce; the work itself would become national property; its revenues flow into the public treasury to defray the expenses of the government, and the people be thereby eventually relieved from the burden of taxation. What nation ever had the opportunity of achieving an enterprise of such magnitude and importance? It is certain that no project that ever was started can compare favorably with this. Here we find a combination of circumstances of the highest possible importance; natural facilities, pecuniary advantages, and the most flattering prospects of national aggrandizement and prosperity. When I see what has been done by the respective governments of the States of New York, Pennsylvania and Ohio, and what is still doing by those of other States with far more limited means, with smaller prospects of profit, and commercial views infinitely inferior to those which the natural advantages of our position invite us to entertain, I cannot help admiring their enterprising spirit; their sagacity in adopting the most sterling principles of political economy as the basis of their calculations; their indefatigable zeal in the promotion of the common welfare, and their ingenuity in selecting the most plausible means to effect that object; and finally, the fruitful results of all these speculations. But when I come dispassionately to compare the actual condition of the inhabitants of those countries with that of our own people, I feel oppressed at heart; for I see, with infinite sadness, what we really are, and what we might have been at this hour, if, instead of transforming ourselves into tyrants and self-executors by means of domestic feuds, we had availed ourselves of the good example and experience of those governments, in order to regulate our policy after the same principles of liberty and justice, and to work out our own prosperity through the same natural and simple means which they have employed. I trust I shall be excused for this trifling digression; it is the natural effect of the love I bear to my country, and of

the sentiments with which I have been impressed by the contemplation of her great calamities. He who loves the land which gave him birth, must necessarily desire to transplant into it whatever he sees of good and great in other countries, if it be deemed useful to her institutions. This desire cannot be felt, and much less appreciated, by those who, never having ventured beyond the pale of their domestic hearths, have seen nothing to induce them to draw comparisons; and being destitute of that knowledge which can only be acquired by actual observation, arrive at the conclusion that there is nothing worth knowing, doing, or thinking about in the world, except what they themselves know, do, or think.

Having pointed out the benefits which must result from such an undertaking as the Nicaragua canal, and made use of certain data in order to form a comparative estimate of the costs of the work, it behooves us now to think of the means to be adopted for raising the necessary funds. If there were any moneys in our own public treasury, we should not have to travel very far to settle the matter; but we find ourselves precisely in the same position of extreme poverty in which the State of New York was when the great Clinton, in his anxiety to extricate her from the difficulties by which she was surrounded, advocated with so much zeal the construction of the Erie canal. *What has been accomplished by one government can be achieved by another, under similar circumstances, and by the application of similar means.* This is so incontrovertibly true, that it were almost an insult to the understanding and judgment of the reader to adduce proofs in support of the assertion. Arguing from this fact, therefore, I maintain, that inasmuch as the government of Central America finds itself in precisely the same circumstances as those which embarrassed the State of New York at the period alluded to, we should, in order to carry out our undertaking, adopt the same means as were resorted to with so much success by the projectors of the Erie canal, viz: to borrow the funds necessary to defray the expenses of the canal. This alternative has been adopted with the most beneficial results by three different governments in the construction of canals. As the plan is recommended by a series of experiments which have been crowned with brilliant success, prudence suggests its adoption in preference to all others. We know well enough, much to the injury of our credit and our interest, what was the upshot of the contract entered into by our government with the individual Beneski, the agent of Aaron Palmer, a broker of New York, and how this man, who in his own country had not credit enough to get a hundred-dollar note discounted, was enabled to compete with an English company provided with funds, and finally to outbid them. It is useless now to grieve over past errors, after they have produced all the effects that could result from them. If at that period we had consulted with more earnestness the success of the undertaking, and yielded less to an inordinate anxiety to obtain partial advantages, the canal would, by this time, have been completed, while the income produced by its operations would probably have extinguished the debt; but it happened otherwise, and at the present moment we actually find ourselves in a very disadvantageous position—there being no special proposition before the country for a contract to do the work, nor any reasonable hope that such will ever be made, especially since the failure in carrying out those of the King of Holland, whose agents took the initiatory steps as far back as seven years ago. While our own government has remained inactive,

that of New Grenada entered into a contract with Baron Thierry, on the 29th of May of last year, for building a canal at Panama. This contract, although far more advantageous to the parties holding it than that entered into with Beneski, in our own country, was never executed, owing to M. Thierry's utter inability to find capitalists in Europe willing to join him in forming a company. As one of the articles of agreement stipulates for a certain period of time, which has not yet expired, the Grenadian government finds itself so firmly bound as yet by its pledges, that it has no power either to enter into another contract, or to undertake the work on its own account; but as this stipulated period of time will elapse within a year, it behooves our government to improve the opportunity while it can do so on its own account, and without fear of opposition. If this chance is allowed to pass, through indolence or apathy, New Grenada, whose credit is much better than ours, owing to the regularity with which the administration of her affairs has been conducted for the last four years, and the important payments she has made to her old creditors, will find it very easy to compete with us in raising a loan, and to obtain the requisite funds for the construction of the Panama canal, leaving us to envy her good fortune. It is incumbent upon our government to act with decision, energy, and promptitude, and to waste no time in idle dallyings, after the fashion of the Spaniards! It is time that we should follow the example of Englishmen and their descendants in North America, who, when once convinced of the importance, usefulness and practicability of an enterprise, never pause until they have raised, either by loan or by means of association, the sum required to carry it into effect.

There are not wanting bigoted and shallow-minded politicians, who, destitute alike of discernment and foresight, denounce the system of loans as ruinous to the people, and, without drawing any distinction between cases and objects, launch out into general propositions. It cannot be denied that with some nations the system of loans has been productive of incalculable mischief, particularly when the object has been to keep up large standing armies, to maintain official hirelings, or perchance to uphold the luxury of a corrupt and prodigal government. Mexico presents a striking illustration of this fact; for in that country successive loans have been raised, and as frequently disposed of for corrupt objects, without the smallest portion of the sums thus borrowed ever having been applied to the construction of a single canal or railroad, or for the improvement of a solitary port of the country. The loans that have been raised for the purpose of building canals and railways have been attended with results of a very different character. Witness, for instance, the immense benefits that have accrued to the States of New York, Pennsylvania and Ohio, as well as those private companies whose operations have been based upon this principle! The funds that have been invested in enterprises of this kind have given a prodigious impulse to agriculture and industry, when agricultural pursuits had not hitherto been followed, or been but imperfectly understood. They have enriched the country as if by magic, increasing everywhere the rate of produce, and the value of manual labor and of property both in town and country. As Clinton had calculated in his original scheme, they have laid the foundation of highly lucrative works, which have since become a source of benefit to the country, adding fresh resources to the public revenue and exonerating the people

from the heavy burden of taxation, both upon personal and real property. It should not create much wonder that this new feature of political economy, brought to light, as it has been, by the comprehensive spirit of modern democracy, the influences of which have not yet been extended to our soil, has never to this day been understood, much less cultivated, in Central America ; a country but recently emancipated, and still in its infancy in regard to civilization. Even France, an ancient nation, notwithstanding her boasted intelligence and refinement, has but lately ventured upon one small experiment, urged, as it were, by the example of Great Britain and the United States.

When fortune suggests an undertaking in which profit and the public good are simultaneously combined, the money which is borrowed to defray the expenses attending it is like grain planted in the soil, which, being carefully cultivated, is reproduced in multiplied quantities. Improvident governments exhaust themselves in devising systems the most complicated and ridiculous, and not unfrequently unjust, in order to meet exigencies which are often the effect of fictitious wants or mal-administration. But those governments whose affairs are administered by men of real capacity, are generally found aiming at legislative perfection, and adopting those simple and clear rules of policy which the head of a family would follow in the management of his domestic concerns: as much for the purpose of supplying his immediate wants, or of husbanding his means, if he possess any, or of acquiring a fortune by his own efforts; for governments are nothing but the heads of a great family, which is the people. Their obligation is to provide for the wants of this great family, and to take care of their interests. The system of loans constitutes the only honest mode by which those who have nothing may become rich, unless fortune comes to them either by inheritance or by voluntary donation—a thing which does not happen every day. A poor but honorable man borrows the capital of another at a premium; he invests it in some lucrative business, avails himself of the profits, and finally returns it to the lender with the stipulated interest. This is the same principle which, in their hour of poverty, the governments of the States of New York, Pennsylvania, and Ohio adopted, in order to procure funds for the construction of canals and railways; it is to the workings of this principle, so natural in itself, so ingenious, and so superior to the policy of other governments, that the people of those States are indebted for the prosperity which they enjoy at present, and the flourishing and almost unparalleled condition in which we find their public revenues.

The government of Central America is placed precisely in the same condition as the owner of a rich tract of land, who, being without the means to procure labor, and too indolent to pursue the course best calculated to obtain it, passes days and years in grieving over his distresses, without one thought of self-condemnation for his want of energy and enterprise. The territory of Nicaragua, endowed as it has been by nature with so many facilities for the construction of a canal, is the rich inheritance assigned by the Supreme Being to the people of Central America, with a view that they would convert it by labor into a source of wealth, and through it acquire the very first rank in the scale of commercial importance among the nations on this continent; and yet fifteen years have elapsed since this valuable inheritance came into our possession, and we are still waiting for some enterprising foreigner, or the govern-

ments of some other nations, to undertake that which should have been accomplished by ourselves long ago, if our government could have been stimulated into action by the good example of our neighbors. What would be at this moment the condition of the people of New York, Pennsylvania, and Ohio, if they were still waiting with folded arms, as we are doing, for foreign proposals to build the very canals and railways to the existence of which their prosperity is mainly to be attributed? They would be, as we are, surrounded by the elements of poverty and wretchedness, oppressed with taxes without name and without character; but probably not with the reputation for inertness and indolence which we are fast establishing, for the advantages which nature has bestowed upon us are too well known and envied by the world to suppose that our neglect, in availing ourselves of them, will be attributed to anything else except to ignorance or apathy. The governments of those three States that resorted to loans, in order to carry out their projects of local improvements, never contemplated such results as we have in prospect; for it never could have fallen within the scope of their calculations to anticipate so large a revenue from the contributions of foreign commerce as the amount I have already named.

The system of loans supersedes the necessity of making ruinous concessions, and spares a nation the humiliating alternative of placing her interests under the influence and control of a foreign power, which might stipulate for the privilege of a contract by treaty, as it was contemplated to do with the King of Holland. Foreign influence is at all times dangerous: particularly so with a nation like ours, which is yet in its infancy, and consequently very weak.

Whatever aspect the canal question may be made to assume—and I have examined the subject from every point of view—I still consider the project as one of the most stupendous of its kind that has ever yet engaged the attention of the world. If England or the United States had been favored with the same resources that fortune has placed at our disposal, and if a project of similar magnitude and importance as that of the Nicaragua canal were submitted to the consideration of the government of either country, there would not be the least hesitation in raising the necessary funds, so as to execute the work with as little delay as possible. With regard to ourselves, a regard for truth compels me to make the acknowledgment, we hardly know what we possess. Lost in the scientific mazes of nice commercial calculations, we are led to undervalue that which, for want of proper information, we are utterly unable to appreciate. Indolent by habit, and not a little puffed up with conceit and presumption, we make no inquiries, believing that we know a great deal; whereas we have not even yet learnt to calculate understandingly in regard to our own proper interests. It is true, that the subject of the canal has, at various times, occupied the attention of our government, but the work has never been considered in the light of a national undertaking, to be carried into execution under its immediate auspices and direction. This is the point upon which I must now insist—as much out of consideration for the public interest, which demands it, as from a positive conviction that the execution of this project by the government would, of itself, enhance the credit of the administration, and afford it the means to establish relations with the governments of other nations under very advantageous circumstances. In the course of this memorial, I have recommended the sys-

tem of policy pursued by the States of New York, Pennsylvania, and Ohio, as admirably adapted to the exigencies of our own case. I have pointed out in general terms the immense benefits the people of those States have derived from the establishment of canals and railways, constructed on borrowed capital; but, inasmuch as it is almost impossible to give stability to arguments that are founded upon comparative deductions without specifying data, I shall now proceed to illustrate my positions in such a way as cannot fail to produce ample conviction. I am certain that these data have never presented themselves to the consideration of our government. The diligence I have used in making myself acquainted with them, and the labor I have undergone in wading through a large collection of documents, in order to ferret out whatever had any application to our case, are compensated by the hope that my researches will be found useful in enabling my countrymen to calculate with more precision in matters affecting the public welfare, and in conveying a just conception of the line of policy pursued by those governments that rely upon canals and railways as a source of revenue.

As the Erie canal, in the State of New York, is the first work of this character that was executed upon the plan suggested by Clinton, and as the results of that experiment induced other States to adopt the same principles which had formed the basis of Mr. Clinton's speculations, I have devoted my attention to the investigation of all the facts connected with the progress of the case, from the incipient stages of the undertaking, when the project was first submitted for public consideration, down to its final and successful execution. I deem it expedient, at this juncture, to give a succinct historical sketch of that transaction, as it may contribute to harmonize the opinions of our own legislators upon points of the greatest possible importance, and prevent them from falling into errors similar to those which characterized the discussions of the New York legislature—the members of that body having not only evinced in successive debates their utter inappreciation of Mr. Clinton's project, but carried their infatuation and prejudices so far as to denounce it as the offspring of a distempered imagination. In the year 1810, the State of New York was in a most pitiable condition: the public revenue was not sufficient to defray the expenses of the government; agriculture and industry were at a stand-still, because the lands on the seacoast, having become impoverished by incessant toil, could scarcely be made to yield, by dint of hard labor, produce enough for immediate consumption. The insecurity which attended maritime commerce, in consequence of the war which was raging on the continent of Europe, had so completely paralyzed the energies of the mercantile community that many importing houses had failed. Such was the prospect of affairs at that period. The wants which pressed so strongly upon the people, made Mr. Clinton anxious to devise some means comprehensive enough to instil fresh energies into the State; and nothing seemed to him so likely to accomplish that object as the construction of the Erie canal—a project which, although not original in itself, suggested to him the idea of laying the foundation of future prosperity upon its fruition. Through the influence of Mr. Clinton a board of commissioners was formed in 1810, with the view of ascertaining the practicability of the canal, Mr. Clinton himself being appointed by the legislature a member of the commission. Several examinations were made during the year 1811, which resulted in a report, drawn up and prepared

by Mr. Clinton, pointing out the practicability of the enterprise. This report, however, was not presented to the legislature till the year 1812. In consequence of the favorable representations contained in this report, an act was passed that very year authorizing the appointment of another commission, with power to raise a loan of five millions of dollars; this, however, was not carried into effect, owing to unforeseen obstacles which were thrown in the way of the negotiation, especially the war with Great Britain. On peace being restored in 1814, Mr. Clinton renewed his former efforts, but without success; for the legislature, instead of seconding his views, thwarted him to such a degree as to repeal the very act which had previously been passed in favor of raising a loan. This blow was highly relished by the opponents of Clinton. In the speeches that were made during the discussion pending the repeal of the act in question, some members insulted him very grossly, stigmatizing him as a madman; while others went so far as to try to ruin his reputation, by imputing to him sinister motives in all that regarded his advocacy of the canal. As the mere circumstance of holding a public position does not imply infallibility, much less infuse into the minds of men that knowledge and those talents which nature and education have denied them, so, although the members of the New York legislature of *that* period fancied they had performed a great exploit by destroying what Clinton had built up, yet time and the events that have since transpired have conclusively shown that this very legislature, although representing the sovereignty of the people, was nothing in reality but an assemblage of fools, utterly unable either to understand or to promote the interests of their constituencies. In 1815 the complexion of the legislature continued the same, and Mr. Clinton saw, with ceaseless grief, the happiness of his country continuing to be sacrificed by the very men who pretended to exert themselves for the common good. A short time before the elections which took place in 1815, Clinton and those who approved of his plan made an exposition of their views before the people, which produced so favorable an impression that it was at once decided to have the project carried into effect; accordingly, none were elected but men known to be in favor of Mr. Clinton's views. In 1816 an act was passed, which I shall insert in full, because it served as a model to the legislators of Pennsylvania and Ohio, and those of other States that have followed the example of New York. It is also my opinion that this document is the best sample of legislative wisdom that could be submitted to the consideration of the Central American congress, in order to enable its members to form a correct idea of the manner in which matters of this kind are managed in the United States, and that they may waste no time in devising and discussing original plans, without the least prospect of their agreeing upon any:

"An act for the improvement of the internal navigation of the State of New York." [Passed April 17, 1816.]

"1. Be it enacted by the people of New York, represented in the Senate and Assembly, That Stephen Van Renssalaer, De Witt Clinton, Samuel Young, Joseph Ellicott, and Myron Holley, be, and they are hereby, appointed commissioners to consider, devise, and adopt such measures as may or shall be requisite to facilitate and effect the communication by means of canals and locks between the navigable waters of Hudson's river and Lake Erie, and the said navigable waters and Lake Champlain;

and in case of the resignation or death of any of the said commissioners, the vacancy thereby occasioned shall be supplied by the legislature in the manner in which senators of the United States from this State are directed to be chosen.

“2. *And be it further enacted*, That the said commissioners shall choose one of their number to be president of their board, and shall appoint a fit person for their secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable; and the president of the said board of commissioners shall have power to call a meeting of the same whenever in his opinion the public interests require it; and the same board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good: and further, the said commissioners shall have power to employ such and so many agents, engineers, surveyors, draughtsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act, and to allow and pay the said agents, engineers, surveyors, draughtsmen, and other persons, for their respective services, such sum or sums as may be adequate and reasonable.

“3. *And be it further enacted*, That it shall be the duty of the said commissioners, as soon as may be after the passing of this act, to cause those parts of the territory of this State which may lie upon or contiguous to the probable courses and ranges of the said canals to be explored and examined for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field-books, and draughts thereof to be made; and further, to adopt and recommend proper plans for the construction and formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts, which may be necessary for the completion of the same; and to cause all necessary plans, draughts, and models thereof to be executed under their direction.

“4. *And be it further enacted*, That the said commissioners, or a majority of them, shall be, and they are hereby, authorized and required to make application in behalf of this State to the government of the United States, and of such States and Territories as may be benefited by the said canals, or either of them, to the proprietors of lands through or near which the said canals, or either of them, may or may be proposed to pass, to all bodies politic and corporate, public or private, and all citizens or inhabitants of this or any other of the United States, for cessions, grants, or donations of land or money, for the purpose of aiding in the constructing or completing of both or either of the said canals, according to the discretion of the several grantors or donors; and to take to the people of this State such grants and conveyances as may be proper and competent to vest a good and sufficient title in the said people to the lands so to be ceded or granted as aforesaid; and, for the purposes above mentioned, it shall be the duty of the said commissioners to open books of subscription in such and so many places as they may think necessary or expedient, and under such rules and regulations as they may from time to time establish: and further, it shall be their duty to ascertain whether to any and to what amount, and upon what terms, loans of money may or can be procured on the credit of this State for the purposes aforesaid.

“5. *And be it further enacted*, That it shall be the duty of the said commis-

sioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which may or will be necessary for completing each of the said canals, according to the plan or plans which may be adopted and recommended by them for the construction or formation of the same; and to cause the said calculations and estimates, and all surveys, maps, field-books, plans, draughts; and models, authorized and directed by this act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this act, to be presented to the legislature of this State within twenty days after the commencement of the next regular annual session thereof.

“6. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the order of a majority of the said commissioners, out of any moneys in the treasury not otherwise appropriated, any sum or sums not exceeding twenty thousand dollars, and for which the said commissioners shall account to the comptroller of this State.”

This act was passed after six years of continuous trials, in the course of which Mr. Clinton’s project was alternately approved of, then repudiated as a chimerical speculation, and finally adopted by men of better sense. Now that the enterprise has been consummated, and that its magnificent results have demonstrated most clearly the precision of that great man’s calculations, it is laughable to peruse the debates of that period, where one finds so much ignorance adorned with all the graces of eloquence, so many errors disguised under the semblance of truth, and so many absurdities uttered with a lofty assumption of authority and wisdom. All this is deposited in the archives of the State, to remind future generations that when a legislative body is composed of ignorant men, it becomes, *de facto*, a source of great mischief to the country, and that no legislator is entitled to the least praise, except when the correctness of his views and the plausibility of his actions have been practically demonstrated by results conducive to the real happiness and welfare of the community at large.

In accordance with the provisions of this act, a committee was appointed, with Mr. Clinton at the head as chairman. Under his direction, all the requisitions contained in the act were successfully carried out; the terms upon which the loan was to be raised were agreed upon; and before the legislature had been twenty days in session, a report from the committee was submitted to the consideration of that body. The suggestion contained in the report having been fully approved of and adopted, it was ordered that the ceremony of commencing the first excavation should take place on the approaching 4th of July, the anniversary of American independence, which was accordingly performed with great solemnity and pomp. The fact that the people had expressed themselves in such decided terms in favor of Mr. Clinton’s project, and that the legislature had actually ordered the work to be executed, did not suffice to allay the asperities of the opposition, which continued to denounce, through the public prints, what had been done, as the work of favoritism and party spirit; and resorting to the grossest and most virulent language in the effort to blacken the character of the man who had projected an enterprise so beneficial to the country. It was all in vain, however, for these declamations failed to upset the good sense of the people.

While the works on the canal were in full tide of operation, the popu-

larity of Mr. Clinton rose so high that he was actually elected governor of the State, a circumstance which contributed in the happiest manner to hasten the consummation of an undertaking, the results of which were destined, at some future day, to become the subject of universal admiration. The canal was entirely completed in 1825; although ever since the year 1820 considerable benefits had been derived from that portion of the work which had been finished at an earlier date, and consequently sooner thrown open to trade.

Thus, through the medium of a loan of eleven millions and a half of dollars, and without imposing additional burdens upon the masses, the government of the State of New York, although reduced to a state of bankruptcy, and with a population suffering everywhere from poverty, was enabled to construct a work, the profits of which would have appeared almost fabulous if they had not been made manifest to the eyes of all the world.

As the object which I have proposed to myself in this memorial is to convince by means of arguments founded on ascertained facts, I have been at some pains in collecting all the necessary data for the formation of a statistical table, which shall demonstrate most satisfactorily what have been up to this day the effects of the loan system, as applied to the construction of the Erie canal, and other undertakings of a similar character, both in Pennsylvania and Ohio. The following table is copied from statistical accounts, published yearly by the government of New York. From it an opinion may be formed of the progressive increase of revenue on the Erie canal, and the equally progressive increase of public prosperity.

Tolls collected on the Erie canal and its branches, from 1820 to 1835.

Years.	Erie and Champlain canal.	Oswego.	Cayuga and Seneca.	Chemung.	Crooked.	Total.
1820	\$5,437 34	-	-	-	-	\$5,437 34
1821	14,388 47	-	-	-	-	14,388 47
1822	64,072 40	-	-	-	-	64,072 40
1823	152,958 33	-	-	-	-	152,958 33
1824	340,761 07	-	-	-	-	340,761 07
1825	566,112 97	-	-	-	-	566,112 97
1826	762,003 60	-	-	-	-	762,003 60
1827	857,058 48	-	-	-	-	857,058 48
1828	835,047 28	\$2,557 67	\$229 70	-	-	837,834 65
1829	795,054 52	9,439 44	8,643 49	-	-	813,137 45
1830	1,032,599 13	12,385 18	11,987 08	-	-	1,056,971 39
1831	1,194,610 49	16,271 10	12,920 39	-	-	1,223,801 98
1832	1,195,804 23	19,786 20	13,893 04	-	-	1,229,483 47
1833	1,422,695 22	22,950 47	17,174 69	\$694 00	\$200 34	1,463,714 72
1834	1,294,649 66	22,168 02	18,130 43	3,378 05	1,473 40	1,339,799 56
1835	1,491,952 36	29,180 62	20,430 14	4,714 98	1,830 55	1,548,108 65
Total	12,025,205 55	134,738 70	103,408 96	8,787 03	3,504 29	12,275,644 53

According to the exhibits of the foregoing table, the Erie canal has produced, in the course of fifteen years, the sum of twelve million two hundred and seventy five thousand six hundred and sixty-four dollars and fifty cents—showing a clear profit of seven hundred and ninety-seven thousand six hundred and nine dollars over the original outlay in the costs of construction, which only amounted to eleven million four hundred and eighty-eight thousand thirty-five dollars and ninety-nine cents. The debt incurred by the loan has, therefore, been cancelled by the productive energies of the work itself.

The income for the last year was one million five hundred and forty-eight thousand one hundred and eight dollars and sixty-five cents: so that the real value of the work at the present moment may be set down at twenty-five millions of dollars, which is a clear gain redounding to the benefit of the public treasury, since the liquidation of the debt. The value of the work must continue to increase in proportion to the increase of its revenue, because the value of every kind of property depends upon the quantity of revenue produced. Hence it may be inferred that, at some future day, the value of the canal, estimated in proportion to the rate of income derived from it by the public treasury, will be fifty millions of dollars.

Such are the benefits that have accrued to the State of New York. Let us now see what immediate advantages the people themselves have derived from the enterprise.

The increase of agricultural pursuits, industry, and traffic, to be attributed exclusively to the opening of the Erie canal, is shown by a very simple operation. The toll duties levied upon goods being at the rate of $3\frac{1}{6}\%$ per cent., it is evident that, in order to produce the gross income of twelve million two hundred and seventy-five thousand six hundred and forty-four dollars in the course of fifteen years, the amount of property transported must have exceeded in value four hundred millions of dollars. The revenue of the canal during the first year of its operation was seven thousand four hundred and thirty-seven dollars and thirty-four cents—showing that the amount of goods transported must have been under two hundred thousand dollars. The tollage for the last year was one million five hundred and eighteen thousand one hundred and eight dollars and sixty-five cents—exhibiting an amount of property taxed of forty-seven millions of dollars.

The difference between two hundred thousand dollars and forty-seven millions is not trifling; and yet this is precisely the difference we find in the circumstances of the State of New York between the periods preceding and following the opening of the canal. This appears almost incredible; but the data upon which the statement is made are authentic and official.

The increase of value in landed property produced by the Erie canal can easily be ascertained by referring to the census which was taken previous to the opening of the canal and the last, which was published in 1834. In 1815, an acre of land situated on the canal route was valued at the rate of five dollars; at the present day, not a single acre could be purchased for less than fifty dollars. The thousands of acres which have thus acquired ten times their original value, throughout the vast area of land crossed by the canal, constitute an amount of wealth in landed prop-

erty greatly exceeding the four hundred millions in produce and merchandise that have flowed through the canal during the last fifteen years.

The increased value of real-estate property consists in the foundation of new villages on the margins of lakes and along the borders of the canal, where marshy grounds are dried up, in order to render the country habitable. Every year, it is found necessary to issue a new map, in which are always to be seen villages which had no existence the year before. The value of houses and public buildings that have been erected in the course of fifteen years amounts to an immense sum—which, however, cannot be specified with certainty until the next census shall have been published.

Such are the results of a loan of eleven millions and a half of dollars, invested in a speculation of public utility—although the project had been obstinately opposed by legislators who thought themselves wise, and made a parade of the most ardent patriotism, as they thwarted Mr. Clinton's views, and denounced him as a visionary. Many times, while reflecting upon this subject, I could not well avoid applying to the case in question the maxim of the celebrated historian, Flavius Josephus, which has remained engrafted on my mind from the first time I perused it: "Incapable legislators are a curse to the people—a calamity far more serious than either plague, famine, or war: because the latter evils, although terrible in themselves, are not of long duration; but the mischief caused by the blunders of the former become a source of misery to many generations." It was an extremely fortunate thing for the State of New York that the pernicious influence of those legislators who sought to defeat Mr. Clinton's project (it may be from motives purely honest) did not prevail for any length of time. In view of this fact, I trust that those members of Congress upon whom will devolve the duty of examining the propositions for building the Nicaragua canal, and of adopting the proper means for raising a loan to defray the expenses, will give the subject all that mature reflection which its importance demands. I have placed before them the facts connected with the course pursued by the government of the State of New York as an example worthy of being followed; and, with a view of anticipating any objection that may be made, upon the presumption that this is an isolated case, I shall now proceed to cite two others of the same character, which will suffice to show that, in each and all of them, the happy results that followed were only the natural consequences of regularity and order in the management of affairs.

The State of Pennsylvania, the neighbor and rival of New York in all that relates to progress and aggrandizement, could not witness the onward strides of the latter without astonishment, and, taking up the maxim that what has been achieved by one government can be accomplished by another placed in similar circumstances, and resorting to the same means, began to reason thus: If the people of New York are becoming rich in consequence of the facilities afforded to trade by the Erie canal, let Pennsylvania have also her canals wherever they can be constructed, and, where insurmountable obstacles exist, let us have railways, that may afford new facilities to our own commerce. As New York, in her days of poverty, had to resort to the loan system in order to pay the costs of her canal, let Pennsylvania, whose funds are equally low, apply to money-lenders for funds to defray the expenses of her public works. As New York appointed a committee familiar with all the administrative and economical

branches of business to carry out her plans, let there be also a committee appointed in Pennsylvania, intrusted with similar powers. Finally, if New York has attained to legislative perfection by adopting Mr. Clinton's system, the tendency of which is to enrich the public treasury through the medium of public works that are of great benefit to the country, let this system be adopted in Pennsylvania, and, if possible, upon a still more magnificent scale.

In Pennsylvania, no time was lost in useless discussions. The legislators of that State, profiting by the experience of New York, have pursued a steady course; and the result of their operations is the best possible proof that could be given of the wisdom of their proceedings. The general plan for all the public works undertaken by the government of Pennsylvania comprises 601 miles of canal and 113 miles of railway, requiring an outlay of \$22,114,915, which capital was obtained on credit. In 1834, when a portion of the canal was opened to navigation, the tollage for that year produced \$325,000; in 1835, the works being much more advanced, the sum collected amounted to \$655,000; and in the month of June of the same year, the governor addressed a special message to the legislature, in which the following language occurs: "I take the greatest pleasure in announcing to the legislature that the public treasury, at the close of the present quarter, is in a condition to meet not only the ordinary expenses of the government, without the necessity of resorting to taxation, but also to pay the interest on the loan raised for the construction of canals and railways."

It is hardly more than twenty years ago that the territory now known as the State of Ohio was only an uncultivated wilderness, inhabited by bears and buffaloes. Emigrants from New England, with scarcely any other baggage, as M. de Tocqueville observes, than a Bible in their pocket and a hatchet on their shoulder, went to take possession of those lands, the fertility of which invited cultivation. As soon as a sufficient number of emigrants had assembled in the new country, they formed a State and organized an independent government. In 1825, this government, convinced of the advantages of Mr. Clinton's system, passed a law authorizing the construction of a canal between the Ohio river and Lake Erie, 310 miles in length, which cost five millions and a half of dollars, obtained on State credit. This work was completed in 1832. In 1834, its revenue amounted to \$200,791; in 1835, it was increased to \$430,000; so that at this period, after paying the interest upon the loan for the current year, there was a balance of \$130,000, which passed over into the public treasury.

Can any rational man say now that the loan system, as applied to the construction of canals and railroads, has been ruinous to the people of New York, Pennsylvania, and Ohio? Will not these incontrovertible facts suffice to convince our legislators that this is the very system which ought to be adopted in relation to the Nicaragua canal—a project presenting far more brilliant prospects of future advantage than could have been entertained by the governments of those States? Could these governments, I ask again, have calculated upon the influx of an immense foreign trade, such as would swell the revenue of our canal? Did those governments ever dream of the stupendous political prospects that are intimately connected with the execution of a work like this—destined, as it is, to produce a most beneficial revolution in the whole mercantile world, and to raise

our country to the foremost rank in the scale of commercial importance? It is impossible to shadow forth, even within the narrow limits of a memorial like this, all the advantages that may be calculated on from this undertaking. I shall, however, add a few particulars, leaving an open field to others, better informed than myself, to enlarge upon.

On the opening of the canal, the lake of Nicaragua will become the natural point of communication between trading vessels seeking a passage through that channel. Persons acting as intermediate agents in procuring the earliest news and most reliable intelligence will soon be attracted to the spot, to the mutual advantage of outward-bound vessels and those returning homeward. These agents will naturally select localities deemed the most favorable for the prosecution of their objects, and become, as it were, the founders of new mercantile communities. The interchange of news will presently be followed by an exchange of goods and produce; large capitalists will be able to survey the two extreme lines of the mercantile horizon at once; while merchants on a smaller scale, availing themselves of this intermediate point of communication, will barter away their commodities and effect their exchanges without delay: in short, the advantage of position presented by this intermediate market will be such as to induce a great many to establish themselves there, with a view of extending their commercial speculations to every available point of the compass. The superb Carthage and the opulent Athens were not founded with more brilliant prospects; New York and New Orleans, which at the present day are the most frequented marts on our continent, must, in a very few years, be forced to yield the palm of superiority to the new city which the spirit of trade will have founded on our own soil, and adopted as her favorite child; this city will become the depository of the produce of every clime, and of whatever owes its existence and perfectibility to the progress of human industry; it will become the great focus of intelligence from every part of the world, and the commercial metropolis of this hemisphere.

The opening of this canal will also give a powerful impulse to our agriculture, because, by affording facilities to exportation, it will encourage the cultivation of those fruits which are indigenous to our soil, and which are greatly esteemed in foreign markets. All the land contiguous to the canal is exceedingly adapted to the cultivation of cotton, the sugar-cane, tobacco, coffee, chocolate, indigo, vanilla, etc.; and, as plantations can be laid out within the immediate proximity of vessels, the cultivators will be enabled to carry on their operations under immense advantages, as their crops could thus be exported directly, without the intervening expenses of transportation, storage, and other commission fees. As to the absolute value that this privileged land would thus acquire, with so many facilities for the transportation of its own produce, it were difficult to form a correct calculation; it is rational to infer, however, that it would amount to millions of dollars, all of which would contribute to build up the fortune of a vast number of our native families, as well as to enrich others from foreign climes, that would flock to our shores in search of a prosperous and happy country.

The immediate and natural results of commercial pursuits will be to raise our nation to the dignity of a maritime power, which, in consequence of its geographical position, must ultimately obtain a controlling influence on both coasts of our continent, and become, as it were, the medium of

the most important communications. The numerous assemblage of foreign vessels will enable us to acquire a practical knowledge of naval architecture, because the necessity of repairing the damages sustained by merchantmen will have the effect of leading us to exercise our own ingenuity in small experimental undertakings at first, until, as it frequently happens with beginners in any of the other arts, we shall conclude by building entire vessels out of the materials which abound on our own soil.

That branch of business which consists in supplying transient vessels with fresh provisions, will constitute an important source of wealth. Relying upon the certainty of finding abundant supplies at an intermediate point, navigators will not be under the necessity, as heretofore, of encumbering their vessels with provisions sufficient to last them during the whole length of the voyage. This point is particularly entitled to notice.

Being once in possession of facilities for frequent intercourse with Europe, through the medium of the canal, we shall draw towards our own shores a considerable portion of the European emigration which is at present pouring into Canada, and peopling the western solitudes of the United States. By this means our population will greatly increase, and, the indigenous race becoming mixed up with a civilized and industrious people, the result will be a generation highly improved in appearance and much better educated.

All the improvements that have been made in steam navigation are also to be viewed as so many preparatory steps taken by time and the genius of enterprise, in order to bring the influence of steam to bear upon our own country as soon as the canal project shall have been carried into execution. The introduction of steam vessels will facilitate our intercourse with the whole American coast, the lake of Nicaragua becoming the central point of attraction. All the nations situated on that coast, from Chili to the Russian settlements, will naturally become dependent upon ourselves, without, however, being exposed to the least curtailment of their national rights; and, as the revenue of the canal would be increased in proportion to the flourishing condition of their agriculture, their commerce, and their industrial arts, we shall necessarily participate in their prosperity.

By reducing what I have stated above into more concise propositions, it will be seen—

1st. That the Nicaragua canal is the most stupendous undertaking, in a commercial point of view, that could possibly be devised.

2d. That it is the most lucrative speculation that ever was contemplated: because, if the costs of construction were even to amount to twenty millions of dollars, there is every reason to believe that the revenue derived from it would greatly exceed the amount of interest due on the capital.

3d. That the toll duties on the canal being levied upon foreign commerce, and the moneys thus collected exceeding the amount of interest due on the capital invested in the work, it follows, that the debt incurred in consequence of the loan would finally be liquidated at the expense of foreign commerce, without the necessity of imposing any heavy taxes upon the people.

4th. That by cancelling the debt in the manner specified above, the republic will, in a very few years, find itself in the legitimate possession of a productive property which will add annually to the resources of her public treasury; a consummation without precedent or parallel in the world.

5th. That by enriching the public treasury at the expense of foreign commerce, (which would, however, be highly beneficial in return,) our people will be exempted, if not from taxation altogether, at least from a considerable portion of those contributions which are indispensable to support the government with that degree of dignity and decorum required by the exigencies of a civilized nation.

6th. That the value of our land will be immeasurably increased, because the exportation of every kind of produce susceptible of being raised on our soil, not only on the borders of the canal and the Nicaragua lake, but all along the Pacific coast, being facilitated by means of a canal, the land will acquire everywhere a proportionate value, which it does not at present possess—advantages which will redound equally to the benefit of all the other States.

7th, and finally. That having constantly in view all that has been accomplished by the governments of the States of New York, Pennsylvania, and Ohio, through the medium of national loans, I am irresistibly led to the conviction, that although our government is destitute of available funds, as it was the case with the governments of those States above mentioned, it has the power to execute the work under consideration by resorting to the alternative of a loan.

Before I conclude, I must be permitted to refer to certain promises, solemnly made to our people about six years ago; which, however, have never been fulfilled. In a message to Congress, dated the 12th of August, 1830, Señor Barrandia expressed himself in the following terms: "Above all, citizen representatives, the project for opening the grand canal claims your consideration. The advantages that it presents are of equal importance with the proof it affords that we are progressing in the acquisition of credit and in regularity of conduct.

" This is a work of peace and of liberty combined. By carrying such a project into execution, we shall present to the world a striking result of our regeneration as a people, and a successful vindication of those exalted principles by which freemen are actuated in matters of general interest. Over the vestiges of blood and desolation left by an usurping power, there shall be raised a temple, emblematic of the amity of nations and the prosperity of the people. I doubt not but that the heart of every representative swells with pride at this gratifying prospect of national importance, and final justification of our principles and our conduct in the face of nations. Then Nicaragua will become the true emporium of commerce, and present a most eligible location for the residence of the federal government."

Let it not be supposed that I have transcribed these words for the purpose of indulging in satirical comments; seeing that six years have elapsed since they were written, without the slightest approach to a realization of these flattering prospects of national felicity! I desire to see this magnificent temple of concord raised, not under the auspices of a foreign power, but by our own government. I do not wish to see the present generation barter away the honor and the glory of aggrandizing themselves by their own efforts, and of leaving behind them a monument which shall remind their posterity that the Central Americans of 1836 were the founders of their greatness. I desire to see this government, which has certainly not been elevated into power by my vote, use that power to effect the opening of the Nicaragua canal, which, if accom-

plished under its immediate direction, will entitle it to the gratitude of every Central American, and obtain for it a credit among foreign nations, which at present it certainly does not possess. I desire, in short, to see this government go to work with so much earnestness and energy in the matter, that when that of New Grenada wakes up from the lethargic slumbers in which it is reposing at present, it shall be by the noise occasioned by the crowbars and pickaxes with which our laborers are making their excavations. Such are my wishes; and I have no doubt but that they will be well received by the government, and concurred in by all my fellow-citizens.

I believe I have now accomplished all that I had proposed to myself in preparing this memorial; if not with all the perspicuity which the importance of the subject demands, at least as well as my limited means of information would permit me. It has cost me no little labor to collect the data and facts to which reference has been made, but I am amply compensated by the pleasing reflection that I have been employed, however gratuitously, for the good of my country. I am also consoled by the hope, that many of my fellow-citizens—even those who differ from me in political sentiments—when they peruse this memorial, will do me the justice to believe that neither the effects of long absence, nor the influence of other causes equally painful and disagreeable, the remembrance of which can only cease to afflict when it is blotted out of my memory, have been able to impair my affectionate devotion to the land of my birth, nor lessen the fervor of my supplications for her prosperity.

BROOKLYN, *September 24, 1836.*

No. 7.

[Translation.]

GOVERNMENT HOUSE, COMAYAGUA,
October 13, 1847.

I have laid before the President of this State your esteemed note of the 10th of September last; and in consequence of it, he has been pleased to desire me to answer you as follows:

It has been repeatedly demonstrated irrefragably that the pretended King of the Mosquitos, recognised as such by the British government alone, wants the smallest shadow of dominion over any part of the territory of Honduras; and it cannot and ought not to be considered a fact, that on the north coast the uncivilized tribe wanders errant, promptly styled the Mosquito nation. The question has already been explained by the press in the various writings published, and no new proof is necessary to be alleged to show on which side justice rests. Therefore, and because now in a hostile manner an intimation is made that a property which has belonged, and does belong, to Honduras, will be taken, no reasons will be added, since it is easily seen that force, and not conviction, will terminate the dispute spontaneously raised.

You, in the name of your sovereign, make a formal declaration, without previously announcing to my government that you are officially competent to do so, with notable injury to the dignity pertaining to the su-

preme powers of this State, introducing unusual forms, and offending against maxims generally admitted by all civilized people. It is also remarkable that the enlightened cabinet of St. James, under the title of Protector of the Chief of the uncivilized Mosquitos, and which alone, of all the governments of the earth, recognises them, should arrogate the right of making claims and intimations which exclusively belong to him who, it is to be supposed, would be benefited by promoting them, and respecting which the least step has not been taken. It is equally worthy of notice that, without attending to any of the means prescribed by the law of nations for appropriating a territory at most disputable, force should be resorted to, as if there were no reasons to be heard, rights to be examined, forms to be observed, and jealousies to be awakened.

The nations of Europe and America, sir, will not see with mournful apathy and indifference this new system of acquiring territories, unknown and contrary to the principles observed by general usage between governments. The government of Honduras is weak, and that of Great Britain powerful; nevertheless, it will make its rights known. They will have the same importance as if they were balanced between nations of equal preponderance and resources. Therefore, my government solemnly protests that it will use the means which all the world employs to guaranty its territory, and to repel any aggression; and you or the British government will answer before Heaven and earth for the ills which the contest may produce, which is provoked on the pretext of defending the rights of its protégé, the chief of Mosquito barbarians.

Thus, sir, by supreme order, I have the honor to reply to your esteemed note above referred to, assuring you, &c.,

SANTOS GUARDIOLA.

From the President of Nicaragua to the President of the United States.

[Translation.]

LEON, December 15, 1847.

DEAR AND GOOD FRIEND: I have for some time desired to establish relations of amity and commerce with the republic which you have so worthily governed since your induction into the supreme power, because I am persuaded that an intimate union between the two governments may assure to both countries a happy and brilliant future. My desire, however, was carried to the utmost on seeing in your message at the opening of the 29th Congress of your republic a sincere profession of political faith in all respects conformable with the principles professed by these States, determined as they are to sustain with firmness the continental cause, the rights of America in general, and the non-interference of European powers in their concerns. Now that events of serious import between us and British officers render the establishment of these advantageous relations absolutely necessary, I feel the greatest pleasure in addressing to you the present note, the sole object of which is to testify to you the sentiments of sympathy and confidence by which I am animated towards you, sir, and your government, as well as my sincere resolution to form the most strict relations of amity and alliance with your republic.

My Secretary of State for Internal and Foreign Relations informs you on this day, by a communication addressed to your Minister for Foreign Affairs, of all the circumstances which have taken place between us and the British agents, and of the critical situation in which those circumstances place this government, it being the well-known design of the court of London to establish colonies on our coasts, and to render itself the master of the inter-oceanic canal for which so many facilities are presented by the isthmus in this State; and I am thus relieved from the necessity of adding further details upon that subject. I have, therefore, to recommend to you, in the most urgent manner, to give your attention to this pressing affair; and I pray you, sir, to communicate to me with equal frankness the resolution which you may think proper to adopt with regard to the matter which I submit to your enlightened judgment.

Such is, my dear and good friend, all that I have now to say to you; and most happy shall I be if my prayers are answered favorably by the reception which I anticipate from your benevolence, as indicated by my hopes and wishes. Meanwhile, I can assure you that whatsoever may be your determination, it will in no degree lessen the sincere attachment which I feel towards you, nor the sentiments of high esteem and consideration with which I have the honor to be your best and most sincere friend,

J. GUERRERO.

His Excellency JAMES K. POLK,
President of the republic of the United States of America.

NOTE.—It does not appear from the records of the Department of State that the above communication was answered during the administration of Mr. Polk.

Mr. Salinas to the Secretary of State.

[Translation.]

GOVERNMENT HOUSE,
Grenada, March 17, 1848.

As the accounts and rumors everywhere current with regard to the agreement concluded on the 7th instant between this government and Mr. Granville G. Loch, the commander of the naval forces of her Britannic Majesty on the river of San Juan de Nicaragua, respecting the occupation of the port of the same name, may in some way contribute to the continuation of the acts of violence committed against this country by its unjust aggressors, and affect the public opinion of other nations, the Director of the State of Nicaragua considers himself required by duty not to remain silent with regard to those circumstances, and to give to the whole world, and especially to his Excellency the illustrious President of the United States, a full knowledge of all the facts, in order that, being thus informed of their details, he may make his own judgment exact and impartial, conformably with the principles of equity and of the general interests of nations. Such is the motive and the object with which the Director of the State has ordered me to address to you the exposition contained in the present letter.

In 1844 a vessel-of-war, in the service of her Britannic Majesty, brought to the coasts of the northern side of this State Mr. Patrick Walker, in the character of consul general near the chief of the Mosquito tribes, whom they improperly term king, and whose residence was then established at Bluefields. This act, which of itself alone revealed the tendency of the cabinet of Great Britain to appropriate to itself the coast called Mosquito, alarmed, as was natural, the pacific inhabitants of this State, and our minister plenipotentiary accredited near the courts of Europe, doing justice to the high trust imposed in him, addressed to the cabinet of London, on the 15th of September of the same year, 1844, a protest, which he also addressed to your excellency from Brussels, with a statement of the affair. You will allow me now to recall to your mind that document in which the facts and the rights are set forth, supported by unanswerable reasons, showing the title of Nicaragua to the possession, use, and enjoyment, as heretofore, of all that territory comprised within the limits from Cape de Gracias to the line of separation of this State from Costa Rica.

Mr. Walker established himself at Bluefields, where he constituted himself as the regent of the pretended kingdom during the minority of the person to whom he caused the royal sceptre and investiture to be afterwards given; and he communicated to the governments of Central America, and to that of this State in particular, the nature of the commission which he held from her Britannic Majesty, to defend the rights of that person as being an independent sovereign, and under the protection of his government. My government refused to acknowledge Mr. Walker in that character, as he had not been officially accredited near this cabinet, nor had the court of London declared its intention with regard to the questions which an agent possibly unauthorized had thus raised; and though it might have desired to drive him from Bluefields, it did not find itself in a condition to do so, as the treasury of Nicaragua, drained by the expenses of an intestine war, required a period of peace, in order to be relieved from the miserable condition to which it had been reduced by these deplorable events.

Favored by these circumstances, the consul general of her Britannic Majesty at Guatemala, Mr. Frederick Chatfield, addressed a communication, in which he declared that the chief of the Mosquito tribes had been crowned at Jamaica, with the usual ceremonies, and that the government of her Majesty would at all times lend her powerful support for the settlement of the questions which might arise respecting territorial limits between the Mosquito nation and the State of Nicaragua. My government, however, proceeding ever with that moderation and circumspection which it had imposed on itself, in order to avoid giving any grounds of justification to that of Great Britain, replied to Mr. Chatfield, that although it had not acknowledged, nor never could acknowledge as a nation these few and small savage tribes of the Mosquitos, as it had already declared through its minister plenipotentiary at Paris, in September, 1844, of whose statement a copy was sent, nevertheless it was ready to treat the question in an amicable manner. Mr. Chatfield said nothing more on this subject, and the government confidently hoped that the British government would do justice to that of Nicaragua, and would establish an order of things for the future more satisfactory to this State and to the well-known interests of all nations having intercourse with it.

This just hope was, however, frustrated. The well known events

which have since occurred here have led us to the conviction that so far from hastening the period so ardently desired of a peaceful settlement, Great Britain has only embarrassed the affair, and placed new difficulties in the way by employing her forces in violent acts for thus obtaining what might not have been easily effected by negotiation.

On the 25th of October of the past year, Mr. George Hodgson, appearing with the title of late councillor to his Mosquito Majesty, communicated to the employés of this State residing at the port at the mouth of the river San Juan an *ultimatum*, whereby it was declared that "unless that place should be evacuated on the first of January next, forcible measures would be taken to effect that object." Such a notification, given by an unanthonized person in the name of a chimerical government, and at the time when the government of Nicaragua had declared to the English agent accredited in the country its sincere desire to treat the question in a pacific manner, and to preserve harmony and good understanding with Great Britain, did not merit compliance, especially considering that any condescension in this respect would have been a dereliction from the dignity of the State, and a prejudice to its just rights; nor could it be believed that the government of Great Britain, which has always shown a spirit of moderation and respect for the rights and possessions of independent States, would support an enterprise so openly in violation of the perfect rights of this State, by elevating the wandering Mosquito tribes to a rank to which they do not aspire, from their absolute incapacity to maintain it, to the humiliation of a free State, whose independence has been acknowledged repeatedly by the British cabinet itself.

Nevertheless, on the first of January of this present year, Mr. Walker arrived at that part of San Juan under the protection of a British ship-of-war, for the purpose of taking possession of the place in the name of the Mosquito King. The force placed there by my government was insufficient to make resistance, as it was placed there merely to protect the interests of commerce in the warehouses of the State; and Mr. Walker, taking an unfair advantage of the superiority of his forces, hauled down the flag of the republic, with insulting proceedings, and hoisted in its stead the unrecognised flag of the Mosquitos, without regard to the propositions of peace addressed to him by a commissioner sent officially by the government of Nicaragua with the object of effecting a just settlement of the question. Under these circumstances, it became indispensable to fortify the river of San Juan, in order to prevent further encroachments, and to recover by arms what had been already wrested from the State. In consequence, on the 9th of the same month of January, the fort was reoccupied by the forces of Nicaragua, on which occasion two prisoners were taken, with some trifles belonging to the invaders. Notwithstanding this victory, my government was no less desirous for the adoption of pacific means, maintaining always due consideration towards the power from which all these difficulties came, and those to which Nicaragua is entitled, torn in pieces as it has been by convulsions and calamities of all kinds. The enemy of our repose and welfare did not act in the same manner; all its efforts have been exerted in the employment of violence and coercion, without regard for reason, and without hesitating at any means, how shameful soever they might be.

On the 12th of the present month, Mr. Granville G. Loch, commanding the steamer-of-war *Alarm* in her Britannic Majesty's service, attacked

the battery of La Trinidad, on the river of San Juan de Nicaragua, at its confluence with the Sarapique; and by one of those accidents against which human foresight cannot provide, he succeeded in dispersing the forces in guard at that place, and occupied the whole course of the river as far as the port of San Carlos, on the eastern shore of the Great lake, making some prisoners and taking as hostages the administrator of the custom-house, the military governor of that establishment, and other officials, who were residing there in tranquillity. Being master of that point, which may be said to command this city, that of Rivas, and other towns of less size on the borders of the same lake, he demanded the return of the prisoners and articles taken at San Juan, as well as satisfaction for the outrages which he alleged to have been committed on the British flag on the 9th of January, and security that the inhabitants of San Juan should not in future be disturbed, declaring himself ready to enter into an equitable agreement on these points.

My government, unprepared for a breach of peace with the British forces, and having always manifested a disposition to treat on every question relating to San Juan in an amicable manner, having a high opinion of the cabinet of St. James, and believing the hour to be come when justice would be done to it through its agents, received with great pleasure the invitation of the British commander, and did not hesitate to submit to that imperious necessity by yielding to measures which promised an easy and prompt settlement of the question. It therefore sent three commissioners to hear the propositions of Mr. Granville, with powers sufficient to conclude an armistice, on the bases whereupon a definitive treaty might be made with Great Britain. The commander Granville conferred with our commissioners; but he considered himself without instructions for concluding any agreement other than on the base already proposed by him—a base utterly at variance with the calculations and desires of the Director of this State, as it tended solely to the recognition of the Mosquitos as a nation, and of their chief as the legitimate sovereign of the said monarchy. With a declaration so imperative and precise before them, the commissioners of the government could do nothing, as it would have been mere loss of time to make propositions of any kind upon such bases, which the British commander rejected in a manner irrevocable; and under these circumstances, they considered it proper, for the sake of peace, to sign the treaty, of which I have the honor to send you herewith a copy, marked No. 1.

My government, having seen and examined the report of the commissioners, saw that no other course was left to it, as the father and protector of its people, than to preserve them from the dangers and calamities to which they would be exposed by a war provoked by the obstinate blindness and the guilty ambition of a few British individuals; and it took the resolution of ratifying these proceedings of the commissioners, with the expectation that a definitive treaty of peace with Great Britain should determine the question; and in the mean time it addressed to the Court of London the declaration and protest herewith sent under No. 2. From all this, it may be easily inferred that the submission to all that was required by the British commander was merely and purely provisional, and was with no other object than to relieve the State from the evils to which it would have been subjected, in spite of any resistance possible on its part; it being, moreover, notorious that we were surprised by an unexpected

attack on the part of a power to which not only had we given no grounds of complaint, but we had ever considered it as the friend of Nicaragua, and as entirely at peace with us.

For these reasons, the Director of Nicaragua desires to make known to all the powers of the earth, as required by his honor and his duty, the injustice of the proceedings of the British agents in this affair, and the falsehood of the motives alleged by them for their hostile operations against a State which has never employed any other means of defence than those of reason and justice. Being, moreover, certain that the justice of the cause of Nicaragua will excite the strongest sympathy in the noble and magnanimous breast of his Excellency the President of the United States, the Director makes it his duty to declare that if the designs of Great Britain should be to take possession of the shore of the Mosquito country, and of the port at the mouth of the river of San Juan, it should from that reason refuse to conclude a definitive treaty, as stipulated in the sixth article of that of "Cuba;" the State will never consent to the dismemberment of the smallest portion of its territory, nor will it ever accept any indemnification or equivalent which may be offered therefor. And in order to secure its just rights against the measures above mentioned, and to protest against the consequences which may ensue from any measure tending to injure them, by repeating the declaration which Señor Francis Castellan, the minister plenipotentiary of the State, made in its name in September, 1844, my government relies on the respectable mediation of your supreme government in the terms expressed in my communication of the 12th of November of last year, being fully persuaded of the principles of liberty and justice which the enlightened government of your happy republic professes in favor of all and each of the States of the continent of America.

I eagerly embrace the present occasion to renew to your Excellency the assurances of my high and distinguished consideration, and remain your obedient servant,

SEBASTIAN SALINAS.

His Excellency the MINISTER OF FOREIGN RELATIONS
of the Supreme Government of the United States.

NOTE.—It does not appear from the records of the Department of State that the above communication was answered during the administration of Mr. Polk.

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No. 1.

*Extract from the "correspondence respecting the Mosquito territory,"
"presented to the House of Commons July 3, 1848, in pursuance of
their address of April 3, 1848."*

"Treaty concluded by Captain Loch, on the part of Great Britain, with the Commissioners of the State of Nicaragua.

"En consecuencia de las desavenencias que han tenido lugar entre la Gran Bretaña y el Estado de Nicaragua con relación á los límites del Terri-

torio Mosquito, y que han producido choques entre ambas fuerzas, el Gobierno de Nicaragua ha nombrado Comisionados, á los Señores Ministro de Hacienda Liconciado Francisco Castellon, y Licenciados Juan José Zavala y José María Estrada, para que en union del Señor Granville G. Loch, capitán del buque 'Alarma,' de Su Magestad Británica, oficial principal de los buques y embarcaciones de la division de Jamaica perteneciente á la estacion de Norte America y las Indias Occidentales y al mando de las fuerzas unidas de Su Magestad Británica en el Rio de San Juan de Nicaragua, arregle las diferencias entre estos dos poderes; despues de una pre-meditada y madura deliberacion, han convenido en los articulos siguientes:

“1º. El Gobierno de Nicaragua entregará al Señor Capitan Granville G. Loch, en esta Isla de Cuba, doce horas despues de haberse ratificado este Tratado á los Señores Little y G. Hodgson, hechos prisioneros por las fuerzas del Estado de Nicaragua en 9 de Enero de 1848, en el puerto de San Juan.

“2º. La bandera Mosquita y otras cosas tomadas en el mismo puerto, y en el mismo dia, seran devueltas sin ninguna dilacion. Y por cuanto el Señor Comandante de las fuerzas de Su Magestad Británica pide se le dé una esplicacion satisfactoria por el Gobierno de Nicaragua por el ultraje que dicho comandante piensa haberse hecho á la bandera Británica con motivo de haber arreado la Mosquita, que está bajo su proteccion. El expresado Gobierno de Nicaragua declara: Que ignoraba que la bandera Mosquita estaba tan conexionada con la de la Inglaterra, que un ultraje hecho á esta envolveria un insulto á la de la Gran Bretaña; y que lejos de haber intentado excitar el resentimiento de aquel poder, tiene un vivo deseo de cultivar las mas intimas relaciones con aquel Gobierno.

“3º. El Gobierno del Estado de Nicaragua promete solemnemente no perturbar á los pacificos habitantes del puerto de San Juan, bajo la inteligencia de que un acto semejante sera considerado por la Gran Bretaña como una declaratoria de hostilidades.

“4º. La tarifa establecida en el puerto de San Juan en la ocupacion del 1º de Enero ultimo, se considerará vijente, y no se establecerá ninguna aduana en las inmediaciones de dicho puerto de San Juan con perjuicio de sus intereses.

“5º. El Señor Comandante de las fuerzas Británicas conviene en retirarse del fuerte de San Carlos al puerto de San Juan con todas sus fuerzas, entregando los rehenes, prisioneros, y demas cosas que estan en su poder inmediatamente despues del cumplimiento de lo estipulado en el presente tratado.

“6º. Lo estipulado en este tratado no embarasará que el Gobierno de Nicaragua ocurra por medio de un comisionado cerca de Su Magestad Británica á solicitar un arreglo definitivo sobre este negocio.

“En fé de lo cual firmamos el presente tratado, en la Isla de Cuba, sobre el Lago de Nicaragua, á los 7, dias del mes de Marzo del año del Señor de 1848.

“JUAN JOSÉ ZAVALA.
“FRANCISCO CASTELLON.
“JOSÉ MA. ESTRADA.

“GRANVILLE G. LOCH.”

[Translation.]

“ In consequence of disagreements having arisen between Great Britain and the State of Nicaragua, with reference to the boundary of the territory of Mosquito, and which have produced collision between the forces, the government of Nicaragua have, therefore, appointed the three commissioners, Licentiate Francisco Castellon, Minister of Finance, and Licentiate Juan José Zavala, and José María Estrada, to meet Granville Gower Loch, esq., captain of her Britannic Majesty’s ship ‘Alarm,’ senior officer of her Majesty’s ships and vessels on the Jamaica division of the North American and West Indian station, and officer commanding her Majesty’s united forces employed in the river San Juan de Nicaragua, for the purpose of arranging the differences between these two powers.

“ After full discussion and mature deliberation, the following articles were drawn up and agreed to:

“ 1. That the Nicaraguan government surrender the persons of two British subjects, Messrs. Little and G. Hodgson, taken prisoners by the forces of the State of Nicaragua, on the 9th day of January, 1848, from the port of San Juan, and that they shall be delivered over to Captain Granville Gower Loch, in this Island of Cuba, within twelve hours from the ratification of this treaty.

“ 2. That a Mosquito flag and other effects, taken on the same day and from the same port, be restored without delay; and that a satisfactory explanation be given by the Nicaraguan government for the outrage that the commandant of her Majesty’s forces conceives to have been offered to the British flag in hauling down that of Mosquito, under her protection.

“ *Explanation.*—The Nicaraguan government were ignorant that the Mosquito flag was so connected with that of England, as that an outrage to it should involve an insult to that of Great Britain. They are most anxious to explain that so far from desiring to excite the anger of that power, it is, on the contrary, their earnest wish to cultivate the most intimate relations with it.

“ 3. That the government of the State of Nicaragua solemnly promise not to disturb the peaceful inhabitants of San Juan, understanding that any such act will be considered by Great Britain as an open declaration of hostilities.

“ 4. That the tariff established in the port of San Juan upon the occupation of the 1st of January, 1848, shall be considered in full force; and that no Nicaraguan custom-house shall be established in proximity to the said port of San Juan to the prejudice of its interests.

“ 5. That the British officer in command agrees to retire from Fort San Carlos to San Juan with all the forces, delivering up the hostages, prisoners, and effects now in his possession, immediately after the fulfilment of the various claims agreed upon in this treaty.

“ 6. What has been stipulated in this agreement will not hinder the government of Nicaragua from soliciting, by means of a commissioner to her Britannic Majesty, a final arrangement to these affairs.

“ Given under our hands, at the Island of Cuba, in the Lake of Nicaragua, this 7th day of March, in the year of our Lord 1848.

“ JUAN JOSE ZAVALA.

“ FRANCISCO CASTELLON.

“ JOSE MA. ESTRADA.

“ GRANVILLE G. LOCH.”

No. 2.

[Translation.]

GOVERNMENT HOUSE,
Grenada, March 13, 1848.

MY LORD: I have the honor to address your excellency, by express command of the Supreme Director of the State of Nicaragua, with the important object of communicating information to you touching the questions which appertain to the occupation of the port at the mouth of the river San Juan de Nicaragua—of which I conclude you have received full intelligence from Mr. Frederick Chatfield, your consul-general in Central America—in order that the whole may be brought to the knowledge of her Majesty your august sovereign, and that, with regard to this matter, that fair and impartial judgment may be formed which is to be expected on the part of a friendly government, whose distinguished sagacity and principles of moderation are the surest pledges of its equity.

From the date of the 29th of October of last year, (1847,) when Mr. George Hodgson, under the title of senior member of the council of his Mosquitian Majesty, made known to my government the intention of taking possession of the above-mentioned port of San Juan de Nicaragua, we are of opinion that it has been proved, by arguments not to be contested, either *de facto* or *de jure*, that the government of this State has not recognised, nor can it possibly recognise, as a nation, the few scanty tribes wandering on the coast whose name they bear. Much less can it admit that they have the right of dominion which they lay claim to over all that shore, so as to include the above-named port of San Juan, which it is evident has belonged to Nicaragua from time immemorial, and during an uninterrupted continuation of ancient and peaceful possession, as your Grace will see in the note dated the 15th of September, 1844, which Señor Francisco Castellan, minister plenipotentiary of this State at several courts in Europe, addressed to his Grace Lord Aberdeen. Nevertheless, it has never evaded the question; but, being always disposed to discuss it with the pacific and amicable measures suggested by natural reason, and counselled by international law, it has sought to find a skilful agent, through whose means an understanding might be arrived at, but without success.

In fact, my lord, neither the chief of the said Mosquito tribes, nor the English agents who have effected the protection which the government of her Majesty was disposed to extend towards them, showed an equal disposition to come to an equitable arrangement; and the government of Nicaragua, contrary to all its hopes and expectations, has found itself in the sad and imperious necessity of taking measures of defence against any aggression which might be aimed at its territorial integrity. It appeared difficult, and even impossible, that the government of her Majesty, which has been always so propitious to the cause of American liberty and independence, should authorize its agents to carry forcible intervention into a case which ought to be decided by reason and truth, with a State which, though as yet nascent and feeble, has given no cause to be treated, in the midst of peace, like an enemy who has provoked the just vengeance of an offended nation. Such was the conviction of my government. Such was the opinion which her Britannic Majesty's government had merited from it. It flattered itself that its weighty interposition would offer the surest

means of effecting what was expected from the rights of justice and the counsels of prudence, and that in this way the serious evils would be avoided which so deplorable a state of things would necessarily produce—since your government is the first which has communicated to the world that spirit of moderation, and that respect for the rights and possessions of independent states, which it professes with such sincerity, and which it is desirous to instil in all other nations.

But all its hopes were unhappily disappointed. On the first day of the month of January of this year, Mr. Patrick Walker, with the title of regent of the so-called King of Mosquito, presented himself in the port of San Juan de Nicaragua, under the protection of a vessel of war, with the object of effecting the occupation which had been intimated. In vain were all the measures proposed by an especial agent of the government of this State to enter into a pacific arrangement; for the voice of reason was too weak to be heard in the midst of the excitement which attended already the negotiation of this affair. The agent of the State, yielding, as it was natural he should do, to a superior force, made no opposition to the occupation of the said port, but addressed to Mr. Walker the protest of which I have the honor to enclose a copy, marked No. 1. That act should be considered, not only as an outrage upon the flag of the republic, which was lowered with opprobrious and unusual noise, but also as a declaration of war, not to be tolerated by my government; Mr. Walker proceeding, as he did, in the name of tribes which it considers, though undisciplined and barbarous, as subjects of the State, and who consequently merit punishment by its laws, as guilty of high treason. It was therefore neither consistent with its power nor its duty to permit the pacific enjoyment of an occupation acquired by violence and maintained by force. It was thus indispensable to try all means of removing from the place those persons who, under such auspices, had taken possession of a locality which my government considered to belong to the State; and, with this intent, when the force departed from the port, the new occupation of the 9th of January was effected, in which two persons were taken prisoners, who exercised offices in the name of the invader—some other inconsiderable trifles being taken at the same time. All this appeared conformable to the law of nations; and my government understood that a moderate exercise of this law could not offend any one, and much less the worthy government of her Majesty the Queen of the three United Kingdoms, with which it has always endeavored to cultivate relations of amity and confidence, which might serve not only for the maintenance of its political system, but also of the peace and mutual intercourse of the two countries.

After the affair of the 9th of January, another event took place, which it was not possible to foresee, nor was it within the means of my government to guard against. Captain Granville G. Loch, in command of her Britannic Majesty's ship-of-war "Alarm," arrived at the port of San Juan de Nicaragua, accompanied by two other vessels; which forces penetrated into the interior of the river, without having previously communicated with the commandant, who was there, by order of this government, intrusted with the defence of the same, and, on the 12th of the following February, attacked the forces which were stationed at the point of Sera-pique. The forces of the State yielded, with very little resistance; and Captain Granville occupied the whole course of the river with his vessels, as far as the port of San Carlos, which is situated at its entrance, and

upon the eastern shore of the Great lake, whence he addressed to this government the communication, of which a copy is enclosed, marked No. 2.

My government, always disposed to preserve the good harmony and cordial understanding with Great Britain which must one day produce the most grateful and salutary fruits in favor of the two countries, replied to Captain Granville in the terms expressed in the copy No. 3.

In consequence of those communications, the government of Nicaragua appointed the little island of Cuba, situated upon this lake, for a conference upon the points proposed by Captain Granville, naming as its representative a commission of three persons, with sufficient powers to conclude a treaty which might put an end to the differences which had been raised, and avoid a rupture between the two nations.

In consequence, the persons deputed by Nicaragua, proceeding in conformity with their instructions, offered to the commander of the British forces—

1. That Messrs. Hodgson and Little, taken in San Juan, as agents of the Mosquito nation, should be delivered up to him, at a place to be agreed upon, with the understanding that the delivery should take effect only under the idea that the aforesaid commandant claims them as British subjects—a quality which my government could not have recognised in them, both being in the service of an unknown power, and especially Mr. Hodgson, who has admitted himself to be a native of Bluefields, and of Mosquito origin—as is, moreover, undoubtedly known from other sources; and under this quality he was claimed by the British vice-consul, Mr. John Foster.

2. Also to deliver up the flag and other articles taken in San Juan on the 9th of January, proceeding always with the understanding that they are demanded by an agent of Great Britain, and that this act of deference is performed wholly in obedience to the consideration professed by Nicaragua to so powerful and august a nation, a circumstance which must dispel every idea that this State could have had the smallest intention of offending the British flag when our officers in San Juan lowered a flag unknown to us which had been forcibly hoisted there, and which, according to international usages, as understood by us, could not be confounded with the British flag.

3. With respect to the assurance demanded by Captain Ganville, that the persons who occupied San Juan should not be molested, although it was the duty of my government to preserve the integrity of its territory, yet yielding to the interest of a valuable friendship, it would on this account consent to leave the port of San Juan in possession of the representatives of Great Britain as a deposite, until the republic of Central America, or the State of Nicaragua itself, should send a minister to the British cabinet to discuss, in our name, the question of the right of property in the said port.

4. That this agreement being concluded, by virtue of which the hostages, prisoners, and other effects which were in the power of the commandant of the British forces, devolve to the State, the whole should be restored to the *statu quo* of the first of January, until the question be decided between the two governments. The said commandant agreeing to these propositions, a proposed treaty, drawn up in conformity with the same, was presented to him, a copy of which I enclose, marked No. 4. What can be a more striking testimony of the esteem and confidence felt

by the government of Nicaragua towards Great Britain than that of intrusting one of our principal ports to its loyalty and good faith?

The declarations of an English commander, too generous to misemploy the position he was placed in with relation to this State, and too much enlightened to prefer the doubtful rights of conquest to the measure of an amicable negotiation which we were disposed to accept, were grounds and motives sufficiently powerful to produce the expectation that the hour had arrived for doing justice to a State which had employed no other means of defending its rights than those of reason and of pacific demands.

But Captain Granville having unfortunately no other instructions than to demand the giving up of the prisoners Hodgson and Little, to require explanations upon the outrage which was supposed to be committed upon the British flag, and an effective guarantee that the inhabitants of San Juan should not hereafter be molested, the commissioners of the State did not hesitate to sign, on the 7th instant, the treaty proposed by the aforesaid commandant of the British forces, a copy of which is enclosed, (No. 5,) notwithstanding the hardship which it involves in departing from the basis of reciprocity which ought never to be refused in an agreement of this nature; but reserving the explanations which they thought desirable to bring before the government of her Britannic Majesty, my government has ratified the treaty under the authority of the Constituent Assembly, to take effect for the whole term necessary to decide definitively "the question between this government and that of Great Britain respecting the territory of the Mosquito coast, through the medium of a diplomatic agent who shall be appointed to that court on the part of the confederation or of Nicaragua alone, both by virtue of article 6 of the treaty itself, and in pursuance of a decree to this effect issued by the legislative power." In the mean time I am authorized to declare to your Grace, that neither the above treaty, nor the occupation of the port of San Juan, which is permitted provisionally, can, by virtue of the same, exclude or prejudice in any way the rights which the State really believes to appertain to it upon the said port and territory of Mosquito, and that its admission is not, nor ought to be, considered other than as a demonstration of friendship and acquiescence to her Britannic Majesty, with the confident hope that when the causes shall have ceased which have created the difficulties that have occurred between the two governments, its claims will be heard, and all those possessions restored which we have inherited from our ancestors, and which we have maintained in peace before all the nations of the world, as the minister plenipotentiary which my government proposes to appoint to your court, with the least possible delay, will have the honor of laying before your Grace personally.

In making this candid declaration, the Director of the State of Nicaragua is firmly persuaded that the government of her Britannic Majesty cannot but see in his conduct the most undeniable proof of his sincere and continued disposition to maintain peace and a good understanding between the two countries, and that her Britannic Majesty, guided by the same spirit, will be desirous of cultivating with this youthful State the friendship and good understanding which it desires for their mutual benefit.

Allow me, &c.

SEBASTIAN SALINAS.

Mr. Castellan to the Secretary of State.

[Translation.]

WASHINGTON, November 5, 1848,
at ten o'clock at night.

SIR: The undersigned has the honor to inform his Excellency the President of the American Union that, having been appointed chargé d'affaires near the court of London by the government of the sovereign State of Nicaragua, with the object of sustaining the rights of his country to the territory of Mosquito, and especially to the port of San Juan, which was occupied in the beginning of January last by British forces, he is now in this city, on his way to the place of his destination.

The government of Nicaragua, in conferring upon the undersigned this important charge, has especially authorized him to make known the measure to the respected government of the United States, in order that it may, if it should judge proper, instruct its minister plenipotentiary residing in London, not only to sustain the rights of Nicaragua so far as they may be compatible with the political and commercial interests of this republic, but also to regulate the terms on which the government of the Union might afford to Nicaragua its friendly offices on the grave affair now in question.

The government of Nicaragua cherishes a well-founded hope that the government of the Union, firmly adhering to its principle of resisting all foreign intervention in America, and that being well persuaded of the immense advantages which such a measure may produce hereafter to both countries, will not hesitate to order such steps to be taken as may be effective, before things reach a point in which the remedy now believed to be sufficient will prove of no avail.

The undersigned will not now enter into any other particulars, as everything which his humble pen could convey has already been said in the communications addressed to your Excellency by the Minister of Foreign Affairs of Nicaragua on the 12th of November, 1847, and the 6th of March, 1848, to which our cabinet is still anxiously awaiting the answers. If, however, your Excellency should consider it proper, either from not having received those papers or from want of further information on the subject, the undersigned would willingly make it his duty to afford any particulars which may conduce to the end desired.

The undersigned prays your Excellency to deign to submit to his Excellency the President of the American Union all that is here said; and to address the answer to New York, to the care of Señor A. J. de San Martin, the editor of the "Cronica," No. 87 Cedar street, who will send it to London, in case the undersigned should have quitted New York before its arrival.

The nature of the affair is so serious, and it requires so much precaution, that the undersigned finds himself under the necessity of depriving himself of the pleasure of personally presenting his respects to his Excellency the President: he however hopes that he may be able to do so without reserve by this communication, and also to assure your Excellency of his great esteem and consideration.

FRANCIS CASTELLAN.

His Excellency the MINISTER OF FOREIGN AFFAIRS
of the Republic of the United States.

NOTE.—It does not appear from the records of the Department of State that the foregoing communication was answered during the administration of Mr. Polk.

Mr. Buchanan to Mr. Hise.

[No. 1.]

DEPARTMENT OF STATE,

Washington, June 3, 1848.

SIR: The great extension which the coast of the United States on the Pacific has recently attained, followed, as it will be, by a rapid increase of our population in that quarter, admonishes this government to cultivate and strengthen, in a spirit of wise forecast, relations of friendship and commerce with the other governments whose territories border upon that ocean.

When the federation of the centre of America was formed, the government and people of the United States entertained the highest hopes and felt the warmest desire for its success and prosperity. Its government was that of a federal republic, composed of the five States of Guatemala, Honduras, Nicaragua, St. Salvador, and Costa Rica, and its constitution nearly resembled that of the United States. This constitution unfortunately endured but a brief period, and the different States of Central America are now politically independent of each other. The consequence is that each of them is so feeble as to invite aggressions from foreign powers. Whilst it is our intention to maintain our established policy of non intervention in the concerns of foreign nations, you are instructed by your counsel and advice, should suitable occasions offer, to promote the reunion of the States which formed the federation of Central America. In a federal union among themselves consists their strength. They will thus avoid domestic dissensions and render themselves respected by the world. These truths you can impress upon them by the most powerful arguments.

A principal object of your mission is to cultivate the most friendly relations with Guatemala. It is now an independent sovereignty, and is by far the most populous and powerful of the States of the former federation. Whilst representing your government at Guatemala, however, you will enjoy frequent opportunities of cultivating friendly relations between the United States and the other States of Central America, which you will not fail to embrace.

The enemies of free institutions throughout the world have been greatly encouraged by the constantly recurring revolutions and changes in the Spanish American republics. They are thus furnished with arguments against the capacity of man for self-government. The President and people of the United States have viewed these incessant changes with the most profound regret. Both our principles and our policy make us desire that these republics should become prosperous and powerful. We feel a deep interest in their welfare; but this we know can only be promoted by free and stable governments. The enjoyment of liberty and the maintenance of private rights cannot be secured without permanent order; and this can only spring from the sacred observance of law. So long as successive military chieftains shall possess the ability and the

will to subvert subsisting governments by the sword, the inevitable consequences must be a disregard of personal rights, weakness at home, and want of character abroad. In your intercourse with the authorities of Guatemala and other States of Central America, you will not fail to impress upon them our example, where all political controversies are decided at the ballot-box.

I have no doubt that the dissolution of the confederacy of Central America has encouraged Great Britain in her encroachments upon the territories of Honduras, Nicaragua, and Costa Rica, under the mask of protecting the so-called kingdom of the Mosquitos. We learn that under this pretext she has now obtained possession of the harbor of San Juan de Nicaragua—probably the best harbor along the whole coast. Her object in this acquisition is evident from the policy which she has uniformly pursued throughout her past history, of seizing upon every valuable commercial point throughout the world, whenever circumstances have placed this in her power. Her purpose probably is to obtain the control of the route for a railroad and a canal between the Atlantic and Pacific oceans by the way of the Lake Nicaragua. In a document prepared, as it is understood, by Mr. Macgregor, and printed by order of the British Parliament, which has been furnished to me by Mr. Crampton, her Britannic Majesty's chargé d'affaires to the United States, Great Britain claims the whole of the seacoast for the King of the Mosquitos from Cape Honduras to Escuda de Veragua. By this means she would exclude from the Caribbean sea the whole of Honduras south of Cape Honduras, and the entire States of Nicaragua and Costa Rica, as well as the new Grenadian State of Veragua. Under the assumed title of protector of the kingdom of the Mosquito, a miserable, degraded, and insignificant tribe of Indians, she doubtless intends to acquire an absolute dominion over this vast extent of seacoast. With what little reason she advances this pretension, appears from the convention between Great Britain and Spain, signed at London on the 14th of July, 1786. By its first article "his Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general and the islands adjacent, without exception, situated beyond the line hereafter described, as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the third article of the present convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the commissioners of the two Crowns in 1783."

The country granted to them under the treaties of 1783 and 1786 was altogether embraced in the present British provinces of Belize, and was remote from what is now claimed to be the Mosquito kingdom. The uses specified in the third article of the convention were merely, in addition to that of "cutting wood for dyeing," the grant of the liberty of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits or produce of the earth, purely natural and uncultivated, which may, besides being carried away in their natural state, become an object of utility or of commerce, whether for food or for manufactures; but it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any fabric or manufacture by means

of mills or other machines whatsoever; (this restriction, however, does not regard the use of saw-mills, for cutting or otherwise preparing the wood.) Since all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed. "The English shall be permitted to transport and convey all such wood, and other produce of the place, in its natural and uncultivated state, down the rivers to the sea; but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers beyond their bounds into the countries belonging to Spain."

And yet from this simple permission, within certain precise limits to cut and carry away all the different kinds of wood, and "the produce of the earth, uncultivated and purely natural," accompanied by the most solemn acknowledgment on the part of Great Britain that all the lands in question "belong of right to the Crown of Spain," she has by successive encroachments established the British colony of the Belize.

The government of the United States has not yet determined what course it will pursue in regard to the encroachments of the British government as protector of the King and kingdom of the Mosquitos; but you are instructed to obtain all the information within your power upon the nature and extent of these encroachments, and communicate it with the least possible delay to this department. We are, also, desirous to learn the number of the Mosquito tribe, the degree of civilization they have attained, and everything else concerning them.

The independence as well as the interests of the nations on the continent, require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European governments with the domestic concerns of the American republics, and to permit them to establish new colonies upon this continent, would be to jeopard their independence and to ruin their interests. These truths ought everywhere throughout this continent to be impressed upon the public mind; but what can the United States do to resist such European interference whilst the Spanish American republics continue to weaken themselves by division and civil war, and deprive themselves of the ability of doing anything for their own protection?

The relations between the United States and the States which, formerly composed the republic of Central America, are of a character in which this government has always felt a lively interest. On the 22d of November, 1822, after the Central American States had achieved their independence of Spain, but before they were united under a common government, the Congress of St. Salvador passed an act declaring that State a member of our Union, and Messrs. Aree and Rodriguez were sent hither to negotiate with this government upon the subject. No formal answer was given to the application; but the regard of our country, and the confidence in its institutions which it implied, deserve to be held in respectful remembrance.

The federation of Central America had not long been formed, when its government accredited to that of the United States a minister plenipotentiary, with whom a treaty was concluded in this city on the 9th of December, 1826. This treaty was on a basis more liberal than any which

had previously been concluded by the United States. Although from the comparative insignificance of the commercial marine of that republic, there might have been cause to apprehend that some of the provisions of the treaty, though reciprocal in terms, would prove unequal in their operation, it is believed that no complaints of this character were made, and that, in fact, there was no cause for them. Under the authority of the treaty, consumers in Central America of articles from Europe or the East Indies derived advantages from the competition of the intelligence and enterprise of merchants of the United States in supplying them, far outweighing any benefits which that country could possibly have enjoyed from interposing impediments to the admission of our vessels and their cargoes. This, indeed, seems to have been the conviction of the Central American government itself, so long as it existed. You will notice that the treaty was to last twelve years from the date of the exchange of the ratifications; and that it did not contain the clause which has since been introduced into many of our treaties, providing for its continuance. In consequence of this, in 1838, shortly previous to the expiration of the treaty, Mr. De Witt, the chargé d'affaires of the United States at Guatemala, was empowered and instructed to renew it. The new treaty was accordingly signed on the 14th July, 1838. It contained a stipulation that the ratifications were to be exchanged in this city within eight months from its date. Mr. De Witt, having received leave of absence from his post, quitted that country before the treaty had been acted upon by the government of Central America; and when he reached the United States, bringing the treaty with him, the period limited for the exchange of the ratifications had expired. In consequence of this, the treaty did not go into operation. Mr. De Witt died soon after his return home, and no successor to him as chargé d'affaires of the United States to Central America was appointed. In the summer of 1839, however, Mr. J. L. Stephens was sent a special agent of this government to that country, for the purpose, in part, of proposing to the Central American government that the ratifications of the treaty should be exchanged, notwithstanding the lapse of the time within which that ceremony was to have taken place. On reaching that country, however, he was unable to accomplish the object in consequence of the dissolution of the government of Central America.

In the summer of 1841, Mr. W. S. Murphy was also despatched as a special agent to Central America. It was stated in his instructions, that since the return of Mr. Stephens there was reason to believe that a confederation of some kind and to some extent had been formed in Central America; that, in the opinion of the President, it was desirable that this government should be in possession of authentic information in regard to the condition and prospects of that country. If he should find there any organized government with the title of the federation of Central America, he was to endeavor to effect with it the arrangement in relation to the treaty, which Mr. Stephens failed to accomplish. He ascertained that no government existed with the title above mentioned. He was informed, however, that there was a league or alliance among the Central American States, but he did not discover its nature or extent. The department has reason to believe that since the mission of Mr. Murphy, attempts have been made by some of those States to form a league for the purpose of transacting business with foreign powers, but it is doubtful whether any

of these attempts have succeeded; and it is almost certain that at the present time there is no federal government in Central America entitled to the privileges or responsible for the duties of a sovereign power. By a decree bearing date the 21st of March, 1847, the State of Guatemala declared itself a free and independent republic.

The department is informed that the government of Guatemala has recently expressed a disposition to form a treaty with the United States. This disposition is reciprocated by the President. At as early a period, therefore, after you have been received by that government, as you may judge proper, you may inform the Secretary of State of Guatemala that you are empowered to negotiate a treaty with his government, and you will request that, if the government of Guatemala is disposed to enter upon the negotiation, a person may also be empowered for the same purpose on its part. As it cannot be anticipated that the Guatemalan government will object to the treaty signed by Mr. De Witt and Mr. Alvarez, on behalf of their respective governments, on the 14th July, 1838, you may propose the adoption of that treaty between the United States and Guatemala. It is almost literally identical with the treaty between the United States and the federation of Central America of the 5th December, 1826. The variations between them are mentioned in the accompanying extract from the instructions of this department to Mr. De Witt of the 28th of March, 1838.

You are also herewith furnished with a full power to conclude a treaty of commerce with the republic of San Salvador. Similar treaties with the other States of Central America would probably be useful in fostering our trade with them, and in protecting our citizens who may visit or reside in their territories. It is not, however, deemed advisable to empower you to conclude a treaty with either Nicaragua, Honduras, or Costa Rica, until you shall have communicated to the department more full and authentic statistical information in regard to those States than that which it now possesses. You will accordingly be diligent in collecting this information, which it would be desirable that the department should receive without any delay which can be avoided.

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

JAMES BUCHANAN.

To ELIJAH HISE, Esq., &c., &c., &c.

Mr. Hise to Mr. Buchanan.

[Extracts.]

HONDURAS, PORT OF OMOA,
October 26, 1848.

SIR: My health having improved at Havana, I left that city on the 12th of October instant, the earliest opportunity that occurred, and embarked on the brigantine Leguno Lempromana for the port of Isabel of the Golfo Dolce, State of Guatemala. Owing to the light and variable winds and calms, we have had, so far, a long and tedious passage—eight days to Truxillo, and six days to the port of Omoa; from whence we set sail tomorrow for Isabel, at which place we hope to arrive in a few days, and from whence I shall set forth immediately on mules for the city of Guatemala. My health has, I think, continued to improve on the passage so

far; and if I can get fairly off from Isabel without a relapse, I hope to reach Guatemala from that point in seven or ten days. I informed the department, in my letter from Havâna, that Carrera's government in Guatemala was overthrown, and he banished the country. It seems that Don Juan Antonio Martinez has been appointed provisional president. The port of Truxillo is not good; it is nothing more than an indentation of the coast, beginning at Cape Honduras, and reaching some twelve or fifteen miles west, protected only on the southeast and southwest—otherwise exposed. The town, including the blacks and Caribs, and all colors, has a population of 15,000 souls, or thereabouts; its trade is inconsiderable, and mostly in the hands of the English; it consists of exports of mahogany, Santa Maria wood, and dye-woods; imports liquors and British dry goods. The port of Omoa is small and shallow, but safe for such vessels as may or can enter it; from two to five fathoms is its depth; its trade similar to that of Truxillo, and in English hands; its population is about 1,000, all told. Our consul, Mr. Sollin, resides here. There is a good harbor about ten or fifteen miles east of Omoa, called the port of Caralho, but there is no town or village at it.

We passed in full view, in sailing from Truxillo to Omoa, a group of islands, of which Raatan is the most considerable, all of which, I learn, have been claimed and occupied by Great Britain within the last few years. The State of Honduras, including the region bounded by the Mosquito coast, and the coast extending from Cape Gracias á Dios to the Rio Dolce, is a most magnificent country, unsurpassed in scenes of grandeur and sublimity of aspect, and unrivalled in respect to its agricultural and mineral resources. Gold, silver, and copper are, or rather might be, its mineral productions; sugar, coffee, rice, Indian corn, cotton, cochineal and indigo, dye-woods of various kinds, valuable timber of several kinds, and all kinds of tropical fruits, are, or might become, its productions from the soil, and form part of its exports. The soil of this country, as I am informed, is of great and exhaustless fertility; yet the very best portion of this valuable country has been appropriated by Great Britain to herself, including the islands above named, in violation of the plain territorial rights of the States of Honduras and Nicaragua. The island of Raatan is one of the most beautiful and valuable in the world of the same extent. I have seen a map of Truxillo, prepared by direction of the British government, on which is laid down the boundary of the country which the English government occupy in part, and intend to occupy altogether, and claim the right to occupy as the allies and protectors of the Mosquito Indians—a besotted, brutal, ignorant race of Indians who had never had such a thing as a government since the days of the dominion of old Spain commenced, and who, since the termination of that dominion, have been embraced within the boundaries and remained under the dominion of the States of Central America. Yet the British government pretend to believe in the existence of an independent Mosquito kingdom, for which they have selected, as I am informed, a half negro and half-Indian as the King, crowned him at the Belize, lionized him at Kingston, Jamaica, and, as his friend and ally, they occupy his pretended kingdom, to which they have assigned a boundary at their own discretion: beginning at the mouth of the Rio San Juan de Nicaragua, embracing the same; running thence with the river, embracing the same for some one or two hundred miles; and running thence an arbitrary line through the States of Nicaragua and

Honduras, embracing some of their important towns, to a point in the State of Honduras indicated on the map aforesaid; thence another arbitrary line running north until it strikes the Roonan river; thence with this river to the sea just east of Truxillo; thence with the coast to the beginning, embracing some three or five degrees of latitude and three degrees of longitude, and the whole extent of coast from the mouth of the San Juan to the Cape Gracias á Dios; and thence west to Truxillo. Shall this be permitted? The States of Central America cannot prevent it. They have protested against it, formally, in strong terms; but this is all they can do. There can and will be no effectual means of preventing "the spread of British dominion over the whole of Central America, unless the government of the United States interferes, firmly interferes, and shall carry out that celebrated declaration made by President Monroe officially—once favored by the Congress and nation at large, and *now* approved at least by the present administration and its friends"—to wit: [You can refer to it.] I have not been charged with this subject, "nor instructed particularly to take any action upon it." Indeed, I could do nothing more "than to say to the States of Central America, Be firm, do not yield, protest," &c. They cannot fight England! I will not close this letter until I reach Isabel.

Would it not be better to vary the arrangements with the contractors for the mail steamers, so as to require them to deliver the mail at the port of San Juan de Nicaragua instead of Chagres? inasmuch as time and expense may be saved, there being from thence water communication by the said Rio San Juan, the lakes Nicaragua and Leon, to a point within an easy day's journey of the port of Realejo, an excellent port of the Pacific, and a good road leading to it: thus the travel across that infernal Isthmus of Panama, over the worst road upon earth, would be avoided, as well as the sea voyage from Panama to the said port of Realejo; and should not the said contractors be required to touch at some of the ports of Central America and Mexico, either on the Atlantic or Pacific side? The British steamers that touch at Chagres also take the port of San Juan in their route through these seas, and have seized that port and established tariff regulations, have a custom-house and collector, and demand tribute from all nations for the privilege of entering a port of Central America, to enter which, with their vessels, they have as much right as Great Britain. The English claim the right to occupy this country, above described, by virtue of a pretended treaty with a trumped up pretended king of the pretended kingdom of the Mosquito tribe of Indians, a besotted, ignorant tribe of savages, who were under the dominion of old Spain while that dominion lasted in this hemisphere, and subsequently under the dominion of the States of Central America. Now, will the United States suffer Great Britain to enact on the stage of North America the same bloody tragedy which she has already performed in Hindostan and elsewhere; and stand by and endure that she shall have a commercial monopoly in all these fertile regions, on this very continent of North America, where in our days of weakness we shook her dominion, and wherein our strength, our commerce, dominion, and influence should predominate? Should I conclude a treaty with the republics of Guatemala and San Salvador, or with either of them, how is the same to be transmitted to Washington for ratification? My instructions are silent on this subject. The last treaty with Central America proved a failure, be-

cause, I believe, it did not find its way to our capital in the time required for its ratification. Now, I desire to be instructed in this particular. May I engage, at the expense of the government, a bearer of despatches to carry to Washington such treaty or treaties, or such other despatches, as I in my discretion may deem of importance to our government? It would hardly be prudent to intrust important despatches from our government to such mail conveyance as can be found in Guatemala, if indeed there be any. If sent to Isabel, it would be next to impossible to find an American vessel at that place to carry despatches to the United States. We have no consul there—(by the way, I have an idea of appointing one there)—we have no commerce there; the English have already in their hands nearly all the trade in these ports, on the coast of Yucatan, Honduras, and the Mosquito kingdom. Unless I am permitted to employ a bearer of despatches, at the expense of the government, to carry home such as I may deem important, I do not know that I can communicate with the government at home from the city of Guatemala with any certainty at all.

I take occasion here to speak of Mr. Robert Campbell, our consul at Havana. I arrived there in a low state of health and in a most depressed state of mind. He was kind, courteous, and attentive to me—rendered me considerable service, especially in aiding me to procure a suitable secretary, and in procuring from the governor-general of the island a written permission to enter Havana, and to leave that port at discretion, though without a passport from any Spanish consul, as required by the law or usage of the island. I feel grateful to him, and should hope that he may be continued consul at Havana; the duties of which office, as I learned upon inquiring of the American residents there, he discharged with ability and fidelity. By-the-by, I should like to say something on the Cuba question—a question upon which I think I am pretty well informed—but it would be out of place here. I would certainly give my support most cordially to an administration that should be in favor of, and knew *how to effect*, the *annexation* of Cuba to the United States.

November 1, 1848.—We have, after a passage of twenty days, arrived in the Golfo Dolce, and when within twenty-five or thirty miles of Isabel and two hundred yards of the shore, our vessel, "Leguino Lempromana," Captain Joaquin Slehe, of Saba, went upon the rocks, where we now remain. The captain and crew (all old Spaniards) are making every effort to get her off, and I trust they will succeed; though I doubt, if this letter reaches you, they will have succeeded, as I propose sending this by the captain to our consul at Havana, to be forwarded by him to the State Department. Whether the vessel is or is not extricated from her present rather perilous position, I have no fears for the safety of her passengers and crew. We can get to the shore with our baggage, in the boats, two of which we have—quite sufficient for the purpose. I shall, when I get there, set off from Isabel as soon as possible for Guatemala. * * * * *

I have the honor to remain, with sentiments of high regard, your very obedient, humble servant,

ELIJAH HISE.

To the Hon. JAMES BUCHANAN,
Secretary of State of the United States.

Mr. Hisc to Mr. Buchanan.

[Extracts.]

REPUBLIC OF GUATEMALA, CITY OF GUATEMALA,
December 20, 1848.

SIR: * * * * * The States of Nicaragua, Honduras, and San Salvador, have each published to the world protests against the British occupation of the Mosquito country and the port of San Juan. I have in my possession printed copies of these protests. I confidently expect that the government of Guatemala (when there is one in being) will also concur in such protest. Costa Rica is said to be under British influence. I have learned from report merely that the ports of San Salvador have been blockaded by the British man-of-war Champion; the object being to compel the State of San Salvador to pay her *pro rata* portion of pecuniary demands held by British subjects against the former federal government of Central America.

I will say here that I deem it to be necessary that an American man-of-war should occasionally make its appearance in the ports of Central America, to inspire the people and governments of these States with due respect for our country. I regret to say that the commerce of this country is almost entirely monopolized by the British. English merchantmen are constantly in their ports, and English men-of-war constantly hovering on all their coasts, and I have not known or heard of one American merchantman or man-of-war being in any of the ports of Central America since I have been in the country, or in its neighborhood. It is clear to my mind that Great Britain designs to become the owner and occupant, by force or stratagem, of the ports on the Atlantic and Pacific coasts of Nicaragua, which will be the points of termination of the canal communication between the two oceans, as contemplated to be constructed by the route of the Rio San Juan de Nicaragua and lakes Nicaragua and Leon to the Pacific.

This is believed, by the most intelligent men who have given the subject much investigation, to be the most if not the only practicable route for a canal between the two seas from Darien to Tobasco. Our acquisition of the ports of California has tempted the English to lay their hands on the ports of this distracted country, which they will undoubtedly seize, in my opinion, unless prevented by the firm interposition of our government. I will send to the department such documents as I may procure here that bear on this important subject. * * * * *

Would it not be advisable to give me authority to make treaties with each and all the States of Central America, equally with Nicaragua, to secure the right of way over and through such communications, by land or water, between the oceans as now exist, or may be hereafter made through her dominions? I think I can treat with all these States by means of commissioners sent by their governments to Guatemala for the purpose. But it is certain that I cannot visit the capitals of the other States for the purpose; for such is the enormous expense of travelling in this country, that I could not afford it, were my salary even doubled. But I doubt not they will send commissioners here, with ample powers to treat. San Salvador has addressed me on the subject of a commercial treaty in writing. I have answered, requesting that they send a commissioner to Guatemala.

San Salvador has passed a decree exempting American mail vessels in the Pacific from tonnage duties or port charges for five years, showing thus a wish to induce such vessels (steamers) to touch in some of her ports. * * * * I send herewith a manifesto, published by authority of the government of Nicaragua, from which you will perceive that Mr. Patrick Walker, professing to be the consul-general of Great Britain for the pretended Musquito kingdom, assuming to be guardian of their infant King (crowned at Jamaica,) and on behalf of that kingdom, on the 1st of January, 1848, took, with the assistance of a British man-of-war, forcible possession of the port of San Juan de Nicaragua, then held and occupied by Nicaragua. On the 9th of the same month the troops of Nicaragua retook this port, and two prisoners (Hodgson and Little,) with the property which had been before taken from them, and restored their flag; and on the 12th of January, 1848, G. G. Loch, commodore of the British man-of-war Alarm, with the force under his command, consisting of the said vessel and crew, again took forcible possession of said port, and of the whole of the Rio San Juan de Nicaragua from the lake to the sea; and, as before, tore down the Nicaragua flag and restored what was claimed to be the Musquito flag; and whilst affairs were in this condition, the treaty herewith enclosed was concluded. I send a printed copy of the decree of the State of San Salvador, alluded to above. * * * * *

With great respect, your obedient servant,

ELIJAH HISE.

Mr. Hise to the Secretary of State.

[Extracts.]

GUATEMALA, *February 8, 1849.*

SIR: I send herewith the San Salvador Gazette, which contains a communication from José de Marroletta, chargé d'affaires from the government of Nicaragua to Paris, to the British minister, Lord Palmerston, on the Mosquito question. It might be urged, in addition, that old Spanish grants, issued during the dominion of Old Spain, cover a great portion of the country and coasts now claimed and occupied by the English, under the shallow pretext and subterfuge of protector of the Mosquito kingdom, under a treaty with a person who was manufactured into a king for the purpose. On this subject I refer your excellency to my previous letters and despatches, for information on the Mosquito question.

I send you the Guatemalan gazette of the 31st January, containing the correspondence and addresses on the subject of, and delivered at, my presentation. I have already addressed a note to Rodriguez, the Minister of Foreign Affairs, in which he is referred to the treaty of 1826 with Central America, and the De Witt treaty (unratified) of 1838, as the basis of a new treaty with this republic, it being determined to-day. I have not yet received an answer. I am in communication with the governments of San Salvador and Nicaragua, who will send commissioners here, with a view of treating with the United States, I have no doubt, as soon as they hear of the settlement of affairs here. I have also written to the

Foreign Department of the State of Costa Rica, to send a commissioner here to treat: yet I have no express authority to make treaties with any of these States, except Guatemala and San Salvador; but my general instructions would seem to require that I should confer with all the States of Central America. It would be well to give me full authority to make reciprocity treaties with all these States, which I can do if they will send commissioners here; and I have no doubt they will, for Nicaragua and San Salvador have already written to that effect. I send a page of the Nicaragua Gazette, containing a correspondence between W. D. Christie and S. Salinas: the former consul-general of her Britannic Majesty near *the court of the Mosquito kingdom*—the latter Minister of Foreign Affairs of Nicaragua.

Can it be possible that the United States will permit England to play out the game she has commenced with this part of North America, which will result in her colonizing this magnificent country of Central America, to monopolize its commerce, and either to make, herself, or prevent altogether the making of, a canal through Nicaragua?

Please send my letters and newspapers, to the latest dates.

With great respect, your servant,

E. HISE.

To the Hon. SECRETARY OF STATE
of the United States of America.

Mr. Hise to Mr. Buchanan.

[Extract]

[No. 6.]

UNITED STATES LEGATION,
Guatemala, February 28, 1849.

Sir. Since my last despatch, of date the 8th February, 1849, (No. 5 of the series,) I have agreed, with the executive government of this republic, upon the articles of a treaty, which I am now engaged in writing or copying, and which I know will be ratified by this government. It will contain precisely the provisions of our former treaty with the federation of Central America. I have also received letters, to-day, from the executive government of the States of San Salvador, Nicaragua, and Honduras, informing me that those governments will send commissioners, each, to this city, to negotiate treaties with the United States. I cannot do wrong in making reciprocity commercial treaties with these States, though (as before stated in my last letters) I have no express power to treat but with the States of Nicaragua and San Salvador.

I have learned that the Mosquito Indians are sunk in the lowest state of ignorance and barbarism, being wholly destitute of civilization or regular government. Their number does not exceed five thousand; and in their political condition they bear the same relation to the States of Honduras and Nicaragua that our Indians occupied, with relation to our government, when situated within the known and acknowledged limits of some of the States or Territories of the Union. I have received a letter

from Mr. Livingston, our consul at the port of San Juan de Nicaragua, asking advice. He was appointed as consul for this port when it was occupied and belonged to Nicaragua, and his exequatur is, no doubt, from that government. Yet now this port, having been wrongfully seized by the English, is occupied by them, and his official character not recognised.

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The Hon. the SECRETARY OF STATE
of the United States of America.

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Mr. Hise to the Secretary of State.

[Extract.]

[No. 7.]

GUATEMALA, March 20, 1849.

Sir: I deem it proper to inform you that since my despatch of date the 28th of February past, I have procured the approval of a treaty by the executive council of the existing provisional government of this State, or, in other words, its ratification in the form required by the laws and usage of this country.

I hope to conclude treaties with some of the other States, especially Nicaragua and San Salvador. * * * *

The Hon. the SECRETARY OF STATE
of the United States of America.

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Mr. Hise to the Secretary of State.

[Extract.]

[No. 8.]

GUATEMALA, May 25, 1849.

Sir: Since my despatch of the 20th of March last I have to inform the Department of State that the State of Honduras has sent to this city a diplomatic agent with the title and character of chargé d'affaires for that State, accredited expressly to this legation; also, the State of Nicaragua has sent a chargé d'affaires accredited alone to this legation, who has arrived in this place, accompanied by a secretary of legation and an interpreter. My time has been most laboriously occupied in corresponding with the five States of Central America, and in actual negotiations with three out of the five. I have concluded a treaty with Guatemala, and am now engaged in negotiations with the Honduras and Nicaragua commissioners, with whom I hope to conclude commercial reciprocity treaties very favorable to the interests of the United States; and I hope also (in the absence of instructions or even precedent to guide me) to conclude a special convention with Nicaragua of vast importance to the United States and to the whole commercial world. I entreat the government at home to await the event with full confidence in my desire as well as ability to secure the interests, preserve the honor, and leave untouched the constitution of my beloved country—the greatness and grandeur of which can never be appreciated by any as well as those who represent her at the capitals of other

States. I say to the government await my action with full confidence, for matters are most urgent and cannot be procrastinated. English agents and influence, under the experienced direction of the British consul-general, Frederick Chatfield, resident here, are alive and at work, both in Central America and at London, to produce results most inimical to the interests of the United States, and to embarrass and obstruct my negotiations here. I have reference to the Mosquito question, and British occupation of the territories of Nicaragua and of all the ports on both sides of the State, which may give them the control of any communication in that State between the two oceans.

P. S.—I do not mean to be understood that the English have actually taken possession of the territories of Nicaragua and *all* her ports; but that she designs at no very remote period to do so, I have every reason to believe, from facts and evidence to which I have access here; her object being to have possession of the only practicable route for a *ship canal* from sea to sea, and the possession and command of the ports on each side, at which the terminations of said canal must (if ever) be made. In this view, immediate action is necessary and important. I am now engaged in negotiating with Nicaragua on this subject at this time, and shall be careful to guard and secure the interests of the United States—our citizens effectually, if it can be done.

Most respectfully,

E. HISE.

The Hon. the SECRETARY OF STATE
of the United States of America.

Mr. Hise to Mr. Clayton.

WASHINGTON, September 15, 1849.

SIR: Since my despatch of the _____ last was written and forwarded, I have concluded two treaties of amity and commerce: one with the State of Honduras, and the other with the State of Nicaragua. These treaties are precisely similar in their provisions with the treaty which I had previously concluded with the republic of Guatemala, and they each contain in substance the provisions of the treaty between the United States and the federation of Central America, which had expired by its own limitation in the year 1836. Except in the treaties which I have made with the above named States, it is provided that they shall be of perpetual obligation between the contracting parties, unless either should give notice to the other, after the lapse of twelve years, counted from the date of the exchange of their ratifications, of their intention to terminate the same. It was my intention also to conclude similar treaties with the States of San Salvador and Costa Rica, but I was prevented from executing this intention by the causes which will appear in my correspondence with those States, to which your excellency is respectfully referred for information on this subject.

Our commerce with the States of Central America, for most obvious reasons, must progressively increase, and our intercourse with them now begins to assume an aspect of much importance, because of the im-

mense resources and great fertility of those countries, and the convenient maritime communication between them and our vast and rapidly improving territories on the Pacific ocean. It would be desirable, and by no means difficult, to conclude similar treaties with the two remaining States of San Salvador and Costa Rica, so that in the event the Central American States should again, as heretofore, form themselves into a federal union, or become united and consolidated under a single government, our treaty relations with each and all of those States would be the same, and all difficulty and embarrassment which might ensue from the want of such uniformity would be forever abolished.

During my residence in the city of Guatemala, in pursuance of the instructions from the government, I opened a correspondence with each of the five States of Central America, which is herewith submitted, and to which reference is made for the contents thereof. The result of the correspondence with the State of Nicaragua was, the appointment of a chargé d'affaires by the government of that accredited expressly and alone to the legation of the United States at Guatemala, by name Sr. Don Ledo Buenaventura Selva, who was fully instructed and vested with ample power to enter upon negotiations, and to conclude with the undersigned a treaty of amity and commerce, and also a treaty or special convention with the United States for the objects and purposes following: 1st. To obtain for the State of Nicaragua the protection of the government of the United States. 2d. To obtain for the United States the right of way, perpetually and without restriction, through the territories and dominions of the State of Nicaragua; and 3d, to provide a plan and project, the best that could be devised, for the speedy construction within the State of Nicaragua of a ship canal, or oceanic communication for the passage of ships from the Caribbean sea to the Pacific ocean. Accordingly, after numerous conferences and some correspondence on the subject, (herewith communicated,) a special convention between the United States and the State of Nicaragua was concluded, and signed by Sr. Don Buenaventura Selva, on behalf of his government, and by the undersigned, on behalf of that of the United States, in the city of Guatemala, on the 21st June, 1849, which is herewith submitted, and which, if it should be approved and ratified by the two governments, will, without doubt, in my judgment, effect the objects designed, and produce the most important results, favorable to the future prosperity, wealth, and grandeur of the North American Confederacy, as well as to the perpetuation of the American Union, and the preservation of the integrity of the territories of the United States.

When I took my departure from the United States, on the mission to Central America, the treaty of peace with Mexico had not been ratified by that power, and the countries of Upper California and New Mexico had not yet been ceded to the United States; nor was it then known that the mountains, plains, and rivers of those countries contained the immense stores of mineral wealth which have since been discovered; nor was it then foreseen that such an immense impulse would in so short a time be given to the commerce with, and the emigration to those countries, as hath since astonished the world; and I had, therefore, received no instructions whatever from the government at Washington, to secure, by treaty with Nicaragua, the right of way for the government and citizens of the United States through her dominions, or to secure and perfect a

plan for the construction of an oceanic communication for the passage of vessels across the continent, from sea to sea; the vast importance which subsequent events have given to the subject does not seem to have then occurred to the existing administration of our government, and I was wholly uninstructed on the subject, and without precedents, forms, or example, to guide me, or at least none within my reach at the time. I had not seen the treaty with New Grenada, which had not been ratified or published until after my departure on my mission. In the mean time the treaty with Mexico had been ratified, by which the countries of Upper California and New Mexico were ceded to the United States; and whilst at the city of Guatemala, the intelligence first reached me of the discovery of the vast mineral wealth of those territories, and of the rushing torrent of emigration thereto from all parts of the world. I had repeatedly, in my despatches written to the Department of State, requested instructions to be furnished to me; and again and again, in my letters to the Secretary of State, I urged the vast importance of this subject, and the necessity of securing the interests of the United States by prompt action. To these communications to the government I never received a single line or word of reply, and concluded that, as the government of Guatemala was constantly in a revolutionary state, the country involved in civil strife, and the paths to the coast infested with banditti, so that there was not any safe transportation of the public mails or of merchandise in the country, all letters, public and private, directed to me, must be either detained at Belize, or intercepted and destroyed on the route to the capital. Under these circumstances, the necessity of the case, as I had just reason to believe, being most urgent and pressing, I conceived it to be my duty, in view of the great interests involved, and of the stupendous results that might ensue, to seize the opportunity which offered, to secure those interests, and to insure those results, by concluding this treaty with the State of Nicaragua, in the absence of instructions or precedents to guide me. If I have erred in treating at all, or if the treaty made is so faulty and defective in its provisions as not to merit the approval of the government, I at least thought that I was doing right, and that it was my duty to endeavor to seize and make available the chance that then offered (and which might never be offered again) to secure for my country the great ends and objects contemplated by this treaty.

Although the articles and sections of this treaty are somewhat numerous and lengthy, yet upon a careful analysis it will be found that it provides for the three main objects, as hereinbefore stated, to wit:

1st. It secures for the government of the United States the perpetual right of way, in a manner the most full, ample, and complete, for all her public vessels, or other vessels in its employment, for troops, all munitions of war, all public property, mails, and all public officers and agents, civil and military, through any of the territories and dominions of Nicaragua, by land or water, from sea to sea, either by means of the ports, bays, lakes, rivers, and roads of said State, in their present condition as unimproved, or by, through, and over any such canals, roads, or improved navigable waters as may at any time hereafter be made and constructed within said State by the citizens or government of either or both of the contracting parties, or by the citizens or government of any other nation, or kingdom, or country. This right of way to be free without cost or charge, perpetual without limitation as to time, and unrestricted with

respect to the frequency or extent of the use of the right, and similar rights and privileges of travel, transit, and transportation for their persons, property, and merchandise, are secured to the citizens of the United States, to be enjoyed on terms as favorable as those granted to the citizens of Nicaragua, or to the citizens or subjects of any other government or country.

2d. It secures to the United States the right to frame, enact, and issue a charter or act of incorporation for the organization of a company of capitalists, who are to have and possess the exclusive right and privilege to construct and be the proprietors of the contemplated canals or roads in said State, and (be it observed) this right and privilege is secured in a manner so full and ample that the United States has the most entire and unlimited discretion to make just such charter, and to confer upon a company just such advantages and rights, as may be deemed proper or necessary, upon the most full and mature inquiry and consideration, to secure the investment of the capital required, and the speedy commencement and completion of this grand enterprise; which charter Nicaragua is bound to legalize and approve as the supreme law of her State.

3d. It secures the patronage and protection of the government of the United States for the enterprise, and extends that protection to the State and government of Nicaragua, to maintain and preserve its peaceful sovereignty and dominion over its rightful territories, and guarantees their neutrality. These three main objects are secured by this treaty in a manner as perfect, full, and complete as possible; and I respectfully submit the inquiry, Can it be much improved in these particulars? The residue of the instrument is composed of details which, if not approved, may be amended or stricken out by the Senate.

If the right of way through Nicaragua, as secured in this treaty for the government and citizens of the United States, is valuable and important, then the United States must protect and become the patron of the great works contemplated, and must protect the government and State of Nicaragua, and maintain the rights of the company, and the peace and neutrality of the country, otherwise the capital will never be furnished and the work never commenced or completed; for the State of Nicaragua is small in extent, its government feeble, and its population inconsiderable in number, though turbulent and disorderly, so that revolutions, civil strife, and intestine commotions are of such frequent occurrence, and foreign aggressions so much to be apprehended, that the enterprise in view would inevitably fail for want of confidence, and because of the want of that safety and security for the rights, property, and privileges of such company as might undertake the said works, as could only be found in the protection of some strong government and powerful nation, as the United States. I am well satisfied that the right of way, as secured in this treaty, and the liberal plan agreed to for the construction of said works, could never have been obtained from, and would never have been yielded by Nicaragua, except for the purpose of procuring the protection of our government against the aggressions of other stronger States. If the protection is refused, the right of way as secured in the treaty would have to be procured only at immense cost, and no project, contract, or charter could be obtained by any government or company granting to them the exclusive privilege of making and owning said works, except upon such hard terms as would defeat the object in view, and which

would never be approved by the capitalists of the United States or Europe, and all such schemes in future, as heretofore, would fall to the ground for want of money. The truth is, the right of way necessarily involves and includes, as a consequence, the protection by our government of the country through which it passes. Of what value is the right without the power to insure its continued exercise and enjoyment, and to remove and punish all obstructions or infractions of such right? If the right obtained is useful, valuable, and necessary, why, the government of the United States would, to make such right available, have to protect the work, the company, and the country whose prosperous and peaceful condition, and whose continued neutrality, would be necessary to be promoted and maintained, in order that the usefulness and value of such right of way might not be obstructed and impaired; and this, although the United States might come under no treaty obligation to extend such protection. And of what value to the United States is such right of way as is secured in this treaty, unless the contemplated ship canal is actually made? And it never can or will be made, under our auspices at least, unless with the pledge of the powerful protection of our government to the enterprise itself, as well as to the government of the little weak State of Nicaragua.

I was induced with all possible despatch to conclude this treaty, because I had information from authentic sources that English companies were endeavoring to procure for themselves the privileges which I have thus secured, and that the British government, by encroachments and aggressions at the mouth and on the borders of the Rio San Juan de Nicaragua, designed, no doubt, so to embarrass the subject, and to present such obstacles in the way, as to defeat altogether the project of making a ship canal between the two oceans. In the State of Nicaragua, I learned, also, that this subject was exciting great attention and much interest amongst the mercantile community and the commercial classes in the United States, and that agents had been sent from New York and New Orleans to Nicaragua to secure by contract the exclusive privilege of building and owning such works in that State; and one contract was made with the said State by David J. Brown, as the agent of an American company, a certified copy of which is herewith submitted. Upon inspection, it will be seen that this contract is wholly worthless, because of the hard terms imposed on the company, and because of the undue advantages therein attempted to be retained for the benefit of the government of the State. Why was this? The answer is, that Nicaragua by that contract obtained no equivalent (for the privileges conferred) in the form of governmental protection from the United States; and therefore she requires in said contract that she shall have ten per cent. of the profits of the enterprise, and that the entire right and property therein shall vest in the State at the end of — years. Consequently, this contract will never be executed; and I have lately been informed that it has not been, and will not be, accepted by the company.

The question arises, Will Nicaragua ratify this treaty? I answer, Yes, undoubtedly, to procure the protection of the United States, as provided in the twelfth article thereof. This treaty will be ratified, unless terms more favorable to that State, and less favorable to the United States and to the company, are afforded before its ratification takes place. It is true that, if they can make a more advantageous treaty for themselves with the minister lately sent to Leon than the one herewith submitted, they will do so, and in such case fail to ratify this. For example, in this treaty Nicaragua

is not allowed any part of the pecuniary profits arising from the enterprise, nor is she allowed to take or to have, at any future time, any right to, or property in, the whole or any part thereof; and the United States have the right, according to their discretion, to make such charter, conferring just such privileges on a company as may be deemed necessary and proper to effect the purpose designed. Now, if Nicaragua can get another treaty, by which is secured to the State a large portion of the profits of such enterprise, and by which it shall be provided that the right of property to a part or the whole thereof shall revert and pass to that State at the end of thirty, forty, or fifty years, in such case, no doubt, Nicaragua would refuse to ratify this treaty; but if terms more favorable are not offered, then this treaty will be ratified, in order to have the benefit of the protection as granted in the twelfth article thereof.

As to the important question of practicability—the question, Can a ship canal be made in Nicaragua?—my mind has long been satisfied upon this subject. Upon an inspection of the map herewith submitted, it will be perceived that in the midst of the country, and occupying a large portion of the whole area of the State, is the large, deep, navigable lake of Nicaragua, sending its waters, by the channel of the Rio San Juan de Nicaragua, into the Caribbean sea—the distance between the lake and the sea being not more than twenty-five leagues, the river being wide, and of an average depth of four fathoms, except where there are, on account of rocks and shoals, several obstructions to its navigation. There is also another navigable lake, situated to the northwest of Lake Nicaragua, and communicating with it by a deep but short river. These two lakes, with the two rivers above named, extend from the Atlantic to within a distance of about twelve leagues of the excellent port of Realejo, on the Pacific ocean: so that, by building a canal from the said port of Realejo to the lake of Managua, through a level country, (as I am well informed,) for a distance of not more than thirty-six miles, and by overcoming and removing the existing obstacles to the navigation of the rivers above named, you have a connected water-communication for the passage of ships through the continent from ocean to ocean.

All the means and sources of information on the question of the practicability of this route are more accessible to the State Department than to myself; and that information will, no doubt, be collected, consulted, and furnished to the Senate of the United States, if deemed necessary and proper by the President. As two years are allowed for the exchange of the ratifications of this treaty, there will be ample time to procure such information and evidence on the question of practicability: so that the government may have the means of deciding that important question with wisdom and certainty.

I am, with profound respect, your obedient servant,

ELIJAH HISE.

Hon. JOHN M. CLAYTON,
Secretary of State of the United States.

Special convention between the United States of America and the State of Nicaragua.

The United States of America and the State of Nicaragua having in view the grand design of opening and establishing through the territories of the latter State a passage and communication between the Caribbean sea and the Pacific ocean, to facilitate the commerce between the two oceans and to produce other great results, and designing to establish, regulate, and define the grants, rights, privileges, and immunities that shall appertain to each other with reference to such great object by means of a treaty and special convention: for the accomplishment of these desirable purposes, the President of the United States of America has conferred full powers on Elijah Hise, chargé d'affaires of the government of said States in Central America, and the State of Nicaragua hath likewise granted full powers to Señor Liedo. Don Buenaventura Selva, chargé d'affaires of the government of the said State of Nicaragua near the United States legation in Central America, who, after having exchanged their said full powers in due and proper form, have agreed and do agree upon the following articles:

ARTICLE 1. It is solemnly agreed between the two high contracting parties that the State of Nicaragua doth grant to and confer upon the United States of America, or to a company of the citizens thereof, the exclusive right and privilege to make, construct, and build within the territories of the said State of Nicaragua, through and by the use and means of any of the streams, rivers, bays, harbors, lakes, or lands under the jurisdiction or within the limits of said State, a canal or canals, or road or roads, either railways or turnpikes, or any other kind of roads, for the purpose of opening a convenient passage and communication (either by land alone or water alone, or by both land and water, and by means, if deemed proper, of locks and dams, or by any other mode of overcoming and removing the obstructions to the navigation of the said rivers, lakes, harbors, &c.) between the Caribbean sea and the Pacific ocean for the transit and passage of ships, steamers, sailing vessels, boats, and vessels of all kinds, as well as vehicles of every sort, used for the transportation and conveyance of persons and property, and of goods, wares, and merchandise of every description; and the United States, or the said company which may be formed by virtue of such charter as shall be made, as herein provided, shall be permitted, for the construction of said works, to procure, take, and obtain, within the territories of Nicaragua, all kinds of materials, such as stone, timber, earth, and whatever else may be necessary and proper for the said purposes, free of any charge, so far as the said materials may be procured on the lands belonging to said State.

Art. 2. The State of Nicaragua cedes and grants to the United States, or to a chartered company of the citizens thereof, as the case may be, absolutely, all the land that may be required for the location and construction of said canal or canals, road or roads, and which may be necessary for the erection of buildings and houses of every description for the residence and accommodation of the engineers, superintendents, and laborers, and all others employed in the making and construction of the said works, or in governing, managing, and controlling the same; and also for the erection of all such necessary buildings as may be requisite and

proper for the purpose of storing away therein all the tools, machines, materials, and property of every description which may be required for use in the construction, repairing, preservation, and management of said works; and should any portion of the lands or materials, or of the rivers, bays, ports, or their coasts or lakes and their shores, which may be necessary and proper to be applied for the location and construction of the said works and their appurtenances, belong to individuals, the State of Nicaragua agrees and undertakes to extinguish the titles thereto, and to procure the same upon a just principle of valuation for the aforesaid public works. The aforesaid cession and grant shall include a space of not less than three hundred feet on each side of the lines of said works, and extending all along the whole length thereof, so that ample space be secured on the margins of said works for the convenient use thereof. The just value of such of said lands and materials as may be private property at the date of this treaty will be paid for by said company.

Art. 3. It is agreed that if the government of the United States shall decide not to undertake and construct the said works, then either the President or Congress thereof shall have the power and authority to frame, enact, and issue a charter or act of incorporation, containing such liberal provisions and such grants of rights and privileges (not inconsistent with the rights of the contracting parties herein secured) as may be necessary, convenient, or proper to effect the great objects in view; which charter and act of incorporation shall provide as follows:

1. That the company which may be formed and organized under and by virtue of its provisions shall be composed exclusively of the citizens of one or both of the contracting parties who may subscribe for and become the owners of the *whole* of the capital stock required for the said works. If, however, such citizens (thus having the preference), shall fail in due time to subscribe for and become the owners of the whole amount of the said capital stock, the residue thereof not taken by them may be taken, paid in, and owned by the governments of both or either of the contracting parties, or by the government or citizens of any other nation, kingdom, or country.

2. That said company shall have the sole and exclusive right and privilege of constructing and owning such works as are herein named within the State of Nicaragua, provided the same are commenced and prosecuted within the time limited in this convention.

3. It shall authorize the said company to build and construct said canal or canals in such directions, and of such width and depth, as they shall in their discretion determine; and if the plan of roads is in part or in whole adopted, the route, width, kind, and number thereof shall be determined upon by the said company as they may think proper.

4. It shall provide that said company may make contracts, sue and be sued, as a corporation, with a given name and style, have a corporate seal, and engage in all such trade and business as may be proper and convenient in promoting all the operations required for the attainment of the ends in view.

5. It shall contain provisions adequate for the organization of said company; it shall provide for the appointment of the officers, agents, engineers, surveyors, superintendents, and other employés of said company; and that said company may make and adopt all its own by-laws and reg-

ulations, so that the same be not in conflict with the provisions of this convention.

6. It shall provide that said company may not only build and construct, but also alter, enlarge, repair, and reconstruct the said works as they may think proper; and that they may manage and govern the same, and manage and control the financial affairs of the corporation.

7. It shall provide that said company shall make annual reports to the executive governments of the United States and the State of Nicaragua, setting forth their receipts and expenditures, and the condition, operations, and affairs of the said company.

8. It shall provide that the management of the affairs of said company shall be vested and lodged in nine managers, five of whom shall be appointed by the company for the period of time and in a manner to be regulated by the said charter; and in like manner two of the said managers shall be appointed by the President of the United States, and two by the executive chief of the State of Nicaragua; and that said managers shall appoint their own president.

9. It shall provide that the government of either of the contracting parties may, through their committees, freely examine and investigate the affairs, business operations, and condition, financial and otherwise, of the said company; and for such purpose such committees may examine the books and papers of the company, and examine the officers thereof and other witnesses on oath, and make reports thereon to their respective governments.

10. It shall provide that said company shall have the sole and exclusive right and privilege of conveying persons and passengers, and of conveying all steamers, ships, and vessels of all kinds, by towage or otherwise, and of transporting in the vessels of others, or of their own, all property, goods, wares, and merchandise, over, through, and upon said navigable waters, canal or canals, road or roads, which shall be improved, made, or constructed by them, at such rates, charges, duties, and tolls as the said company may think proper to establish, except, however, that the said charter shall further provide that all the vessels of war, and all other public vessels of every description belonging to the governments of the two contracting parties, as well as all other vessels which may be engaged in the permanent or temporary employment of the said governments to transport their troops, munitions of war, their public property of all kinds, and to convey their public agents, consuls, ministers, and all their officers, civil and military, shall be permitted to have the free and unrestricted use of the said canal, or canals, and navigable waters, and shall, if necessary and required, be conveyed through the same by the said company free of all cost and charge. Said charter shall further provide, also, that the public mails of the contracting parties shall be conveyed and transported along and over the said works by the said company, in their own vessels or vehicles, free of cost or charge; and the contracting parties agree and stipulate, with all solemnity, that the aforesaid rights and privileges shall be enjoyed by each other perpetually, and that said charter shall provide accordingly. Said charter shall also further provide that the citizens of the two parties shall enjoy and possess the right and privilege, with their vessels, goods, merchandise, and property, and persons, to pass and be conveyed through, upon, and over the said

canals, roads, and navigable waters, on terms at least as favorable as the subjects or citizens of any other nation or country.

11. Said charter shall provide that the said works shall be commenced by said company within ten years after it shall be fully organized under said charter, or otherwise forfeit their privileges; so likewise if they shall, after said works are begun, (declare their intention to abandon them, and) cease to prosecute the same for four entire successive years intentionally.

ART. 4. The charter aforesaid may contain such other provisions and grants of rights and privileges not in violation of, or in conflict with, any of the preceding or subsequent articles of this treaty, as may be deemed necessary, convenient, or proper for the objects in view by either the President or Congress of the United States; and the same, when framed and issued, shall be approved and legalized by the government of the State of Nicaragua; and no privileges or emoluments shall be granted in said charter to either of the contracting parties which shall not likewise be held and enjoyed to the same extent by the other.

ART. 5. The government of the United States shall have the right to erect such forts and fortifications at the ends and along the lines of said works, and to arm and occupy the same in such manner, and with as many troops, as may be deemed necessary by the said government for the protection and defence thereof, and also for the preservation of the peace and neutrality of Nicaragua, to whom pertain equal rights as inherent to her sovereignty.

ART. 6. The public armed vessels, letters of marque, and privateers, and the private merchant and trading vessels belonging either to the governments or the subjects and citizens of nations, kingdoms, or countries with which either of the contracting parties may be at war, shall not, during the continuance of such war, be suffered or allowed to come into the ports at the terminations of said canals, nor be allowed to pass on or through the same on any account whatever; neither shall the vessels of neutral nations, whether public or private, be allowed to convey, by means of said canals, articles contraband of war to or for the enemies of either of the contracting parties, or to or for other nations or States who may be at war with each other. Nor shall the vessels of countries who are engaged in war with each other, owned or employed and armed by them to carry on such war, during its continuance be allowed to pass through the said canals. The public and private vessels of all nations, kingdoms, and countries which are in peace with both the contracting parties and with each other shall be permitted to enter said ports, and to pass or be conveyed through the said canals; but they shall be subject, however, to the payment of such duties, charges, and tolls as may be established by the proprietors of said works.

ART. 7. The State of Nicaragua may of course exercise her right of erecting and establishing, anywhere on the routes or margins, or at the points of termination of said works, custom-houses and warehouses, and to collect duties, according to her own laws, upon the goods, wares, and merchandise imported for sale or consumption into her territories by means of said works; and the State of Nicaragua may adopt and enforce all needful rules and regulations to prevent smuggling, or the introduction of contraband goods in her territories. But it is expressly agreed that the State of Nicaragua shall not impose, enforce, or collect any taxes, charges, or

duties of any kind or amount on the persons, (for passports,) or on property, or on goods, wares, or merchandise of any class or kind, on their travel or transit over, or for passing through her territories by means of said canals, roads, &c.; provided the said property, goods, wares, and merchandise shall be not sold or not introduced for sale or consumption into the said State, but be exported to other states or countries.

ART. 8. The ports at the points of termination of said works shall be free to both the contracting parties and their citizens, respectively, and their public and private vessels of all kinds shall enter and remain therein, and depart therefrom, and not be subjected to the payment of any port charges, tonnage duties, or other impositions whatever.

ART. 9. The persons employed in the location and construction of said works, the owners thereof, and all their agents and officers and employés of every sort, shall be under the special protection of the government of both the contracting parties, and they shall not be subject to any kind of taxation on their persons or property, nor shall they be required to pay any contributions, or to perform any civil or military duty or service whatever, for either of the two governments, during their employment about the said works; and all provisions, including wines and liquors, and all merchandise imported into Nicaragua for their clothing and subsistence, shall be free and exempt from all duties and taxes, direct or indirect; and all such articles, property, stores, tools, implements, and machines, &c., &c., as may be required for surveys and explorations, and for locating and constructing said works, shall be imported into the State of Nicaragua free from all taxes and duties whatever thereon; and the vessel employed in the importation of the said subsistence, clothing, tools, implements, &c., &c., shall also be free and exempt from all port charges and tonnage duties in all the ports, rivers, lakes, or harbors on the coasts or within the limits of the State of Nicaragua; and entire liberty is to be enjoyed by the said company to make full and complete surveys and explorations of the ports, bays, seas, lakes, rivers, and territories of Nicaragua, in order to the location of said works, and for the procurement of land and materials necessary for the same, in which exploration and surveys Nicaragua, at her own expense, may participate, if she thinks proper.

ART. 10. The State of Nicaragua grants and cedes to the United States, or to a company to be chartered as herein provided, as the case may be, all the land within two leagues square belonging to said State, and which may be unappropriated at the date of this treaty, at each point of the terminations of said works, at the seas on each side, that is to say, three miles square on each side of both ends of said works, to serve for the sites of two free cities, which it is anticipated will hereafter be established at said points: the inhabitants of which free cities shall enjoy the following rights and immunities:

1st. They shall govern themselves by means of their own municipal government, to be administered by officers (legislative, executive, and judicial) chosen and elected by themselves, according to their own regulations.

2d. They shall have the right of trial by jury in their own city courts.

3d. They shall have the most perfect freedom of religious belief and of religious worship, public and private.

4th. They shall not be required to pay any tax upon their real estate or other property, except such as may be imposed by the municipality,

and collected for the city treasury, and to be used and applied for the benefit of said cities.

5th. They shall not be required to perform any military services, except for the defence of the said cities in which they may reside.

6th. The said cities will of course be under the qualified dominion and government of the State of Nicaragua, not to be exercised in any manner, however, in violation of their rights and immunities as herein specified; and said free cities shall be under the protection of the government of both contracting parties.

ART. 11. The State of Nicaragua agrees that the United States shall have, possess, and enjoy forever, the following rights and privileges: that is to say, the right and privilege to pass, convey, transport, and send through all or any part of the territories of the State of Nicaragua, on land or water, from ocean to ocean, by means of her ports, bays, rivers, lakes, and roads, troops, infantry or cavalry, all kinds of arms, artillery and munitions of war of all kinds, her public property of every description, public officers, civil and military, consuls, ministers, despatch agents, her public mails and mail-agents, and all other employés of the government of the United States of America; and the same shall, all and each, be permitted to pass, be sent, and be conveyed through said State, in any manner as aforesaid, in the public armed vessels of the United States, and in all such other vessels or vehicles, public or private, which may be in the temporary or permanent employment of the government of the United States for any of the purposes aforesaid, or in any other way, free from all cost, and exempt from all taxes, duties, imposts, charges or exactions of any kind whatever, either on the persons, property, vehicles, or vessels, aforesaid; and all the aforesaid privileges, and the said free rights of way and of transit, shall be held, used, and enjoyed by the United States of America (but not by any other nation, State, or government, except the State of Nicaragua) without cost or charge, and freely, whether the same be made through the dominions and territories of Nicaragua, as they now exist, or whether the said troops, munitions of war, public officers, agents, employés, mails, public property, vehicles, and vessels, &c., shall be sent, transported, or conveyed by means of improved navigable rivers, canals, or turnpikes, or railroads, or any other public improvements which may be hereafter made in the State of Nicaragua, either by the government or citizens of the contracting parties, or by the governments, citizens, or people of any other kingdom or country; and the citizens of the United States shall have and enjoy all the rights and privileges of travel, passage, transit, and conveyance for themselves and their property and vessels of all kinds, through the territories and dominions of the State of Nicaragua, as they now exist, or through such canals or roads, railways, or turnpikes, or other improvements, as may be hereafter made in said State, upon terms and conditions in every particular as favorable as those enjoyed by the citizens of Nicaragua, or by the citizens of any other nation, kingdom, or country.

ART. 12. In consideration of the premises, as set forth in the foregoing eleven articles, the United States of America doth solemnly agree and undertake to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country, coasts, ports, lakes, rivers, and territories that may be rightfully under the jurisdiction and within the just and true limits and boundaries of the

said State; and when the circumstances and condition of the country may require it, the United States shall employ their naval and military force to preserve the peace and maintain the neutrality of the said coasts, ports, lakes, rivers, and territories, and to hold and keep the same under the dominion and sovereignty of the government of the State of Nicaragua, or of the government of such State or political community of which Nicaragua may voluntarily become a member, or which of her own accord she may hereafter be identified: provided, however, that the said sovereignty and dominion of the State of Nicaragua, so guaranteed as above, shall not be held, maintained, nor exercised by said State in any such manner as to conflict, or to be inconsistent with the rights and privilege herein secured to the United States and her citizens; and to prevent all misunderstanding, it is expressly stipulated that the United States are not bound, nor do they undertake to aid, assist, or support Nicaragua in offensive wars, or wars of aggression, waged and carried on by said State with foreign powers, or with the neighboring States outside of her just limits and beyond the territories rightfully within her jurisdiction; but the contracting parties agree and undertake that, if necessary, the naval and military forces, and the entire means and resources of both the contracting parties, shall be employed to put down all wars and bloodshed arising therefrom, and to suppress all violations of the peace and interruptions of the neutrality of the said State of Nicaragua; and for further explanation, it is understood that if the State of Nicaragua should become involved in a war with any foreign power or neighboring State within her own borders, to defend the territories rightfully belonging to her, or to recover such territories wrongfully wrested from her, the United States engage to aid and defend Nicaragua in carrying on such war within her own rightful limits: provided, however, that such war is just; and provided, moreover, that if peace is prevailing in the State of Nicaragua, no wars or hostilities shall be first commenced in said State by either of the contracting parties without previous friendly consultations, and unless with the consent of both their governments, given according to their laws and constitutions respectively.

ART. 13. The contracting parties, in negotiating this treaty, have had in view the contract entered into between the State of Nicaragua, through the commissioner Jose Trinidad Munoz, and a certain company styled "Compania de Transito de Nicaragua," composed of certain persons named Willard Parker, Simeon H. Ackerman, Ashur Kurscheidt, and David J. Brown, through the said David J. Brown as their agent; which contract was executed and signed by said commissioner and agent on March 14, 1849, and ratified by the legislative power of the State of Nicaragua on March 16, 1849, and approved by the executive power of said State on the 17th of March, 1849. Now in view of this contract, it is further agreed as follows:

1st. If the above-named company shall accede to this treaty in all its parts, or if they shall voluntarily abandon their contract, or if they shall forfeit their rights under said contract, by failing to perform and execute the terms and conditions thereof in due time, then this treaty shall remain and be valid in all its parts.

2d. But if the said company shall not accede to this treaty *in all its parts*, and if they shall not abandon or forfeit their said contract, but if they shall execute the same, and comply with its terms, and build the

said works all in the time required, then, in such case, this treaty, in all its parts wherein the State of Nicaragua grants to the United States, or to a company to be chartered by the President or Congress thereof, the exclusive privilege to be the constructors and owners of said works, shall be void and of no force or effect.

3d. Nevertheless, in such case as is set forth in the 2d section next preceding, if said company shall accede to the fifth, (5th,) the sixth, (6th,) and the eleventh, (11th,) and the eighth, (8th,) articles of this treaty, and shall consent and agree that the United States of America, and the citizens thereof, shall have and enjoy all the rights and privileges therein granted to them, and as defined, also, in the tenth (10th) section of the third (3d) article; then, in such case, the above-named 5th, 6th, 8th, and 11th articles of this treaty, as also the 12th article thereof, shall be valid and obligatory between the contracting parties.

4th. But if in such case existing as is set forth in the 2d section above, the said company shall refuse to accede or agree to the said fifth, (5th,) sixth, (6th,) eighth, (8th,) and eleventh, (11th,) articles hereot, as specified in the preceding 3d section, then this treaty shall be altogether void, and of no force or effect whatever. But the contracting parties, anticipating that said company, being satisfied that the great enterprise in view cannot succeed unless under the protection and patronage of the two governments, will concur and co-operate with them in the promotion thereof, they are assured that this treaty will meet their cordial approbation, and that it will be fully acceded to by them.

The present special convention between the United States of America and the State of Nicaragua shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the director of the State of Nicaragua, with the consent of the legislative chambers thereof; and the ratifications shall be exchanged in the city of Washington, Santiago de Managua, or Leon, within the term of two years, counted from this date.

In faith whereof, we, the plenipotentiaries of the United States of America and of the State of Nicaragua, have signed and sealed these presents, in the city of Guatemala, on the 21st day of June, in the year of our Lord one thousand eight hundred and forty-nine, in the seventy-third year of the independence of the United States of America, and in the twenty-eighth year of the independence of the State of Nicaragua.

ELIJAH HISE. [L. S.]
BUENA V'A SELVA. [L. S.]

Mr. Clayton to Mr. Hise.

DEPARTMENT OF STATE,
Washington, May 2, 1849.

SIR: The President having appointed Mr. E. George Squier to succeed you in the mission to Guatemala, I transmit a letter to the Minister for Foreign Affairs of that republic, announcing the termination of your functions. You will take an early opportunity to deliver this communication to its address, and will inform the department of the date of the delivery. If Mr. Squier should not have arrived at Guatemala before you

set out on your return to the United States, you will commit the books and papers of the legation to the custody of our consul there, or in his absence to that of any trustworthy person, preferring, of course, a citizen of the United States.

Your despatches to No. 6 inclusive have been received.

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

J. M. CLAYTON.

ELIJAH HISE, Esq., &c., &c., &c.

Mr. Clayton to Mr. Squier.

[Extract.]

DEPARTMENT OF STATE,
Washington, May 1, 1849.

The controversy between the State of Nicaragua and Great Britain, respecting the Mosquito coast and the port of San Juan, has not yet been adjusted. That port, seized by a British force, without any previous declaration of war, in January, 1848, it is understood, still remains virtually in possession of Great Britain. * * * Nicaragua has recently sent Mr. Francisco Castellon as her chargé d'affaires to London, and Mr. Marcoleta in the same capacity to Brussels. Mr. Bancroft, our minister at London, however, expresses an opinion that their missions will be fruitless. It does indeed appear that Mr. Marcoleta's application for the mediation of Belgium has been successful; but the department is not aware that the mediation has yet been productive of any results, or, though consented to, has in fact been undertaken. By the third and sixth articles of the agreement for arranging the differences between Great Britain and Nicaragua, made at the island of Cuba, in the lake of Nicaragua, on the 7th of March, 1848, Nicaragua is restricted to a negotiation with England for a final settlement of the controversy, and any attempt on her part to disturb the British possession so violently taken is to be regarded as an open declaration of war. It is thus made the interest of Great Britain to protract the negotiation. Nicaragua has not abandoned her rights, but by these articles the only relief she has left her is war.

General Herran, the minister from New Grenada at Washington, has informed me, in conversation, that he had received credentials to represent Nicaragua also; but that, owing to some provision in the New Grenadian constitution, he could not present them without permission from his own government, for which he had applied. The British claim, under the alleged Mosquito title, as at first set forth, encroached, towards the south, upon territory claimed by New Grenada. But it seems to have changed from time to time, as circumstances or expediency dictated; and now the claim is thus described by Lord Palmerston in his note of the 4th of May, 1848, to M. Mosquera, the minister of New Grenada in London:

"With respect to the southern boundary of Mosquito, there are certainly strong grounds upon which the King of Mosquito might claim the seacoast as far as the spot called King Buppan's Landing, which is opposite the island called Escudo de Veragua; but her Majesty's government

have recommended the Mosquito government to confine its claim in a southerly direction to the southern branch of the river St. John; and one main reason with her Majesty's government for giving that recommendation was, that thereby all dispute between Mosquito and New Grenada would, as they trusted, be avoided."

It has been represented to this department that certain citizens of the United States are desirous of entering into a contract with the government of Nicaragua, for the purpose of constructing a canal between the Atlantic and Pacific by the way of the river San Juan and lake Nicaragua, terminating at Realejo, on the Pacific. They think that their object would be forwarded and facilitated if it were in some way to be countenanced by this government. There is a strong disposition to bestow this countenance to any extent which may be compatible with prudence. Proceedings, both of the Executive and of Congress, for many years anterior to the present, have evinced the interest with which this government has regarded the possibility of shortening the transit by sea between our territories on the Atlantic and those on the Pacific. For obvious reasons this interest has of late been materially increased; for a passage across the isthmus may be indispensable to maintain the relations between the United States and their new territories on the Pacific; and a canal from ocean to ocean might, and probably would, empty much of the treasures of the Pacific into the lap of this country. If, therefore, by your personal good offices with the government of Nicaragua, you can aid in securing for the persons above referred to the contract for the construction of a canal, you are at liberty to take that course. A letter introducing you to the Minister for Foreign Affairs of that State is accordingly herewith delivered to you. It is to be distinctly understood, however, that this government is not in any way to be made a party to the transaction, except in conformity to the instructions hereinafter given; and as it would not be expedient even to lend its countenance to an assignable contract, you will take care that no clause providing for an assignment is admitted into that which may be concluded with the government of Nicaragua. It is most desirable that the parties to the contract shall be deprived of the opportunity of making it a mere subject of speculation, and thus retarding or preventing the completion of the canal. Accordingly, as soon after your reception by the government of Guatemala as, in your judgment, your absence from that city will permit, without interfering with the other duties of your mission, or even before your reception, if the state of affairs at Guatemala should warrant it, you may visit Leon for the object above referred to. You will also bear with you a letter from this department to the Minister for Foreign Affairs of Nicaragua, acknowledging the receipt of two communications from him to this department upon the subject of the British encroachments on the Mosquito coast. You may assure him that we entertain the liveliest sympathy for his government, and will employ in its behalf any moral means in our power. * * * *

By the enclosed extract from a despatch of my predecessor to Mr. Bancroft, our minister to England, under date the 25th October last, it appears that he was informed by Mr. Osma, the minister plenipotentiary of Peru to Great Britain, that Señor Castro, the governor of Costa Rica, had offered to place that State under British protection. Mr. Bancroft has recently informed the department, that the minister from Costa Rica in London had assured him it was not his intention to place Costa Rica

under the protection of Great Britain. In a note of the 9th of March last Mr. Bancroft says: "Great Britain often follows her old traditions of a policy of aggrandizement. As, in the Mediterranean, Gibraltar, Malta, and the Ionian isles form her military stations, so she flanks us by a strong fortress at Halifax, seeks to overawe us by another at Bermuda, and now, as we are gaining greatness in the Pacific, under pretence of protecting the Mosquito tribe of Indians, she has seized the key to the passage to the Pacific by the lake of Nicaragua, and has changed the name of the town of St. Juan de Nicaragua to Greytown. This subject is important, because the route to the Pacific, which that town commands, is here esteemed the best of all. The representative of Nicaragua, who is here, is in great perplexity, and may well be in doubt what to do. The opinion in France is, I believe, adverse to the wholesale encroachments of England; but France is too busy at home to think much of Central America. The Nicaragua minister would very gladly seek advice from the United States. I have always made answer to him, that I am not authorized by my government to give him advice; that I can only communicate to the American government whatever facts he may desire to make known to it. My instructions warrant not much more.

"I have seen the agent or minister from Costa Rica. He made on me a very favorable impression. He was educated in the United States. His State has a boundary strife with Nicaragua; but he assured me it was not his intention to place Costa Rica under the protection of Great Britain. At the same time, he does not join with Nicaragua in claiming St. Juan for that province. Instead of it, he keeps aloof and awaits the result.

"The Peruvian minister still more keeps entirely aloof from the strife. I annex a copy of a note to me from Mr. Castellon, the Nicaragua minister here, and a copy of a note of Lord Palmerston to Mr. Castellon, of February 17." * * * *

The accompanying copy of a letter, signed D. T. Brown, addressed to this department from New York, under date the 15th January last, refers to a communication, a copy of which is also enclosed, addressed to the Secretary of State of the United States by the Minister for Foreign Affairs of Costa Rica, announcing that, by a decree of the 30th of August last, the Congress of that State had declared it an independent republic.

It is understood that the dissolution of the former confederacy of Central America was in a great degree occasioned by jealousies between the States of Guatemala and San Salvador, arising out of differences of opinion as to the powers of the federal government, aggravated by the circumstance that the seat of that government was at the city of Guatemala, which the people of San Salvador supposed was an undue partiality. You will be diligent in your inquiries, with a view of ascertaining whether or not it is probable that those States will again be united. If you should arrive at the conclusion that the formation of another confederacy is hopeless, the expediency of recognising the independence of the several States will then no longer be questionable. Indeed, this has already been decided in the affirmative, in regard to Guatemala, by the mission thither of both Mr. Hise and yourself; and in regard to San Salvador also, by his having been empowered and instructed to conclude a treaty with the governments of both those States. You are also furnished with full powers to conclude treaties of commerce with them, which you will use in case Mr. Hise should not have succeeded in accomplishing those

objects prior to your arrival. If you should be of the opinion that the States of Nicaragua, Costa Rica, and Honduras are as capable of maintaining their independence and of discharging the duties of sovereignty as Guatemala and San Salvador, the department is not aware of any good reason why treaties may not be concluded with them also. You will accordingly herewith receive full powers for that purpose. In negotiating these treaties, you will in general be guided by the instructions to your predecessor. It is desirable, however, that the treaty with Nicaragua should contain an article similar to that in the late treaty between the United States and New Grenada, securing to our citizens and their effects a free transit between the two oceans by the way of Nicaragua river and lake Nicaragua or Leon, and over any canal or railroad which may hereafter be constructed along that route, on the same terms enjoyed by the citizens of Nicaragua. In the present posture of the conflicting claims respecting the Mosquito shore and the port of San Juan, it is not deemed expedient to give, as a compensation for the grant of the right of way, any guaranty of the independence of the country through which the canal or railroad might pass. Such a guaranty is entirely inadmissible in the proposed treaty. I greatly mistake, however, the intentions of the people of this country, if they would supinely allow any one of the three contemplated passages to the Pacific to be directly or indirectly either held or obstructed by any great maritime Power. There can be as little doubt that they will deem the people of the Spanish American States the rightful inheritors of all territory within their respective limits, to which Spain had a just title.

The British claim to the port of San Juan, and, in effect, to the whole Mosquito coast, is founded upon the assumption that the savage Indians who inhabit that coast, who perhaps never amounted in numbers to ten thousand, and are now less than five thousand, including zamboes and mulattoes, were never subdued by Spain, by Central America, or by Nicaragua; that, in fact, they constitute a monarchy, entitled to the privileges, because capable of discharging the duties, of a sovereign state.

The mere statement of such a pretension is sufficient to startle an impartial inquirer. The importance of the subject, however, and the apparent earnestness of the British government in regard to it, require an examination of the title to that region as thorough as the materials within reach of this department will allow compatibly with the limits proper for this communication.

It cannot be disputed that Spain was the first European nation which discovered or occupied any part of the country called Central America. As long ago as the 15th September, 1543, Charles V appointed a governor and captain general, to reside at Guatemala, with the same powers, over the provinces between Mexico and what is now called New Grenada, as were exercised in New Spain by the viceroy of that country.

The Spaniards having at first resorted to America chiefly for mining purposes, occupied those parts of the country, which they discovered and subsequently held by that title, where the mines were principally situated.

Agriculture and all other kinds of industry were dependant upon, or subordinate to, mining. Those of the aborigines, therefore, who inhabited the quarters which were remote from the mining districts, or which, like the Mosquito shore, deterred Europeans by an unhealthy climate, in some instances may not have been subjugated by Spain.

Her title to the land was not thereby invalidated. If any part of the discovered territory did not enjoy the reputation of being replete with mineral wealth, or other paramount advantages, the policy of the Spanish authorities was to allow the Indians to remain in peaceable possession of it until, in the process of time, circumstances should be unfolded sufficient to give them an interest in the extinguishment of the Indian title. The Spanish title to the regions in the north of Mexico, which were, and indeed still are, the haunts of the numerous, fierce, and warlike Comanches, Apaches, and Navahoes, and, in the south of Chili, of the brave Arancanians, all of whom repulsed the best efforts of Spain for their subjugation, might, were the question a new one, with some show of reason be doubted. Not so in regard to the Indians of the Mosquito coast. Their country offered no temptations to the early adventurers from Spain; consequently the Spaniards did not, for a long time, deem it worth the effort to disturb the aborigines. Had it been otherwise—had the Mosquito coast possessed a Potosi or a Réal del Monte—it would hardly be contended that the Indians inhabiting it, either by their numbers or their valor, would have efficiently resisted the power of Spain.

The grounds of the claims of European nations to dominion over the Indian tribes in America have been so frequently, fully, and ably discussed, in the courts of justice of the United States, that it is unnecessary to expatiate on the subject. The cases relating to it are collected, and a luminous abstract of them given, in Kent's Commentaries, vol. 3, pp. 360 to 400. The following extract from the opinion of Chief Justice Marshall, in the case of *Johnson vs. McIntosh*, is so very apposite to the question respecting the Mosquito shore, and proceeds from so high an authority, that it may with propriety be quoted here:

“On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all, and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendancy. The potentates of the Old World found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the New, by bestowing on them civilization and Christianity in exchange for unlimited independence. But, as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments; which title might be consummated by possession.

“The exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives and establishing settlements upon it. It was a right with which no Europeans could interfere; it was a right which all asserted for themselves, and to the assertion of which by others all assented.

“Those relations which were to exist between the discoverer and the natives were to be regulated by themselves. The rights thus acquired being exclusive, no other power could interpose between them.” (See,

also, Jackson ex. dem., Sparkman vs. Porter, 2 Paine's Circuit Court Reports, p. 457.)

It cannot be doubted that from the establishment of Spanish dominion in Guatemala, the river San Juan has been the principal avenue to and from the Atlantic for at least that part of Central America lying around Lake Nicaragua. It is believed, also, that a Spanish fort had been maintained at the port of San Juan, if not for as long a period, at least from about the year 1665.

This undisturbed use by his Catholic Majesty of the river San Juan and the port at its mouth must have continued until some time after the conquest of Jamaica, by Cromwell, in 1656. According to the British parliamentary document, entitled "Commercial Tariffs," of 1847, vol. 64, page 28, the Mosquito King, with the concurrence of his chiefs and people, placed themselves under the protection of Charles the Second, and the governor of Jamaica, in the name of his sovereign, accepted this union, and promised them the royal protection. Macgregor, the author of the document above referred to, professes to have obtained the proof of this from the records of the British Board of Trade and Plantations. The date of the transaction, however, is not mentioned, and there is every reason to believe that it was clandestine, and neither connived at nor authorized by Spain. Indeed, it can scarcely be questioned that throughout the reign of Charles the Second the public relations between him and his Catholic Majesty were such that he could not, without a breach of faith, have accepted the allegiance said to have been offered by the Mosquito monarch, and have promised the protection referred to.

The act, if performed subsequently to the treaty of Madrid of 1667, was invalidated by its second article, which declared "that neither of the said Kings (of Great Britain or Spain) nor their respective people, subjects, or inhabitants within their dominions, upon any pretence, may, in public or secret, do, or procure to be done, anything against the other, in any place, by sea or land, nor in the ports or rivers of the other, but shall treat one another with all love and friendship." Again: by the 8th article of the treaty between the same parties, of 1670, it is stipulated that "the subjects and inhabitants, merchants, captains, masters of ships, mariners of the kingdoms, provinces, and dominions of each confederate, respectively, shall abstain and forbear to sail and trade with the ports and havens which have fortifications, castles, magazines, or warehouses, and in all other places whatsoever, possessed by the other party in the West Indies, to wit: the subjects of the King of Great Britain shall not sail unto, and trade in, the havens and places which the Catholic King holdeth in the said Indies," &c.

All the Spanish possessions in America having been called "West Indies" and "Indies," the stipulation above quoted of course included the Mosquito shore.

Under these circumstances, it may be confidently asserted that, if the transaction between the Mosquito King and the authorities of Jamaica actually took place, it was most probably at a time when Spain was at peace with England, if not when the treaties above referred to were in force, by which treaties it was expressly prohibited; that if it had been known to Spain, she would have protested against, and, if necessary, otherwise resisted it. No nation or individual could, by any law known among civilized men, have lost its title by a secret trespass on an "unguarded

possession." That transaction, therefore, gave the Mosquito King no claim to the independence of Spain, asserted in his behalf by Great Britain, or the latter any right to consider him as under her protection or sway. It may be averred that the illicit trade between Jamaica and the Spanish Main, including the Mosquito shore, led to those captures of British ships by the Spanish guarda-costas which occasioned the war of 1739, which lasted until 1748. Macgregor says, that "during the war, the importance of the Mosquito country having been understood by the British government, they determined to hold it under their immediate sovereignty. Consequently, in 1749 Captain Robert Hodgson, the first superintendent, proceeded, with one hundred men draughted from the troops at Jamaica, and took possession of the principal station at Black river, where he erected a fort, mounted it with cannon, hoisted the royal flag, and kept up a garrison." From this it appears that the peace of Aix-la-Chapelle, of the 18th October, 1748, had scarcely been concluded when the British government took a step which, if known to his Catholic Majesty, might by him have justly been regarded as cause for breaking it. In this part of his narrative, Mr. Macgregor is silent in regard to his Mosquito Majesty. It does not appear that he either objected or assented to the kind of protection thus offered by the British. If this protection was designed, as Mr. Macgregor confesses, to be immediate sovereignty on the part of Great Britain, it is difficult to understand how this could be compatible with the sovereignty of the Mosquito King. If, then, it be allowed, for argument's sake, that the latter was extinguished by the proceedings of Superintendent Hodgson, and that the British flag waved over the Black river fort until the treaty of peace of 1763, what does the seventeenth article of that treaty require?

"His Britannic Majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of Honduras and other places of the territory of Spain, in that part of the world, four months after the ratification of the present treaty.

"And his Catholic Majesty shall not permit his Britannic Majesty's subjects, or their workmen, to be disturbed or molested, under any pretence whatsoever, in said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose they may build without hinderance, and occupy without interruption, the houses and magazines which are necessary for them, for their families, and for their effects; and his Catholic Majesty assures to them by this article the full enjoyment of those advantages and powers on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty."

Macgregor acknowledges, that, pursuant to this stipulation, the British government gave orders for demolishing the fort at Black river, and withdrawing the garrison to Jamaica. He does not hesitate to add, however, "They were soon after convinced of the impolicy of this decision." * * * * * "And although they declined to erect immediately the country into a British province, it was considered desirous to encourage and promote its commerce." Confessions like these, sanctioned by such authority, speak for themselves and require no comment.

Their effect in strengthening or weakening the British title to the country or the claim to sovereignty set up for the Mosquito King, may safely be left to the judgment of mankind.

The British flag was thus voluntarily struck at the only part of the

Mosquito country where it had ever been hoisted as an emblem of sovereignty. Logwood and mahogany, however, were still cut and carried thence by British subjects, under the protection of the treaty of Paris of 1763, and some of the settlers may have made attempts to cultivate lands alleged to have been purchased of the Indians. Neither that cultivation, nor these purchases, however, were in the least degree warranted by right, or sanctioned by the treaties between Great Britain and Spain.

Passing over the intermediate period between 1763 and 1777, it appears from Macgregor, that in the latter year the British on the coast, who had enjoyed the mere right of cutting dyewoods and mahogany, having become alarmed by rumors of an intention on the part of the Spaniards to expel them, requested of the British government another fort, arms, cannon, munitions, and soldiers for their defence. In return to this application, Lord George Germaine transmitted a despatch to the governor of Jamaica on the 4th of June, 1777, severely rebuking the superintendent for having made the request, "*as being in direct contradiction to the 17th article of the treaty of Paris.*"

The perseverance of the British in their encroachments on the coast, was one of the grievances set forth by Spain as a motive for her war against England, commenced in 1780. During this year an attack upon the Spanish settlements on Lake Nicaragua was ordered by the governor of Jamaica. The expedition did not reach further than the castle of San Juan, on the river of that name, thirty-two miles below the lake. Macgregor himself acknowledges that it was abortive. Lord Nelson, then a very young man, accompanied it, and displayed that gallantry for which he was afterwards so much renowned. His biographer says: "The project was to take Fort San Juan, on the river of that name, which flows from Lake Nicaragua into the Atlantic, make himself master of the lake itself, and of the cities of Grenada and Leon, and thus cut off the communication of the Spaniards between their northern and southern possessions in America. Here it is that a canal between the two seas may most easily be formed; *a work more important in its consequences than any which has yet been effected by human power.*"

By the sixth article of the definitive treaty of peace between Great Britain and Spain of 1783, it is declared, that "the intention of the two high contracting parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dyeing, or logwood, and several English settlements having been formed and extended, under that pretence, upon the Spanish continent, it is expressly agreed that his Britannic Majesty's subjects shall have the right of cutting, loading, and carrying logwood in the district. [Here the lines are mentioned. They include no part of the Mosquito coast.] And his Catholic Majesty assures to them [the English] the enjoyment of all that is expressed in the present article, provided that these stipulations shall not be considered as derogatory in anywise from his right of sovereignty. Therefore all the English who may be dispersed in any other parts, whether on the Spanish continent or in any islands whatsoever dependant on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described."

Notwithstanding this stipulation, Mr. Macgregor proceeds to say, that it was determined by the British government, after the most deliberate

discussion of the subject, to retain the Mosquito shore under their protection and sovereignty! The only reason he assigns for this determination is, that the word "Spanish" and not "American continent" was used, with the design, as he insinuates, of affording a pretext for further questioning the Spanish title.

That this forced construction was never acquiesced in by Spain is manifest, from the fact that fresh disputes between the two Crowns, regarding the Mosquito shore, arose soon after the conclusion of the treaty of 1783. These were again adjusted, definitively no doubt, as Spain hoped, by the treaty of July, 1786. The first article of that treaty stipulates "that his Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, *shall evacuate the country of the Mosquitos*, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described," &c. This line provided for an extension of the limits within which the British were allowed to cut woods, and gather the natural fruits of the earth; but "the stipulation was never to be used as a pretext for establishing any plantation, *since all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed.*" Nearly every article of this treaty admits the Spanish title, and in the strongest terms. British subjects are to evacuate Spanish territory; and if they do not, "his Britannic Majesty, so far from affording them the least succor, or even protection, will disavow them in the most solemn manner, as he will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish dominion." By the 14th article, "His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England that he will not exercise any severity against the Mosquitos inhabiting in part the countries which are to be evacuated by virtue of the present convention, on account of the connexions which may have subsisted between the said Indians and the English; and his Britannic Majesty, on his part, will strictly prohibit all his subjects from furnishing arms or warlike stores to the Indians," &c.

A motion was made in the British House of Lords, "that the terms of the convention with Spain, signed in July, 1786; did not meet the favorable opinion of this House." But it was negatived. The parliamentary document (Macgregor's) adds: "From September, 1785, until July, 1786, the respective claims of England and Spain to the Mosquito territories were discussed; and on the 12th of July, 1786, it was announced that the territory was to be delivered up to the Crown of Spain. This abandonment of the country and its inhabitants was considered at the time by the British people a most profligate surrender.

"It was with the most painful reluctance, and only in obedience to *positive orders*, that the British settlers slowly and discontentedly left their plantations." Yet Lord Palmerston, in his note of the 17th May, 1848, to the Nicaragua minister, says of Mosquito, that it is "a State which, for more than a century, has been acknowledged and protected by Great Britain."

A British writer of ability in the Quarterly Review, (vol. 28, 1822, 1823, p. 159,) speaking of this claim to the Mosquito territory, and the treaties of 1783 and 1786, says: "Nothing can more clearly establish the sole right of Spain to these territories than the treaty and convention

above mentioned. *We never had any business there.*" * * * "If (he adds) treaties are to be considered as at all binding, it is quite clear that we have not the right, nor even the permission, of residence on the Mosquito shore; and that we cut logwood and mahogany on the shores of Honduras only by sufferance."

The treaty of 1786 was confirmed by the additional article to that of the 5th July, 1814, signed at Madrid on the 28th of August, in that year.

No further disputes between Great Britain and Spain, respecting the territory in question, appear to have arisen prior to the formation of the confederacy of Central America, in 1828. The constitution of that confederacy, published to the world in that year, in its fifth article declares: "The territory of the republic is the same which formerly comprehended the ancient kingdom of Guatemala, with the exception for the present of the province of Chiapas."

Under this constitution the confederacy was acknowledged by other powers. Great Britain herself acknowledged its independence, received from it a minister plenipotentiary, and has had a consul-general residing at Guatémala for a number of years.

The department is informed that in the course of the negotiations at Bogotá, which resulted in the treaty between Great Britain and Colombia, of 1825, the British commissioners presented a counter-project of a convention, which, besides the articles ultimately concluded and signed, contained another separate and additional article, relative to the British settlements at Belize, which was literally as follows:

"Separate article.—The subjects of his Britannic Majesty shall, for no motive or pretext whatever, be disturbed or molested in the pacific possession and exercise of whatsoever rights, privileges, and immunities they now enjoy, or may have hitherto at any time enjoyed, within the limits described and laid down in a convention between his said Majesty and the King of Spain, signed on the 14th of July, 1786, whether those rights, privileges, and immunities are derived from the said convention, or from any other concession which may at any time have been made by the King of Spain or his predecessors to British subjects and settlers residing and following their lawful occupations within the limits aforesaid."

This is important, as showing that the obligations of the treaty of 1786 were recognised by the British government as recently as 1825.

If the mere fact that Spain or Nicaragua was, at some period, not in actual possession of the Mosquito territory, could have authorized England to seize it or hold it, in right of the Mosquito King, then England has, on a memorable occasion, been strangely unmindful of the novel principle thus asserted.

The well known case of the island of Fernando Po, on the coast of Africa, is strikingly illustrative of the views contended for on our part, in this instruction. This island was discovered by the Portuguese, who ceded it to Spain in 1778. The latter power never settled or otherwise occupied it, and it remained in the possession of the native negroes until 1828, when the British government proposed to make it the seat of the mixed commission on the slave trade. They occupied it, appointed a governor for it, and held it by various pretences, till the Spanish government required an acknowledgment of its right of dominion. This right was finally and fully admitted in a letter of the Earl of Aberdeen to Mr. Bosanquet, the British chargé d'affaires at Madrid, under date the

31st December, 1828; of which a copy was officially communicated to the Spanish government.

Macgregor concludes his statement of the British claim as follows: "It having been decided that Prince George should be crowned as usual at Belize, the necessary preparations were made. The regalia, consisting of a silver gilt crown, a sword and sceptre, all of moderate value, and given formerly to one of the kings by the British government, were brought from the usual places of security, the dwelling of the chief at Vaughies river."

"On the 17th of April the British sloop-of-war Hyacinth arrived at Bluefields, for the purpose of carrying the young King, George Augustus Frederick, to Belize, to be crowned according to ancient usage, which was performed by the commissary of the Bishop of Jamaica, on the 7th of May, 1843, in St. John's Church, Belize, in the presence of the superintendent, Colonel Fancourt, Mr. Walker, British agent at Bluefields, and several chiefs."

This pageant is thus set forth in a document prepared under the auspices of the British executive, and published to the world by the British Parliament. It was laid before the House of Commons on the 3d of July, 1848, and contains the British exhibit of "the most authentic information that can be procured as to the boundary claimed by the King of Mosquito."

The crowning of George Frederick Augustus does not seem to be the first instance of the creation of a king to assert the rights of his ally and protector. In 1822 a book was published, entitled "A Sketch of the Mosquito Shore, including the Territory of Poyais" &c., "by Thomas Strangeways, K. G. C., captain first Poyais native regiment, and aid-de-camp to his Highness Gregor, cacique of Poyais," in which we are informed that the cacique of Poyais is no less a personage than "his Highness the Macgregor of the Clan Alpine, directly descended from the ancient kings of Scotland." The monarchy therefore does not appear to be hereditary, or the succession confined to the native princes. He is plainly the mere agent and instrument of Great Britain, and selected by herself.

It is manifest, indeed, that the rights claimed by Great Britain nominally in behalf of the Mosquito King, but really as her own, are founded in repeated usurpations, which usurpations were repeatedly and solemnly acknowledged and relinquished by her during the domination of Spain on the American continent. Since that domination has ceased, those claims could have had no other foundation for renewal than the supposed weakness or indifference of the governments invested with the rights of Spain in that quarter. These claims certainly can derive no warrant from the indifference of the government of Nicaragua, as the letters of the Minister for Foreign Affairs of that State to this department, above adverted to, abundantly show.

Against the aggressions on her territory Nicaragua has firmly struggled, and protested without ceasing, and the feelings of her people may be judged from the impassioned language of the proclamation of her Supreme Director, on the 12th of November, 1848. "The moment," says he, "has arrived for losing a country with ignominy, or for sacrificing with honor the dearest treasures to preserve it. As regards myself, if the power which menaces sets aside justice, I am firmly resolved to be entombed in the remains of Nicaragua, rather than survive its ruin." The eloquent appeal of the minister of Nicaragua to his government is evidence, not less strik-

ing and impressive, of the disposition of an injured people to resist what they believe to be injustice and oppression. Will other nations, interested in a free passage to and from the Pacific ocean, by the way of the river San Juan and lake Nicaragua, tamely allow that interest to be thwarted by such pretensions?

As it regards the United States, this question may confidently be answered in the negative.

Having now sufficiently apprized you of the views of this department in regard to the title to the Mosquito coast, I desire you distinctly to understand how important it is deemed by the President so to conduct all our negotiations on the subject of the Nicaragua passage, as not to involve this country in any entangling alliances or any unnecessary controversy. We desire no monopoly of the right of way for our commerce, and we cannot submit to it if claimed for that of any other nation. If we held and enjoyed such a monopoly, it would entail upon us more bloody and expensive wars than the struggle for Gibraltar has caused to England and Spain. The same calamities would infallibly be cast upon any other nation claiming to exclude the commerce of the rest of the world. We only ask an equal right of passage for all nations on the same terms—a passage unencumbered by oppressive exactions either from the local government within whose sovereign limits it may be effected, or from the proprietors of the canal when accomplished. For this end we are willing to enter into a treaty stipulation with the government of Nicaragua, that both governments shall forever protect and defend the proprietors who may succeed in cutting the canal and opening the water communication between the two oceans for our commerce. Without such protection, it is not believed that this great enterprise would ever be successful. Nicaragua is a feeble State, and capitalists, proverbially a timid race, may apprehend from the rapacity of great maritime powers the obstruction and even the seizure of the canal. Similar apprehensions on their part, from revolutions in the local government, from the oppression and exactions of temporary chieftains, and from causes not necessary to be explained, may operate to retard a work in regard to which it may be safely predicted that, when successfully accomplished, its benefits to mankind will transcend those of any other similar work known in the history of the world. All these apprehensions may and will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it is not to acquire for ourselves any exclusive or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to enjoy the same benefits, and will agree to be bound by the same guarantee. In desiring that our own countrymen may obtain the charter or grant of the right to make the canal, we do not mean to be misunderstood. Our purpose in aiding American citizens to obtain the grant, is to encourage them in a laudable effort, relying, as their own government does, more on their skill and enterprise than on that of others. If they themselves prefer to unite with their own the capital of foreigners who may desire to embark in the undertaking, this government will not object to that. We should naturally be proud of such an achievement as an American work; but if European aid be necessary to accomplish it, why should we repudiate it, seeing that our object is as honest as it is openly avowed to claim no peculiar

privilege—no exclusive right—no monopoly of commercial intercourse, but to see that the work is dedicated to the benefit of mankind, to be used by all on the same terms with us, and consecrated to the enjoyment and diffusion of the unnumbered and inestimable blessings which must flow from it to all the civilized world?

You will not want arguments to induce Nicaragua to enter into such a treaty with us. The canal will be productive of more benefit to her than any other country of the same limits. With the aid of the treaty it may (without such protection from some power equal to our own, it cannot) be accomplished. Let your negotiation with her be frank, open, and unreserved, as to all our purposes. The same reasons for our interference must be avowed to the capitalists who may enlist in the work. Before you treat for their protection, look well to their contract with Nicaragua. See that it is not assignable to others, that no exclusive privileges are granted to any nation that will not agree to the same treaty stipulations with Nicaragua, that the tolls to be demanded by the owners are not unreasonable or oppressive, that no power be reserved to the proprietors of the canal or their successors to extort at any time hereafter, or unjustly to obstruct or embarrass, the right of passage. This will require all your vigilance and skill. If they do not agree to grant us passage on reasonable and proper terms, refuse our protection and our countenance to procure the contract from Nicaragua. If a charter or grant of the right of way shall have been incautiously or inconsiderately made before your arrival in that country, seek to have it properly modified to answer the ends we have in view.

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

J. M. CLAYTON.

E. GEORGE SQUIER, Esq.

D. T. Brown to Mr. Buchanan.

NEW YORK, January 15, 1849.

DEAR SIR: The enclosed letter from the government of the new republic of Costa Rica, Central America, I had intended delivering in Washington myself, but have been prevented by business. That government is desirous to be recognised by that of the United States, and enter into treaties of commerce with these States. From a residence of some duration in Costa Rica, I am inclined to believe that the government will be stable and liberal, and think that our own commerce might reap advantage from trade with that country. In Dunlop's "Notes on Central America," published in 1847, and the best work on that country, may be found interesting information relating to Costa Rica, which is decidedly the most enlightened and prosperous of all the divisions of the old republic of Guatemala. It produces about one hundred thousand quintals of very superior coffee per annum, which now goes to England in exchange for English goods, via Punta Arenas, on the Pacific. But a road is now making to the river Serapique, to obtain an exit for produce via San Juan de Nicaragua, which would bring a better article of coffee than any now imported into the United States within twenty-five days' sail of New York, and would offer an exchange for a large amount of American man-

ufacture and produce. At this time, when British influence is endeavoring to extend itself in Central America, holding already virtual possession of San Juan de Nicaragua, although nominally it is in Mosquito jurisdiction, it may not be impolitic to secure the United States such commercial advantages as are compatible with justice. From my personal acquaintance with the governments and people of Nicaragua and Costa Rica, I know they sympathize much more with our own institutions and citizens than with those of Great Britain; and that, could they be recognised formally by the United States government as independent sovereignties, it would do much towards opening a new channel for American enterprise. Mr. Hise, United States chargé to Guatemala, is probably in possession of all information relative to Costa Rica, and could inform you more worthily than myself.

Should you be pleased to make any reply to the government of Costa Rica, or desire any detailed memoranda that I may possess relative to its commerce, products, &c., you can direct through me (box 2569, post office, New York,) or any communication sent to our post office agent at Chagres could be forwarded by English steamer thence to San Juan de Nicaragua, and thus to the interior.

With much respect, I am, sir, in great haste, your obedient servant,
D. T. BROWN.

HON. JAMES BUCHANAN,
Secretary of State, Washington.

From Mr. Calvo to the Secretary of State.

[Translation.]

CENTRAL AMERICA, DEPARTMENT OF RELATIONS
of the Republic of Costa Rica, Government House,
San José, September 5, 1848.

SIR: Costa Rica, which had united with the other States of Central America in forming the compact of 1824, and in establishing a general government as therein provided, assumed its entire sovereignty and independence upon the dissolution of that compact, and has since remained under the government most suitable to itself, while awaiting the concurrence of the other States for a general organization. No result has, however, been obtained; and the equivocal position in which she now stands being injurious to her interests, she desires to fix her destinies: she has examined her elements, and has assumed a new existence, erecting herself into a republic by a decree of the 30th of August last. This decree was issued by the Congress of Representatives, on the petition and with the recognition of the people, and was received with the utmost satisfaction by the eminent patriots, and with applause by the foreigners, then in the country.

This happy event, which has raised Costa Rica to the character of a nation, is now communicated to his Excellency the well-deserving General President of the republic; and such is the object of the present lines which the undersigned has the honor to address to the honorable Secretary for Foreign Affairs, to whom he offers the assurances of his most distinguished consideration and esteem.

J. BERNARDO CALVO.

HON. SECRETARY OF STATE *of the United States.*

DEPARTMENT OF STATE,
Washington, May 3, 1849.

SIR: I have the honor to acknowledge the receipt of the communications which your Excellency addressed to this department, under dates the 12th November, 1847, and 6th March, 1848, relative to the seizure by the British of the port of San Juan de Nicaragua. These communications have been read with painful interest, and have led to a determination on the part of the President of the United States to accede to the request of the government of Nicaragua for the interposition of the good offices of this government, in a friendly manner and spirit towards both Great Britain and Nicaragua, for the purpose of adjusting the controversy with reference to the Mosquito shore. Instructions have accordingly been transmitted to the minister of the United States at London, which it is hoped may be instrumental towards inducing the British government to respect the just rights of Nicaragua, and towards effecting a satisfactory accommodation of all the matters in dispute.

I avail myself of this occasion to offer to your Excellency assurances of my most distinguished consideration.

JOHN M. CLAYTON.

His Excellency the MINISTER FOR FOREIGN AFFAIRS
of the Republic of Nicaragua.

—
ZACHARY TAYLOR,

PRESIDENT OF THE UNITED STATES OF AMERICA.

WASHINGTON, May 3, 1849.

DEAR AND GOOD FRIEND: I have to acknowledge the receipt of your communication of the 15th December, 1847, which has been read with lively and painful interest. The Secretary of State of the United States has this day addressed a note to the Minister of Foreign Affairs of Nicaragua, expressing the sympathy of this government for the injuries which that State believes she has received in consequence of the forcible occupation of the port of San Juan by British authorities, and mentioning the friendly steps which have been taken by us with a view to obtain redress therefor. Your excellency may be assured that our efforts to this end in an amicable spirit and manner towards both Nicaragua and Great Britain will be cordial and zealous, and will be animated by the desire which we sincerely cherish that the just territorial rights of Nicaragua may be respected by all nations, and that she may advance in prosperity and happiness.

Your good friend,

Z. TAYLOR.

To his Excellency the DIRECTOR OF THE STATE OF NICARAGUA.

By the President:

JOHN M. CLAYTON,
Secretary of State.

Mr. Squier to Mr. Clayton.

{Extracts.}

[No. 1.]

SAN JUAN DE NICARAGUA,

June 10, 1849.

Sir: I have the honor of informing the department that I arrived at this port in good health on the 6th instant, after a protracted passage of twenty-six days.

I have made arrangements to proceed up the river to-morrow, and hope to arrive at Grenada in eight days from that date, probably about the 19th instant. I shall lose no time in presenting myself at Leon, and entering upon the duties with which I am charged.

Affairs here are in a very anomalous and unsettled state, and it would require a longer stay than I feel myself authorized in making in order to ascertain fully their exact condition. I shall nevertheless present what information I have been able to obtain, subject to future correction.

Harbor of San Juan.

The harbor of San Juan is much more spacious, and altogether a better one, than I had been led to anticipate from what had previously fallen under my notice respecting it.

The entrance is easy, and vessels of large draught would, I am assured by those qualified to judge, experience no difficulty in passing the mouth, and finding within a safe and commodious anchorage. It has been represented that, in consequence of the peculiar make of the land, it is extremely difficult for ships to find the harbor. This is true to a certain extent; but although the coast in the immediate vicinity is low, yet a short distance back the land is high and characteristic, and cannot be mistaken. With proper charts, correct sketches of the coast above the harbor, and with a light-house on point Frenas or point Colorado, every difficulty would be obviated. This is evident even to the unprofessional observer.

Town of San Juan.

The town of San Juan consists of a collection of fifty or seventy-five palm thatched houses, arranged with some regularity on the southwest shore of the harbor. The population may be estimated at two hundred inhabitants, including whites, mestizoes, samboes, negroes, and Indians. It is impossible to convey an idea of their extraordinarily variegated character, nor yet of the total absence of prejudice which exists among them. The Indians, which are not numerous, are inferior to those of the United States in personal appearance, and are infinitely below them in the mental scale. A considerable number are scattered along the coast, engaged in fishing for turtle, the shell of which constitute a considerable article of trade. They are squalid and miserable beyond description.

From the best of my information, the whole number of Indians belonging to the Mosquito tribe or "nation" proper does not exceed one thousand or fifteen hundred, and it is not probable that one-tenth of these are aware of the circumstance that they have a national character, and are recognised and "protected" by Great Britain. It should be understood

that a larger number are claimed to be under Mosquito jurisdiction, but I cannot learn that they generally admit any such authority. The Mosquitos are despised and avoided by most if not all the other native tribes, who, in consequence of their prejudices and the general prevalence of a leprous taint amongst the Mosquito people, permit no intermixture with them, visiting with death (it is said) individuals guilty of such intercourse.

There are no settlements of any kind nearer San Juan than the English settlement of Bluefields, seventy-five miles to the northward. Nor are there any cultivated lands in the vicinity except the narrow space occupied by the town, and a few cleared points on the island opposite. The entire country is covered with a dense tropical forest. There are some cows and dogs, and quite an abundance of fowls; but beyond these sources the inhabitants are entirely dependant for provisions upon the vessels which visit the harbor, and upon the "bungos" which come down the river San Juan from the interior. I am informed, however, that the soil a short distance back from the coast is rich, and that industry alone is needed to insure an abundant supply of all the productions of the tropics.

The climate here is surprisingly salubrious, and uniform good health prevails among the inhabitants. Foreigners observing proper precautions need not, I am assured, form exceptions. It is now the commencement of the rainy season, but the weather is very pleasant, and in respect of temperature not widely different from that of the month of July in the latitude of New York. The range of the thermometer during the twenty-four hours is not so great; the range for the past four days has been from 79° to 85° . In the evening there is usually a pleasant and invigorating sea breeze.

Trade of San Juan.

This port, with the exception of the article of turtle shell, has no source of support besides the transit trade. Nearly all of the imports and exports of Nicaragua, and a considerable part of those of Costa Rica, pass through here; and here also reside the agents of the foreign houses engaged in trade with this portion of the continent. In fact, so far as commercial facilities are concerned, it is far the most important point between New Grenada and Mexico. It is, however, impossible to obtain much statistical information in confirmation of this remark, inasmuch as no proper entries have been preserved, except for a few months past. I may be able to obtain some accurate statements in time to append to this hurried despatch. It may be safely asserted in general terms that most of the trade is in the hands of American houses. An Italian vessel comes once a year, and one or two French vessels occasionally, as also one or two from New Grenada and Jamaica. The British steamers now touch once a month, and are slowly creating a trade. They have, in fact, already almost monopolized the indigo trade, in consequence of being able, from the rapidity of their movements, to render early returns—an object of vast importance in this quarter. It might not be to the immediate advantage of the American line of steamers to touch here, but ultimately it may prove to the interests of the company and the United States. I shall refer to this matter hereafter, accordingly as my information may or may not be confirmed. The Costa Rica road from San Jose to this port, and which will most certainly give this direction to a large part of the Costa

Rica trade, is shortly progressing. The entire distance to be constructed (to the Serapique river) is sixty miles, of which fifteen are now built. The Costa Ricans are endeavoring to negotiate a loan for its completion in England, but I learn that the prospect of their obtaining it is not good. I am unprepared as yet to say what would be its probable return, if completed. I shall seek for information upon this point when I get into the interior.

The English in San Juan.

Since the seizure of this port by the English, its municipal and other regulations have been dictated by the English authorities, at the head of which stands her Britannic Majesty's consul general, Mr. W. D. Christy. He has taken up his residence here, and assumed the entire control of affairs. No written laws or regulations have been promulgated, and this gentleman is *de facto* a dictator, his will being the law beyond which there is no appeal. He has made himself extremely obnoxious to the inhabitants without exception, and his arbitrary conduct is the subject of complaint on every hand. His sole adherents are half a dozen officials, one of whom is vice-consul, another harbor-master, others "policemen," &c. Although the so-called Mosquito flag is flying, yet apart from this there seems to be no deference to Mosquito authority on the part of the consul general. He has taken upon himself to disregard all leases and grants of land made by the Nicaraguan authorities before the English conquest, and assumes to sell the same, *not as the agent of the Mosquito King*, but as *her Britannic Majesty's vice-consul*. A copy of one of the deeds is appended, (A.)

This assumption may not be deemed of much importance, but it will tend to show that here it is hardly deemed worth while longer to keep up the shallow disguise of "Mosquito authority."

Mr. Christy, some months ago, made a visit to the interior, to Nicaragua and Costa Rica. Whatever may have been his reception by the latter State, he has no reason to be proud of his success in Nicaragua. He made one or two communications to the authorities, but they refused to recognise his official character, and finally returned him his letters unopened. From all I can learn, the hostility of * * * * towards the * * * * knows no bounds. Indeed, they carry it so far as to purchase of the boatmen at the port of San Carlos (on the head of the San Juan) all supplies intended for this place. It is, in consequence, almost impossible to obtain here the fruits and other articles of consumption which were formerly furnished in great abundance from that quarter. The consul general has hinted his intention to retaliate, and also expressed his determination to impose an export duty on all products brought from the interior; but I hardly think he will venture upon the latter measure.

The duty levied upon imports to this port is $2\frac{1}{2}$ per cent. ad valorem, except upon the following articles:

Tobacco, \$1 per 100 lbs.

Powder, \$2 50 per 100 lbs., or about 25 per cent.

Wines and other liquors, 12 $\frac{1}{2}$ cents per gallon.

The Nicaraguans formerly levied a general duty of 25 per cent. ad valorem. It has been reduced, since the seizure of San Juan, to 23 per cent. There are some exceptions; but, as I shall forward a copy of the

Nicaragua tariff as soon as one can be obtained, I shall not attempt to enumerate these exceptions here.

It will be seen, from what has been said above, that the present unsettled relations between Great Britain and Nicaragua cannot long exist without leading to another hostile collision, in which it is easy to foresee that the former Power will not fail to discover pretexts for the seizure of the entire country.

The recognition of Nicaragua's independence by the United States, and the establishment of treaty relations with her, may tend to avert this catastrophe.

I may mention that it is currently reported here that Mr. Castellon, the Nicaraguan envoy to England, concluded a contract with an English company (headed by Mr. Wheelwright) for the right of way for a canal, &c., across the continent, through the Nicaraguan territories; which, upon being presented to the Nicaraguan government for ratification, was unanimously rejected, and Mr. Castellon recalled.

English Designs.

An English vessel of war is expected at Bluefields and this port, within the next month, *ostensibly* to take the consul general to Jamaica. It will bring the "Mosquito King." I am informed, upon authority which is certainly entitled to respect, that it is designed to proceed with the two dignitaries above mentioned to Salt creek, fifty miles below this port, and now in the occupation of Costa Rica, and thence to Boca del Toro, in the province of Veragua, New Grenada, of both of which places "his Mosquito Majesty" will formally take possession, in conformity with the pretensions which the English government have set up for him. I have every reason to believe that this course has been determined on. It will be entirely in keeping with the policy which England has pursued upon this coast, and which will be continued so long as it can be done with impunity. The greatest alarm prevails among the population on the coast; and such is the fear which is entertained of English power, that no resistance will probably be offered to any act of aggression, however flagrant, which the British government may decide upon.

The early visit of an American armed vessel at this port, and afterwards at Boca del Toro, (a most important harbor,) would have a good effect, both in checking the contemplated aggression, and securing a favorable termination to our negotiations in the interior. England has always made a judicious display of her power in quarters where it was likely to promote her interests, and augment the local importance of her citizens. I make this suggestion with the greatest deference, but with the earnest hope that it may meet with a favorable consideration by the department.

Boundary of Costa Rica.

Costa Rica, I have ascertained, claims that her territory extends from the lake of Nicaragua, along the southern shore of the San Juan, to the sea. I shall endeavor to secure her assent to any contract which may be made with Nicaragua, by our American company, for a canal across the continent by this route. This will prevent any obstruction of the work by disputes between the States concerning their boundaries.

Canal Route.

I am at this time unable to present the results of any personal observations upon the practicability, etc., of a canal route across the continent, from this port to the Pacific. I have, however, had the pleasure of meeting here Dr. D. T. Brown, of New York, (a copy of whose letter to the department, enclosing one from the foreign minister of Costa Rica, is appended to my instructions,) who, as the agent of Howard and company, of New York, has investigated the matter pretty thoroughly. At my request, he has drawn up the results of his observations, which are appended, (B.) The facts which his letter contains are extremely interesting and important; and, as Mr. Brown contemplates returning very soon to the United States, the department may be able to obtain from him a large amount of valuable and reliable information upon this and collateral subjects. The fact of the subsidence of Lake Leon, and the complete interruption of the river of Zipetapa, communicating with Lake Nicaragua, is, I believe, entirely new. Mr. Brown's account of the depth of the waters in the San Juan is confirmed by persons here who are accustomed to pass up and down that river.

On the behalf of his principals, Dr. Brown, on the 17th of March last, concluded a contract with the Nicaraguan government, a copy of which is appended, (C.) It is the Nicaragua proposition, and is very far from being liberal. Dr. Brown is not of the opinion that it will be accepted by his principals.

I learn that Mr. White, on behalf of his principals, (Vanderbilt and company,) has made a proposition to the Nicaraguan government, which, if I am correctly informed of its details, is most extravagant. My information is not, however, as well authenticated as I could wish; and I shall not, therefore, trouble the department with what may prove to be unfounded.

In connexion with this matter, I may mention that Samuel Shepherd, of this port, and one or two other individuals, hold grants from the "Mosquito King," (dating as far back as 1839,) of the entire country on both sides of the San Juan, from Bluefields river, on the north, to Boca del Toro, (including Chinqui Lagoon,) on the south; and bounded by Spanish American States on the west, and the ocean on the east. A copy of one of these grants is attached, (D.) The others are similar in terms. Admitting British pretences in the quarter, it would seem that a canal company might obtain all desirable rights of passage, etc., through the disputed territories, from the proprietors of these grants.*

I to-day had a conversation with the British consul general, in which he informed me that the English government had asserted, and determined to maintain, the claim of the Mosquito King, as far up the San Juan as the rapids of Machuca, which is about two-thirds of the entire distance. He also stated that Mr. Chatfield, the British consul general in Guatemala, had recently threatened a forcible intervention, to compel the payment, by Nicaragua, of her quota of the loan contracted in England by the republic of Central America, during its existence; as, also, the payment of certain debts due British subjects residing in her territories. This threat, backed by the blockade of Ponsonate, was last year successful in procuring an

* These grants were lately formally annulled by the "Mosquito Council," in session assembled.

adjustment of similar claims in San Salvador. It will readily be understood that, in the case of Nicaragua, there is no lack of a disposition to adopt a similar course, the ulterior results of which it is easy to anticipate.

I was also informed (and there is no doubt of the fact) that upon the 17th of April a delegate on the part of Nicaragua proceeded through Leon to Guatemala, at the invitation of Mr. Hise, to meet there a similar delegation from San Salvador and Honduras. The purposes of this convocation are, of course, unknown to me, as they were, I believe, to the department at the time of my departure.

Hon. JOHN M. CLAYTON,
Secretary of State of the U. S. of N. A.

A.

This is to certify, that Eustaquo Alvarez has paid seven pounds ten shillings for a piece of land, having sixty-five feet of frontage on the harbor and sixty-five feet on King street; bounded on the north by the sea, on the south by King street, on the east by land belonging to Juan Mesnier, on the west by land belonging to the government—sixty-five feet from east to west, and eighty-eight feet from north to south; and, until a formal grant shall be made out hereafter, that he is owner of the aforesaid piece of land.

JAMES GREEN,
H. B. M. Vice-consul.

EUSTAQUIO ALVAREZ:

	<i>£ s. d.</i>
For 65 feet frontage on the harbor	5 4 0
Annual tax	8 0
For 65 feet frontage on King street	1 6 0
Annual tax on same	2 0
Survey of harbor frontage	5 0
Registration	5 0
	<hr/>
	7 10 0

Received payment:

ROBERT COATES,
Temporary Surveyor.

B.

SAN JUAN DE NICARAGUA,
June 10, 1849.

SIR: In reply to your note of this morning, requesting such information as I may possess upon the "natural means of communication between the Atlantic and Pacific oceans through the State of Nicaragua," I have the honor to send you the following, condensed from my memoranda, of a personal examination of the two routes heretofore proposed as

lines of communication, viz: through the river San Juan and lake of Nicaragua, to a point opposite the city of the same name, and thence overland to the port of San Juan del Sur; and, secondly, *via* same river and lake, river Panaloya, or Zipetapa, lake of Nicaragua, and overland to Realejo.

I also informed myself of a third route, or rather a modification of the second route, substituting on the Pacific the port of Tamarindo for that of Realejo.

It may not be improper to state that frequent casual observation of the river San Juan had already convinced me that the statements of its capacity contained in the works of Mr. J. L. Stephens and Baron Bulow were erroneous. I therefore prepared to ascertain by actual measurement the depth of water in the river channel; and the results I give you as indicated by a graduated rod during the dry season—from March to May—when the volume of water passing through the river is much less than during the rainy months.

Of the length of the river, variously estimated at from seventy-nine to ninety miles, the portion presenting the greatest impediment to actual navigation is that included between the harbor of San Juan and the Colorado river, at its point of exit from the San Juan, a supposed distance of fifteen miles. The Colorado, a broad, deep stream, conveys the great mass of waters from the principal river to the ocean, leaving a comparatively small quantity to escape through the San Juan, the velocity of whose current is correspondingly diminished. Hence occur, during the dry season, accumulations of quicksand, floating trees, and vegetable débris, changing with the current, and producing a tortuous and shallow channel. The freshets of the rainy seasons sweep away these obstructions, leaving an uninterrupted passage; but the geological formation of the lateral banks of the river and its tributaries, and of the numerous islands, consisting of mingled sand and light vegetable mould, presents a weak resistance to the waters, and prevents a permanent removal of the obstacles.

In March last I found no less than three feet of water in any part of the channel from San Juan to the Colorado; but in May it was diminished in many places to two feet, and in none did it exceed two and a half.

With this depth of water the loaded "bongos" of the country, whose draught is from two to three feet, cannot pass, and generally discharge part of their cargo of Brazil wood, hides, or indigo, returning from San Juan for the remainder.

From the divergence of the San Juan and Colorado to the lake, there is in no part of the main channel less than five feet of water at any season of the year; but the three "randales," or rapids of "Machuca," "San Carlos," and "El Toro," increasing in a great degree the current, present material difficulties to ascending "bongos." The widest channel between the rocks at San Carlos, the narrowest passage on the river, is about thirty feet. These rapids are not falls, as sometimes represented, but strong "ripples," in mariners' language, caused by a rocky bed. Below this point, sand constitutes the bottom of the stream, while above, towards the lake, mud predominates. The lake of Nicaragua is navigable for boats and vessels of moderate draught throughout its whole extent, though its depth is probably less than has been supposed. In November, 1826, Captain Peter Sheppard, of San Juan, an intelligent man, and

then an enterprising merchant, took a schooner of fifty-two tons through the river San Juan into the lake, by removing the keel and warping the whole distance, which he accomplished in twenty-two days. He tells me that the vessel drew three feet six inches while ascending the river, but with the keel replaced, and loaded seven feet; and that she was unable to approach within two and a half miles of the river during the dry season—the “bongos” receiving their cargoes from the vessel at that distance from the shore.

I pass over the route from Lake Nicaragua to San Juan of the South, as, in my opinion, an impracticable one; since, notwithstanding the short distance of fifteen miles, the intervening country is very elevated, rocky, and precipitous. The harbor of “San Juan del Sur” is small and unsafe, and the gulf of Palagago at all seasons exposed to violent winds.

Taking the route *via* Leon, or Managua, and assuming the distance between the two lakes through “river Zipetapa” (more properly an inlet) to be fourteen miles, about ten of these are navigable, with a wide channel and ten feet or more water, to Pasquiel, a cattle estate of Frederic Derbyshire, esq., of Grenada. Beyond this place even small canoes cannot penetrate. Innumerable large though isolated rocks fill the bed of the former river, now dry, except a small rill slowly flowing from ponds above. From “Paso Chico,” one and a half mile from Pasquiel, the rock (a conglomerate of pebble and limestone) becomes solid to Lake Managua. At Tipitapa, a little village upon the border of the lake, occurs a break of fifteen feet in the bed of the stream, over which the waters from the lake formerly fell, but these have materially diminished within the past three or four years—from what cause, except unusually dry winters, it is unknown—and at present no water escapes by this course.

The lake of Nicaragua is navigable for steam and other boats. The distance across to Moabita from Tipitapa is about thirty miles. From this point, in a direct line, there are about fifteen miles to “El Polron,” an estate situated upon a navigable creek, flowing into Realejo harbor, distant about eight miles. From the same point to “El Tamarindo,” also an estate upon a navigable creek, there are nine miles, and thence to the port of the same name about five miles. This port, though not so commodious as Realejo harbor, is safe, and English vessels annually land Brazil wood there. The country between Lake Managua and Realejo, or Tamarindo, is a very gentle and gradual slope.

The above memoranda are the result of my personal observations; and, however incomplete, I trust you will be pleased to accept them, and to believe me,

With much respect, your obedient servant,

D. TILDEN BROWN.

To the Hon. E. GEO. SQUIER,

U. S. Chargé, etc., San Juan de Nicaragua.

C.

Translation of the agreement between the State of Nicaragua and the Nicaragua Steam Company of New York, for the establishment of communications between the Atlantic and Pacific.

Don Jose Trinidad Muñoz, general-in-chief of the army of the sovereign State of Nicaragua, commissioned by the supreme government of the State, and David T. Brown, commissioned by the company entitled "the Nicaragua Steam Company of New York," having met with the object of conferring and settling an agreement respecting the construction of a canal, and the interior trade in the territory of the State, after exchanging their respective credentials, have agreed upon the following articles:

ARTICLE 1. The State of Nicaragua grants to the Nicaragua Steam Company the exclusive privilege of passage through its rivers and lakes, from the port of San Juan de Nicaragua on the North (Atlantic) sea, up the river of San Juan and through the lake of Grenada, the river of Pasquiel and the lake of Leon, to the point which the engineers of the company may select on the South sea at the port of Realejo, the Tamarindo, or any other basin or port on that coast, through the neck of land embraced between the lake of Leon and the South sea; but only by one line of route, whether it be by canals or by railroads; which works shall be constructed entirely at the expense of the said company.

ART. 2. The privilege conceded by the State of Nicaragua to the Steam Company is for the precise and positive term of forty years, counted from the date of the ratification of the present agreement by the representatives of the two parties.

ART. 3. The State of Nicaragua, in order to afford greater protection to the company which undertakes the work, engages to exact no duty of transit on the merchandise, nor tax on the passengers, transported by the boats or cars of the company. The same freedom from duties shall be extended to the machines, materials, and instruments which the company may require for its use; but it is prohibited from selling them in the interior; and in case of contravention, the company will incur the penalties declared against contraband.

ART. 4. The State gives to the company gratuitously the coal, stones, and other materials for building, in the vacant lands, and those of the government, adjacent to the line of route selected; with the exception, however, of the fortresses and military posts, and the materials belonging to individuals, for which the company shall pay the owners at prices fixed by agreement, or determined by referees. The State, in like manner, grants to the company the use of the vacant lands adjacent to the line of communication, for the establishment of houses, stores, bridges, moles, and other things necessary for the interests of the company; provided, however, that lands belonging to individuals shall be purchased by the company in the same manner as materials for building.

ART. 5. The government of the State shall provide the company with the number of laborers required, so far and as regularly as it may be able. The company shall pay these laborers at the rate of three reals per day each. Those who are considered in the organization, as officers and sergeants, shall be paid according to the military tariff of the State; the government, however, reserving to itself the right to issue such regu-

lations for their government as may be judged reconcilable with the interests of the company, without preventing freedom of contract between the workmen, artisans, and other laborers, and the company.

ART. 6. The government concedes to the steamships of the company the right of entering and lying in the ports of Nicaragua, free from all duties of anchorage and tonnage or other port duties.

ART. 7. The company engages to introduce, within six months after the ratification of this compact by both parties, the engineers required for making the preliminary examinations, and within a year after the same date it will begin the works of the enterprise; on failure to do which, the compact becomes null and of no value.

ART. 8. Upon the expiration of the forty years during which the privilege is to last, the company cedes to the State, without any indemnification, all the canals and railroads which it may have constructed, and all the buildings, steamers, cars, and machines, and others means of transportation in its possession.

ART. 9. The government allows the Steam Company, during the first ten years, to conduct the transportation through such routes as it may find practicable, by roads and lines of stage coaches, until the conclusion of the canals and railroads; but if, on the expiration of these first ten years, the said canals and railroads should not have been completed, the privilege for forty years shall end, leaving for the benefit of the State all the works, edifices, steamers and cars, previously employed in transportation, without any right on the part of the company to indemnification.

ART. 10. The company cedes to the State ten per cent. of the advantages which it may derive from the enterprise; and is bound to deliver to the government of the State in each year that amount, clearly proved by the current account of receipts and payments.

ART. 11. In case of disagreement in the settlement of accounts, the question shall be determined by arbitration of three persons—one appointed by the government of Nicaragua, one by the company, and the third by these two, both parties being bound to abide by the sentence of this tribunal.

ART. 12. The State establishes a custom-house for deposite at the port of San Juan de Nicaragua, another on the river of Pasquel, another at Moabita, and another at the port of Realejo, or another point which may be selected as the place of embarkation or disembarkation on the coast of the Pacific ocean. The buildings required for the purpose shall be erected by the company at its expense, for the State.

ART. 13. Every cargo which may be landed in either of the two ports forming the *termini* of the chief communication, shall be, without exception, entered at the custom-house of deposite, where, without breaking any package, or examining it, it shall be sealed with the seal declared by the government for marking, without distinction, all cargoes for transit, and those for introduction into the country.

ART. 14. One real shall be paid to the custom-house of deposite on each package not exceeding in width one barrel or five cubic feet; and one real more on every package exceeding such dimensions, for every five cubic feet.

ART. 15. Every cargo taken from the custom-house of deposite for transit must be accompanied by the usual permit, clearly stating the

number and marks of each package, in order that it may be recognised and received at the last custom-house.

ART. 16. If any package named on the front for transit should be wanting, and it should be proved to be sold or secreted anywhere with the knowledge of any of the agents of the company, the company shall be responsible before the courts of the country, and be subjected to the payment of the fine established by the laws of the State.

ART. 17. The cargo for introduction taken from the custom-houses of the ports shall be accompanied with its proper permit, setting forth the numbers, marks, size, and weight of the several packages, and on no account can the packages, pieces, machines, instruments, nor any other objects whatever, set forth in the permit, be landed anywhere except at the custom-houses of Pasquiel or of Moabita, as they may be directed; and in case of contravention, the company shall be responsible in the same way as declared in the preceding article.

ART. 18. The articles which the company may introduce for its own use may be landed at the port which it may prefer as most convenient, on giving notice thereof to the nearest custom-house, in order that it may take note of them.

ART. 19. The company cannot introduce for itself any articles of commerce without paying the duties established by the tariffs of the custom-house; nor can it in any way introduce any articles which are prohibited or monopolized by the government.

ART. 20. None of the passengers brought by the vessels of the company can pass over the country without passports to be obtained from the authorities of the port of disembarkation, which shall, however, be delivered at a moderate price, not exceeding two dollars each. The company shall not allow any one to take passage, either to the interior or out of the State, without such passport.

ART. 21. The company engages to transport for the benefit of the State, the interior as well as the exterior correspondence which shall be distributed by the mails of Nicaragua, but the State shall charge no postage on the correspondence of the company.

ART. 22. The company engages to give to the government of the State, on account of the ten per cent. of the advantages derivable from the work, which belong to it, funds to the extent of eighteen thousand dollars for the purpose of sending a legation to the government of the United States, in order to negotiate the alliance and protection necessary to enable the State to enter the full enjoyment of its rights over the territory and port of San Juan. The company also engages to employ all its influence to obtain for Nicaragua all the assistance of the American government, and the support which it may need.

ART. 23. The company engages to transport the civil and military officers of the government from one point of the route to another, in its vessels or cars, gratuitously, and also the troops who may be sent on the service of the State in time of peace; in which case, however, their provisions shall be charged to the account of the government.

ART. 24. The company engages, whenever the State may be involved in a foreign war, to transport its troops, armaments, and materials of war gratuitously, and to give them all the aid compatible with the interests of the company.

ART. 25. The supreme government of Nicaragua acknowledges the

following persons, individually and collectively, as forming the Steam Company to which it grants the privilege set forth in this compact, viz: Messrs. Willard Parker, Simeon H. Ackerman, Asher Kursheadt, and Daniel T. Brown, acknowledging also at the same time the right of the company to increase the number of its associates, and to supply the vacancies which may occur among them.

ART. 26. The company, as a corporate body, shall be styled the *Nicaragua Transit (or transportation) Company*. It shall communicate with the government of the State through the medium of commissioners which it may appoint for the purpose, and may adopt such seals and marks for its official communications and documents as it may judge necessary. It shall give notice to the supreme government of the State of the president and secretary, on each election of such officers. The company shall have, within the territory of Nicaragua, all the rights and liberties enjoyed for their interior government, by the transportation companies of New York.

ART. 27. All citizens of the United States employed by the company shall enjoy, during their residence in the territory of Nicaragua, the civil rights of the Nicaraguans, and in cases of delinquency they shall be subject to the penalties fixed by the laws; but they shall be exempt from payment of direct contribution.

ART. 28. In cases of blockade of the ports in foreign war, or of epidemics, suspending the course of transit, a period of time will be allowed equal to that which is thus lost, in order to complete the forty years of duration of the privilege.

ART. 29. The present agreement shall be ratified, by the persons empowered by both parties, within the positive term of four months, counted from this date; and in case it be ratified by only one of the parties, it shall have no effect nor value in future.

Signed at the city of Managua on the 14th of March, 1849.

J. T. MUÑOZ.

D. T. BROWN.

A true copy from the original.

SEBASTIAN SALINAS.

GOVERNMENT HOUSE,

Santiago de Nicaragua, March 17, 1849.

The Senator, Director of the State of Nicaragua, to its inhabitants:

Whereas the Legislative Assembly has decreed as follows:

The Senate and Chamber of Representatives of the State of Nicaragua in assembly convened do decree:

ARTICLE 1. Each and all of the twenty-nine articles of the agreement concluded in this city on the 14th instant, between the general-in-chief, José Trinidad Muñoz, commissioned by the government, and Doctor David T. Brown, commissioned by the Steam Company of Nicaragua, composed of citizens of New York, respecting the line of transportation from the Atlantic to the Pacific through Nicaragua, are approved.

ART. 2. So soon as this agreement shall have received its ratification by both parties within the term prescribed by its last article, it shall be-

come a law of the State; and the government shall comply with it, and cause it to be observed and fulfilled as such.

Given at the hall of sessions of the House of Representatives, at Santiago de Nicaragua, on the 16th of March, 1849.

ROSALIO CORTES,
Representative President.
DAMASO SOUZA,
Representative Secretary.
BASILIO SALINAS,
Representative Secretary.

To the EXECUTIVE POWER.

Hall of the Senate, at Santiago de Nicaragua, March 16, 1849.

PEDRO AGUIRRE,
Senator President.
JOSÉ DE JESÚS ROBLES,
Senator Secretary.
TORILIO JEFERINO,
Senator Secretary.

MANAGUA, March 17, 1849.

Wherefore let it be executed.

BENITO ROSALES.

To the Licentiate SEBASTIAN SALINAS,
Secretary of Relations and Government.

GOVERNMENT HOUSE, SANTIAGO DE MANAGUA,
March 17, 1849.

A true copy from the original.

SEBASTIAN SALINAS.

—
D.

Grant from the "Mosquito King" to Samuel Shepherd & Co.

Know all men present and to come: That we, Robert Charles Frederick, King of the Mosquito nation, by and with the consent of our chiefs, and in consideration of the true and laudable services to us rendered and hereafter to be rendered by Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, late of the island of Jamaica, of our special grace and of our certain knowledge and free motion, have given and granted, and by these presents, sealed with our seal, do give and grant unto the said Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, their heirs and assigns, all that tract or district of land situate, lying, and being between the south side of Great river and the northern bank of Bluefields Main river, butting and bounding westward on the Spanish lines and eastward on the seacoast: together with all that tract or district of land situate, lying, and being between the south side of Bluefields Main river and the northern bank of St. John's river of Nicaragua, butting and bounding westward on the Spanish lines, and eastward

on the seacoast: together with all arable lands, meadows, pastures, waters, trees, wood, underwood, and the ground and soil thereof, mines, minerals, quarries, ways, waters, water-courses, forests, chases, parks, warrens, fishings, fisheries, and all and singular the liberties and profits of the said land, or any part thereof, deemed or known as part or member with their and every of their appurtenances, to have and to hold the same, unto the said Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, their heirs and assigns forever, as tenants in common, and not as joint tenants. And we do hereby declare that it shall be lawful for the said Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, their heirs and assigns, on the said tract or district to erect houses and other buildings, and to introduce foreigners to settle upon and colonize the said tract or district, and to cultivate the land thereof; and further, that it shall and may be lawful for the said Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, their heirs and assigns, and the inhabitants of the said tract or district freely to pass and repass to and from the said tract or district, and to navigate all rivers and waters running through the said tract or district, or communicating therewith or with any ports thereof; and to cut the timber and underwood on the said tract or district of land, and to hold and carry away the same; and to hunt and fish, and the produce of such huntings and fishings to hold and carry away as their own proper goods and chattels without the let, suit, or hinderance of us or our subjects. And we do hereby declare that we will not at any time hereafter impose any taxes, dues, or customs upon the said Samuel Shepherd, Peter Shepherd, Stanislaus Thomas Haly, their heirs or assigns, and that we and our subjects will not trouble or molest the same, but will at all times do all things which may tend to their succor and protection.

Given under our hand and seal the twenty-fourth day of January, one thousand eight hundred and thirty-nine, and in the fourteenth of our reign, and then executed on paper in the presence of these witnesses, to wit: J. M. Daly, G. C. Shepherd, G. Vize, H. Boachet, Robert Haly, and S. T. Haly, jr., and now re-executed on parchment, as a duplicate, the 28th day of November, in the year of our Lord and in the year of our reign as aforesaid.

ROBERT CHARLES FREDERICK.

Signed, sealed, and delivered in the presence of—

GEORGE VIZE,
F. BOUCHET,
ROBERT HALY,
THOMAS LOWRY ROBINSON,
General PETER SLAM.

Be it remembered that, on the 24th day of Jantuary, 1839, peaceable and quiet possession of the lands, with hereditaments within mentioned, to be granted and enfeoffed, was taken and had by the within named Samuel Shepherd, Peter Shepherd, and Stanislaus Thomas Haly, and by the said Robert Charles Frederick delivered to the said Samuel Shepherd,

Peter Shepherd, and Stanislaus Thomas Haly; their heirs and assigns, forever, in the presence of us.

GEORGE VIZE,
F. BOUCHET,
ROBERT HALY,
THOMAS LOWRY ROBINSON,
General PETER SLAM.

Mr. Squier to Mr. Clayton.

[Extracts.]

[No. 2.]

GRENADA, NICARAGUA, June 23, 1849.

SIR: I avail myself of the probable speedy departure of Mr. J. E. Priest (a citizen of New York) for the United States, to inform the department of the arrival of myself and suite in this city, on the 21st inst., in good health, after a voyage of eight days from San Juan. The trip is regarded as an exceedingly rapid one. At this season of the year it is seldom made in less than ten or fourteen days, and at no season in less than six or eight. The estimated distance is one hundred and eighty miles, the greatest part of which is taken up by the lake of Nicaragua, or Grenada. The passage of the lake is comparatively easy. We made it in two days: with favorable winds it is often made in twenty-four hours. From this it will be seen that the navigation of the river San Juan is slow and difficult. I shall reserve my observations upon that stream, and the facilities which it affords for an oceanic connexion, for another communication, meantime observing that the letter of Doctor Brown (which I had the honor of forwarding with my despatch of the 10th instant) is entirely accurate, so far as it relates to the San Juan and Lake Nicaragua, as I have no doubt it also is so far as it relates to the remaining section of the proposed canal route from this point to the Pacific.

I find that my arrival here has been for some time anticipated by the government, and that instructions have been issued to all of the departments, enjoining that every attention shall be paid and every facility extended to me in pursuing the object of my mission. My reception at the fort of San Carlos and at this city has not only been in strict conformity with these instructions, but the attentions of the authorities and prominent inhabitants have been rendered in such a manner as to convince me that the most friendly sentiments are cherished towards our people, and that the highest hopes are entertained from more intimate relations with the United States. These hopes are exceedingly vague, and so little is known here of the nature, constitutional powers, and the policy of our government, that I fear many of them will be disappointed. They are, nevertheless, under the circumstances, entirely natural. Distracted at home, threatened with an extinguishment of her national independence, and her appeals unnoticed by the more powerful governments to which they have been addressed, it is not surprising that Nicaragua turns to the United States for countenance and protection. So far as this can be consistently rendered, I am assured from my instructions, and from the disposition of the American people, that I shall be sustained in extending it. Once treated with consideration and taught to respect herself, I am sure many of the causes which have hitherto retarded the

progress of this really magnificent country will be removed, the spirit of her dependant people aroused, and some degree of permanence restored to her government. Until then her best citizens will continue to expatriate themselves, or keep aloof from public affairs, and the administration of the government be left to incompetent men or unprincipled adventurers.

* * * * *

I shall proceed to the seat of government with all reasonable despatch. By advices from the Messrs. White, I learn that they have as yet done nothing of importance in the matter of a contract with the government relative to a canal, &c., but are anxiously awaiting my arrival.

By the accompanying document (A) it will be seen that Mr. Manning, the British vice-consul at Leon, has entered a formal protest (!!) on behalf of his "Mosquito Majesty" against the contract executed by Mr. Brown, a copy of which was forwarded with my last despatch. The English officials have hitherto been so successful in accomplishing their objects by menace, that they may have fallen into the error of supposing that they have a prescriptive right to interfere with the internal affairs of every nation not able to cope with their own in arms. To Mr. Manning's amusing protest I append the reply of Salinas, foreign minister.

The information which I transmitted on the 10th instant respecting the contract entered into between Mr. Castellon and an English company proves to be correct. I presume that the department has received the same information from other sources. Lest, however, this should prove not to be the case, I shall endeavor to obtain a copy of the contract, with the accompanying correspondence, if possible, in time to forward the same with this communication.

* * * * *

In my communication of the 10th, I mentioned that I had received information of the appointment of a delegate from Nicaragua, for Guatemala, at the invitation of Mr. Hise, to meet there similar delegations from San Salvador and Honduras. I find, upon examination here of the files of the government papers, that the delegate or commissioner on the part of Nicaragua is Señor Buenaventura Selva; and from a published letter from that official, dated Guatemala, May 17, and addressed to the Foreign Minister of the State, I learn that he arrived in that city two days previously, and that negotiations had already been opened with Mr. Hise for the settlement of the terms of a treaty between Nicaragua and the United States. How far these negotiations have proceeded I am not informed, but have no doubt that a treaty of some kind has been agreed upon. If so, I shall be placed in a situation of some embarrassment, as I conceive that Mr. Hise has no authority for the step he has taken, and is certainly not informed of the present views and desires of our government. By referring to Mr. Buchanan's instructions to Mr. Hise, I find that so far from being empowered to negotiate treaties with Nicaragua, Honduras, and Costa Rica, *he was expressly advised to the contrary*, without further instructions from the Department of State. No such instructions have, I believe, been communicated to him.

Under these circumstances, I have addressed a note (B) to the government of this republic, requesting that the treaty made at Guatemala (if such exists) may be allowed to pass as unofficial, and that new negotiations may be entered upon at the seat of government.

My former communication was submitted, subject to future corrections. I find that Costa Rica (probably under improper instigation) has lately asserted that her territories not only extend from the Serapique river to the sea, but also from Salinas bay, on the Pacific, in a right line eastward to Lake Nicaragua; along the southern shore of that lake, and thence along the San Juan river to the Atlantic. This claim covers several towns which have always been in the undisputed possession of Nicaragua; and also the military station at the Castillo Viejo, on the south bank of the San Juan.

In referring to the grants of land made by the so-called Mosquito King to Shepherd and others, I neglected to mention, what I presume was well known to the department, that all these grants were not long since formally revoked by the present "King" at the instigation of Mr. Walker, Dr. Green, and other English agents. Still, the + (his mark) of one savage is, I presume, quite as potential as that of another, and quite as worthy of regard. In conclusion, I must again be permitted to suggest not only the propriety, but the absolute importance of the visit of a United States armed vessel to the port of San Juan. If one of the vessels of the Pacific squadron could touch at Realejo, and afterwards at Puerto Arenas, in Costa Rica, I am convinced beneficial effects would follow. The frequent visits of English armed vessels has left an exaggerated impression of British power, which, in Costa Rica at least, may result in the virtual establishment of English supremacy, the Costa Rican minister at St. James to the contrary notwithstanding.

The importance of the trade, &c., of the Central American States, present and prospective, I am satisfied have not been hitherto properly estimated by our government and our people; and since our interests in the Pacific have lately been so much augmented, I conceive that no time should be lost in placing our relations here on the best and most enduring basis. To this end I shall direct my efforts; and to this end, also, I shall endeavor to place before the department all data of importance which I may be able to obtain.

With my next communication, I hope to be able to forward a detailed map of the river San Juan, with the information necessary to an understanding of the actual capabilities of that stream.

Meantime, I remain, &c.,

E. GEORGE SQUIER.

A.

To Don Sebastian Salinas, Secretary of State.

PROTEST.

LEON, May 25, 1849.

Sir: In reference to the contract concluded by the government of the State of Nicaragua, and a North American company, represented by Dr. D. T. Brown, to effect a communication across this isthmus, I am instructed to announce to your government that the Mosquito territory comprises the river San Juan up to the rapids of the "Machuca," and that all the

river below that point is subject to the jurisdiction of the "Mosquito government," and that no usurpation of those rights will be consented to by her Britannic Majesty's government, as protector of said nation.

I have the honor to be, sir, your humble servant,

THOMAS MANNING,
Chargé of the Vice Consulate.

CONTESTACION.

D. U. L. CASA DE GOBIERNO,
Leon, May 26, 1849.

Dicuenta al Director supremo del Estado con la comunicacion de V. en que, con fecha 25 del corriente, indica derechos territoriales en la costa de Mosquitos y rio de San Juan de Nicaragua hasta el randal de Machuca, con motivo de la contrata concluida entre este Estado y la compañia de New York, representada por el Dr. David T. Brown, para la comunicacion interoceánica desde el indicado puerto de San Juan, hasta el pacifico; y este alto funcionario me ha dado orden de contestará V. que sin entrar por ahora en cuestior, sobre la mission y autorizacion de V. como vice-consul Britanico en el puerto del Realejo, para hacer esta clase de reclamaciones, el Estado de Nicaragua en ningun tiempo ha dudado, ni prescirdido de sus incuestionables derechos en la costa, puerto, y rio expresados; que portanto nunca ha reconocido á los Mosquitos, ni menos al Gobierno Ingles, la menor sombra de derecho en las predichas puntas; y que, por lo mismo, admira que V. le reconvenga sobre propriedades y possessiones que le reconocentodas las naciones del mundo.

Con sentimientos de aprecio, me suscribo de V. at servidor,

SEBASTIAN SALINAS.

Sr. D. TOMASO MANNING,

Vice Consul Britanico en el puerto del Realeja.

B.

LEGATION OF THE UNITED STATES,
Grenada, June 23, 1849.

SIR: By an official publication in the "Gazette of the Isthmus," I learn for the first time that a commissioner on the part of the republic of Nicaragua has proceeded to the city of Guatemala, there to negotiate a treaty of peace and amity with the United States of North America, represented by Mr. Elijah Hise, late chargé d'affaires of the United States to the republic of Guatemala. By the letter of the commissioner of Nicaragua, dated "Guatemala, May 17, 1849," I perceive that the preliminaries to such a negotiation had been entered upon.

It is proper to inform your excellency that Mr. Hise was superseded on the 2d of April last, upon which date I received my commission as his successor.

It is also proper to say that Mr. Hise was not empowered to enter upon

any negotiations of the character referred to: although it has been and still is the earnest desire of the United States to cement, in the firmest manner possible, the friendship and good correspondence which now happily exists with the republic of Nicaragua.

No objection will probably be made to the terms of the treaty which may have been agreed upon at Guatemala; but there are several matters of the highest importance to the interests of both republics, of which Mr. Hise could not have been advised, and which it is essential should be regarded in the articles of any treaty which shall be made.

I have, therefore, to request that no action will be taken by the government of Nicaragua upon the inchoate treaty which may have been negotiated at Guatemala, but that the same may be allowed to pass as unofficial.

The propriety of this course will at once be obvious to your excellency.

Begging you to accept the assurances of my highest regard, I am, sir, your obedient servant,

E. GEORGE SQUIER.

To his Excellency the MINISTER OF FOREIGN AFFAIRS
of the Republic of Nicaragua.

Mr. Squier to Mr. Clayton.

[Extracts.]

[No. 3.]

LEGATION OF THE UNITED STATES,
Leon de Nicaragua, August 20, 1849.

SIR: I have the pleasure of informing the department of my arrival in this city, on the 5th of July, after a detention of twelve days in Grenada. This delay was occasioned by the disturbances in the country to which I have alluded in a previous despatch. The insurrection which then threatened such disastrous consequences has, I am happy to say, been put down, and the insurgent chief, Somosa, together with his principal adherents, taken and shot. Quiet is now restored, and may continue for some time; but it is difficult to predict, in these countries, "what a day may bring forth." Before leaving Grenada, I began strongly to suspect that the government was not exerting itself as it should, in restoring order, and felt it my duty to give it to understand that I could not proceed with the objects of my mission while things remained in the unsettled condition they were then in. I consequently addressed a letter to the Chief of the State, (a copy of which, together with his reply, accompanies this communication, A.) I have good reason to believe that this letter had a salutary influence.

My progress from Grenada here, furnished abundant evidence of the friendly feelings entertained by the people of this country towards the United States. At every town I was welcomed with every demonstration of respect, and upon approaching this city was met by the principal civil, military, and ecclesiastical officers of the State, headed by the bishop, and accompanied by a large cavalcade of the leading citizens. Almost the entire population lined the streets through which we passed, and shouted, "*Live the United States of North America,*" to the accompani-

ment of the bells of the cathedral and churches, and repeated salvos of artillery. In the great square the military of the city were paraded, and with this escort I passed to the residence of the United States consul, Dr. J. W. Livingston. These demonstrations have been followed by a complimentary civic and military ball, and by a public dinner, in which the United States and its government were toasted to an almost unanswerable extent. Besides addresses from several of the municipalities, and other public testimonials of friendship and good feeling, there have been afforded abundant private evidences quite as conclusive. You will find a more detailed account of the proceedings alluded to, in the copies of the official paper of the State, which I enclose herewith. I have referred to them here, simply to illustrate the present favorable disposition of the government and the people of this State towards us as a nation.

Upon the 9th of July, (four days after my arrival,) I presented my credentials to the government. Advantage was taken of the occasion to renew some of the demonstrations which attended my arrival. My own remarks, and those of the Director of the State, in reply, are given at length in the official gazette. It will not be improper to add, that the publication of these in San Salvador and Honduras was received by the firing of guns, the ringing of bells, and other marks of satisfaction.

I transmitted with my last despatch (No. 2) a copy of a letter which I had addressed to this government, in relation to the proceedings of Mr. Hise at Guatemala. Since my arrival here the commissioner appointed on the part of this government (Mr. Selva) has returned. As I anticipated, he brought with him a "commercial treaty," and a special convention "respecting a canal, and other matters." As I understand at Mr. Hise left Guatemala for the United States on the 21st of June, I presume the documents referred to have already passed into the hands of the department. I will only add, therefore, that I conceive the provisions of the "special convention" are most extraordinary, and in conflict with the policy which the United States has hitherto uniformly preserved in its foreign relations. I am surprised to the last degree, that this gentleman should venture to take so important a step, in the total absence, as I believe, of all authority. But I am the more surprised that he should have written in the terms he has done to this government while he had Mr. Buchanan's instructions before him informing him that it "was not deemed advisable to empower him to conclude a treaty with either Honduras, Nicaragua, or Costa Rica." In this connexion, I beg to call the special attention of the department to the accompanying copies of Mr. Hise's official correspondence with this government at Guatemala, and also to a copy of a letter written subsequent to that event, addressed to the United States consul at this point. These are collectively designated as document B.

Not entirely satisfied that Mr. Hise's treaty is the best which human ingenuity can devise, and convinced that it cannot receive the sanction of the government at home, I have proceeded as if it had no existence, and shall endeavor to arrange the terms of a new treaty, in conformity with the settled principles of our foreign policy, and my instructions. A commissioner, invested with full powers, (Don Hermenegildo Zepeda, a man of great moderation and high repute,) has been appointed to treat with me; but by common consent, nothing definite will be done until the conclusion of the contract now pending between the American Canal

Company and the State of Nicaragua. Sr. Zepeda is one of the canal commissioners. The conclusion of the contract will be effected in a day or two more. I have had such provisions inserted as may serve to commend it to the government of the United States. The contract entered into with Mr. D. T. Brown, transmitted with my first despatch, has been declared forfeited by the government of the State, in consequence of the failure of the company to accept its provisions within the required time. It had, however, never received the sanction of the Executive of the State, without which it was of no effect.

The people of this State have formed the highest hopes from the construction of the proposed canal, and from their probable future relation with the United States. But, as I have said in a previous communication, these hopes are exceedingly vague. Such is the state of public feeling, that should the government or the General Assembly of the State refuse or neglect to act promptly in the matter of the contract and treaty, they would be thrust from power with very little ceremony, and perhaps not in the gentlest manner. But the government seems as favorably disposed as the people, and I hope to be able to despatch the ratifications of both treaty and contract by the 20th proximo.

I need hardly say that the official agents of Great Britain in Central America, and particularly at this point, are exceedingly jealous of our operations, and neglect no means to thwart what they conceive to be our objects. It is unfortunate that the interests of the United States in these countries have been so long overlooked. The English have hitherto had the control of affairs entirely in their own hands, and have done precisely as they pleased. To * * * * , strange as the assertion may seem, we may ascribe the dissolution of the republic of Central America, and many of the subsequent distractions of the individual States. The confederacy opposed a barrier to their encroachments on the Atlantic coast, and the confederation fell with its last pillar, Morazan, treacherously shot in Costa Rica * * * * now a virtual province of England. The seizure of the island of Raatan, and an arrogant claim to half the State of Honduras, followed quick upon these events. The State of San Salvador, more discerning than the other States, endeavored to check further encroachments, and protested firmly against these high-handed measures. It was not long, however, before she was punished by an invasion from Guatemala, incited by British agents, and sustained by British gold, furnished under the disguise of a *loan*, secured by a hypothecation of the revenues of the State. San Salvador successfully resisted her assailants, and turned the tables against them. In less than six months, however, an English fleet blockaded her ports, and all possible means have since been resorted to to subdue her independent spirit. But however much she has suffered, she has continued to sustain her position, repelling insolence by insolence, and yielding nothing. And at this moment the British consul general, having succeeded in procuring the return of Carrera (a tool of his own making) to Guatemala, against the wishes of nine-tenths of the inhabitants of the State, is inciting that chief against San Salvador, offering a loan of \$1,000,000, secured (always!) by the hypothecation of the revenues and a mortgage on the public domains. So, let the collision result as it may, British interests will be subserved. My arrival here has been the signal for renewed insolence towards this State, the government of which is in the weekly

receipt of communications from the above named official, making all kinds of demands, and loaded with threats in case they are not complied with. * * * * *

He has demanded, amongst other things, the immediate payment of certain debts of the State due to British subjects, the liquidation of which has already been provided for, with Mr. Chatfield's approval, by the appropriation of all the revenues of the State. To give efficacy to this demand, a steamer of war and a frigate have been ordered before Realejo, the principal port of this State on the Pacific, and their arrival is expected in the course of a few weeks. My information upon the point is positive.

I have received through the hands of the British vice-consul a certified copy of a communication from the consul general, addressed to this government, in which it is informed that it "must bear in mind that the payment of the bond debt and of Reids, Irving, & Co.'s must be provided for, in any arrangement that the government is inclined to make for opening a canal or constructing a line of communication across the territory of the State." I have paid no attention to this letter. I have also received from the same an official communication designed to draw out a reply, which might place me in a false position towards some influential members of the government. Under the circumstances, I thought proper to dismiss it in a summary manner. The correspondence (although of slight importance) is appended, (C.) Costa Rica, although there has, as yet, been no public declaration to that effect, and notwithstanding the declaration of her representative in England, has offered to place herself under British protection, and I have no doubt the offer has been accepted. Mr. Castellon writes positively to this effect. If further evidence was needed upon this point, it is afforded in the recent proposition to this government made by the British vice-consul, Mr. Manning, offering \$100,000 for the relinquishment of the claims of Nicaragua over the territories on the Pacific and the St. John's, to which Costa Rica has recently set up pretensions. This offer was ostensibly made on the part of Costa Rica; but that State has no \$100,000 to give, even to preserve her own nationality.

* * * * *

The department will pardon me for dwelling so much upon the designs of the English and their movements. It is impossible for any one not on the spot to discover or appreciate their extent and intricacy. Their consuls at every prominent point keep each other constantly apprized of what is going on, and no expense is spared to sustain, and no opportunity neglected to promote, the interests of Great Britain and her subjects. There is much to admire in the efficiency of the organization which they keep up; its perversion is the only subject of complaint. On the other hand, the persons to whom the interests of the United States have hitherto been intrusted, with scarce an exception, seem to have regarded their residence here as a kind of banishment, and so far from availing themselves of the favorable disposition towards the United States, have betrayed an indifference to the objects of their missions eminently culpable. In a country where intercommunication is so difficult as here, and where it requires from 60 to 90 days to procure replies to letters sent from one extreme to the other, it is of the first importance that our consuls and commercial agents should be men who have some regard for their offices besides the local immunities which they confer. They should be taught to regard it as an important part of their duties to have free and full communication

with the principal diplomatic officer of the United States in the country where they reside, and to keep him apprized of what is transpiring, so as to enable him, if called upon in any matter of public importance, to act understandingly. In countries where railroads and steamers are common, where communication is rapid, and where an enterprising press daguerreotypes whatever is transpiring, the necessity for such attention on the part of the officers of the government is not so great. Without wishing to disparage any one, or intending to reflect on the policy of preceding administrations in neglecting to keep up constant relations with the States of Central America, I am convinced that if our diplomatic and other agents in these States had maintained a proper degree of vigilance, and exercised their influence judiciously, most of the distractions which have prevailed, and the aggressions which have followed in consequence, would have been prevented, and that, too, without resort to intrigues of doubtful propriety, and without any departure from the strict line of diplomatic duty.

* * * * *

In Mr. Buchanan's instructions to my predecessor, and which are sanctioned by my own, Mr. Hise was directed, "by his counsel and advice, should suitable occasions offer, to promote the reunion of the States of the old confederation." My inclinations, no less than my instructions, have led me to bestow considerable attention upon this point. Upon my arrival here I was not long in discovering that between Honduras, San Salvador, and Nicaragua much cordiality prevailed, and that between Honduras and Nicaragua a secret league, both defensive and offensive, existed. Between the three, also existed treaties binding them together in very intimate relations. This relationship, it may be suspected, has resulted rather from a sense of common danger, and from that kind of sympathy which injuries from a common source often create, than from positive good feeling between the States; for it is well known that, on more than one occasion, at periods not very remote, they have been arrayed against each other in deadly strife. For a number of years, however, they have been at peace, and the encroachments and persecutions to which they have been subjected have had the double effect of showing them their weakness and danger, while maintaining an isolated position, and of destroying that foreign and unfriendly influence which had previously been exercised only to foment and sustain discord among them. As a consequence, their exterior policy has lately been the same, and copies of all correspondence relating to it have been freely exchanged. This common bond, it would seem, might be strengthened so as to unite them into a permanent confederacy. I have no doubt it may, as soon as ground is broken for the construction of the proposed canal, and the trade and industry of the entire country revived, as it certainly would be in this contingency. At present, however, without revenues which could be diverted to the support of a general government, and while in a state of incertitude as to what the future may bring forth, I am sure, notwithstanding such union is generally desired and contemplated, that it could not be effected on a permanent basis. Such, I find, is also the opinion of the best-informed and the most patriotic men with whom I have come in contact—men who desire to live only to see this grand result brought about. Under these circumstances, I have advised—and the attempt seems likely to be successful—that a union, for the purpose of maintaining and conducting foreign relations under a common name, should at once

be formed. I have, therefore, (the State of Nicaragua taking the initiative,) addressed a letter to the several States, which is appended, (E,) and which will further explain the plan I have suggested. I am happy to say it has been favorably received on all hands, and that commissioners, fully empowered, are daily expected in this city to consult upon the matter.

With regard to Guatemala and Costa Rica I am unprepared to speak. They are both at present under British influence, and may become, in fact, what they are now virtually—British provinces. In the former State, Carrera has been recalled and intrusted with the control of the arms of the State; but the country is hostile to him, and I should not be surprised to hear of his overthrow and death within a very short period. If there is a collision with San Salvador, I regard such result as almost certain. The people of that State, the stronghold of the old spirit of union, have a long and bloody account to settle with the Indian chieftain.

Having some time since ascertained what could be effected, and determined upon my own course upon the matter of the proposed treaty with this republic, I addressed a letter to the consul general of France resident in Guatemala, a copy of which is enclosed, (F.) It will be seen that it is written in the past tense, in order that it may be more likely to secure prompt attention. My object (which, however, requires no explanation further than what the letter itself conveys) was, to secure the co operation of France in time to enable its action to appear nearly simultaneously with that of the United States. I have not yet received an answer, but shall expect one by return courier. I have reason to believe that my suggestions will be complied with to their full extent. The light in which France looks upon the English operations in Mosquito is shown in a letter from the French consul, addressed to the government of Nicaragua. I have not written to Mr. Poussin, as proposed in my letter to the French consul, not doubting that the department will communicate with him if deenied proper.

Upon the 12th of August I addressed a letter, (H,) and have since forwarded a duplicate, to the commander of the American squadron on the Pacific. I was induced to take this step, not so much for the specific reasons set forth in the letter, as with the design of preventing the contemplated further encroachments of Great Britain on the western coast of Honduras. The simple presence of an American armed vessel would go far to disconcert her plans, for she has hitherto relied much upon the supposed indifference of nations * * * * * whose opposition she might not wish to encounter. Honduras, in common with the other Central American States, it is alleged owes certain debts to British subjects, contracted wholly or in great part under the old federation. The amount is some \$300,000; and * * * * this indebtedness is made the pretext for whatever high-handed measure she may find it convenient to adopt. Our recent acquisitions on the Pacific, the opening of a route across the isthmus of Panama, and the proposed canal across Nicaragua, have made her dread American preponderance on the Pacific. In pursuance of her settled policy, she has therefore determined to get possession of some commanding point, which shall enable her to hold a check upon, if not prevent, this ascendency. Now, upon the whole western coast of North America there is no point so admirably adapted for these purposes as the bay or gulf of Fonseca or Concha-

gua. In the "*Observations upon the Nicaragua ship-canal route*," which I forward with this despatch, I have explained the position, extent, &c., of this magnificent bay; and to this I beg to call the special attention of the department. Second only to San Francisco in natural advantages, it must be, if a canal is opened across the continent, vastly more important in a commercial point of view. Here all the fleets of the world may anchor in security, and have at hand all the means of refitting and victualling, besides being in an advantageous position in respect to all the great centres of trade of the western hemisphere. This grand bay is commanded by an island, of large extent and great beauty, called the Tigre, belonging to Honduras, upon which is situated the free port of Amapala, which is every day increasing in importance. This island is, then, as may be supposed, an object of much interest to Great Britain, and she has determined to possess herself of it. For this purpose the naval force to which I have elsewhere alluded, and which is daily expected here, has been sent; and, meantime, attempts are on foot to induce Honduras to make a cession of the island in payment of her debts. This she cannot do without involving herself in hostilities with her more powerful neighbors, San Salvador and Nicaragua: both of which States not only have ports on the gulf, but are at the mercy of any great power which may hold it. The result is, therefore, far from doubtful. Unless there is some speedy and efficient intervention, the island will certainly be seized by way of indemnity, and become, upon the western coast, what Jamaica and Raatan are upon the eastern. My information upon these points, unfortunately, admits of no doubt. In fact, in Costa Rica, where it is safe to do so, no disguise is attempted, and the design is openly avowed; even here it is but poorly concealed. Feeling sure that the United States cannot look with indifference upon a proceeding so flagrant, and which is certain to affect her interests in a very serious manner, I have ventured upon a step which, it is possible, may not meet the approbation of the department, but upon which I cannot, from the nature of the case, ask its advice. No sooner did I find myself in possession of information of an authentic character, to the effect above indicated, than I despatched a special courier to the seat of government of the State of Honduras, with the accompanying letter, (L,) addressed to the chief of the State. I have not yet received an answer, for the way is long and difficult; but I expect one daily. I think my suggestions will be followed; and that, notwithstanding the treaty negotiated by Mr. Hise, a commissioner will be sent for the purpose specified in my note. It will be observed that I have not pointed out the precise means which I conceive proper to effect the objects desired, deeming it most prudent to speak in general terms. The most feasible method which occurs to me is to procure the cession of the island to the United States, for a term of years, or perhaps its absolute purchase by the United States. Either mode of keeping it out of British hands would be satisfactory to the other States, and the latter would relieve the State of Honduras from further persecutions. There is, I am aware, no precedent in the history of our foreign relations for a proceeding precisely of this character; and it could be supported only on the broad grounds of national interest and the general welfare—please *practically* competent to warrant the purchase of Florida and Louisiana, the annexation of Texas, the purchase of California, and the extension of the protection of the United States over the

isthmus of Panama. In case the commissioner arrives in time, I shall make some conditional arrangements, probably, for its purchase, referring the matter for final settlement to Washington; but meantime, if necessary, planting the American flag upon the Tigre, and forbidding the touch of a hostile foot upon its soil. I shall do this, assuring the government of Honduras that I am wholly uninstructed upon the matter, and that the whole proceeding may be disclaimed by my government. There are, however, so many contingencies involved, that it is likely I may have no occasion to act in the matter.

Appended (K) is a copy of a letter which I have sent to the States of Nicaragua, Honduras, and San Salvador. The movements here in respect to a canal, &c., have already had the effect of bringing forward adventurers, who promise great things to the unsophisticated people, provided they shall receive certain exclusive grants and privileges. Anxious that all legitimate avenues of industry and trade shall be left open to competition, I have not only refused to lend my countenance to any of these schemes, but have advised the respective governments against them. It is probable the department may be annoyed with complaints from disappointed adventurers.

Reserving my observations upon the nature and practicability of the proposed canal route, and upon collateral subjects, for another communication,

I have the honor to subscribe myself, &c.,

E. GEO. SQUIER.

B.

LEGATION OF THE UNITED STATES OF NORTH AMERICA,
Guatemala, January 12, 1849.

SIR: Two letters were placed in my hands on the 10th instant, from your excellency, one dated the 22d, the other the 24th of December past.

Be pleased, sir, to accept my thanks for the sentiments of respect, admiration, and friendship towards the government of the United States of North America entertained by you, and no doubt by your government, and which you have so beautifully expressed in those letters. As an American citizen, and as her diplomatic representative in Central America, I am pleased and gratified to find that the high character of my government is duly appreciated by the other republics of North America.

The important subjects referred to in your letters have been considered with attention by the United States, and I have been instructed fully thereupon. I have the honor to announce officially to you, and through you to your government, my present residence in this city as chargé d'affaires of the United States. I respectfully request your government to appoint and despatch to this city a commissioner, invested with full and ample powers to negotiate and treat upon the very important affairs referred to in your two letters above named. And I shall be prepared to receive such commissioner with much pleasure and due respect, and will enter upon the negotiation of the highly important interests alluded to above, and conclude with your government a treaty of amity and commerce, in which, also, stipulations and terms of agreement upon other

subjects of the *deepest* and *highest* interest to the two countries, and to the world in general, may be inserted and concluded.

I am instructed to make my permanent residence in this city, and if negotiations are carried on and treaties made with the other States of Central America, it must be by, and through, the medium of commissioners sent by those States, (with full powers and instructions,) to meet and confer with me in this city. In the present state of the country, and in my present condition as to health, it is not, and, I think, will not be, convenient or practicable for me to visit the capitals of each of the States of Central America, and I am not instructed to do so by my government. Yet negotiations can be carried on, and treaties made, with commissioners sent by those States to this city.

I learn from your letter of the 22d December, that your government has despatched a diplomatic agent to Washington city, our capital, with full instructions. Such being the case, negotiations with your State may be carried on at that capital. Yet, for fear of failure in negotiations there, would it not be prudent, by means of a commissioner from your government, to enter upon negotiations and conclude a treaty at this city? This is for the consideration of your government.

In the mean time, I say to you, that the United States hopes and desires that the State of Nicaragua will stand firmly on her rights, and that she may not, for a moment, consent to yield to the diplomatic arts that may be practised, or the threats of hostility which may be uttered by Great Britain, a single foot of her rights of territory and dominion in and upon the Mosquito coast and country, and over the rivers and port of San Juan de Nicaragua, or to any of her rivers or ports on the coasts either of the Atlantic or Pacific seas.

I am, with great respect, &c.,

ELIJAH HISE.

His Excellency S. SALINAS,

*Secretary of State and Minister of Foreign Affairs,
of the State of Nicaragua.*

GUATEMALA, February 14, 1849.

Sir: I received your letters dated the 22d and 24th of December, 1848, to which I replied by my note dated the 12th of January, 1849. In this answer, after expressing my thanks for the sentiments of respect and friendship manifested by your government for the United States, and after announcing to your excellency formally and officially the fact of my residence in this city as chargé d'affaires of the United States of America to this country, the suggestion is made as to the propriety of negotiating a treaty between my government and yours by means of a commissioner despatched to this, where I am instructed to reside.

For fear my letter may not have reached your excellency, I send a copy thereof enclosed herein.

If your government wishes to enter into a treaty with the United States for the purposes as indicated in my note, it will be necessary that a commissioner with full powers should be sent to this city *without delay*, as my residence here will be *short*, for I design to start on my return to the

United States in a few months, and what is to be done must be done quickly, inasmuch as my limited time will not admit of procrastination.

With sentiments of great respect, I am, &c.,

ELIJAH HISE.

His Excellency S. SALINAS, &c., &c., &c.

GUATEMALA, April 22, 1849.

SIR: Your letters of the date of the 7th of April (instant) and a copy of the contract with the New York company upon the subject of an oceanic communication, by means of canals and roads through your State, have this day been delivered to me by your courier.

The company with whom this contract has been made have no authority to bind or pledge the government of the United States in any way whatever; and inasmuch as my government is no party to said contract, and inasmuch as no kind of right, privilege, or equivalent is therein secured to the United States, I say to you, therefore, that the said company cannot influence or induce the United States to make such treaty of alliance and protection as it is contemplated in said contract. I think the said contract is injudicious and premature. You should have sent me a commissioner with full powers, and without delay: you should treat only with the authorized diplomatic representative of the United States, and not with mere adventurers, of whom I know nothing, and who have no authority from my government. I am yet in this city, and will remain here long enough to receive your answer to this letter, if such answer is written and sent to me without delay. Immediate and prompt action is altogether important. I am fully instructed and prepared to offer to Nicaragua a treaty of alliance and protection, with such provisions as will most surely promote the grandeur, power, and wealth, as well as the security of your country. Such treaty can be made here immediately, without delay or loss of time, and I can take such treaty, when concluded, with me to the United States, and procure its immediate ratification beyond a doubt. It is not at all necessary or prudent to send a commissioner to Washington, when a treaty can be forthwith concluded here at much less expense, and in much quicker time.

I have concluded a treaty with Guatemala; and inasmuch as the other States of Central America have most negligently failed to comply with my requests, and their promises to send commissioners here to this city to treat with me, it would be useless for me to remain in this country any longer, unless I could rely with some faith and certainty upon the promise you have given me to send me a commissioner forthwith. I will wait here until I shall hear again from your excellency. I most earnestly and respectfully again urge and solicit your excellency to insist upon your government to send me a commissioner without a moment's delay, to conclude one of the most important treaties that was ever before negotiated, when all its effects are duly considered. We should conclude this treaty here in this city; because, 1st. It can be done at less expense to both governments than to transfer the negotiations to Washington; 2d. It can be done more advisedly, being near the scene of action; 3d. It can be done much sooner, and *time* is of incalculable importance in this grave affair; and, 4th. Such treaty may thus much sooner receive its ratification from

both governments. Let me again *conjure* your excellency's government to send me a commissioner with full powers without a moment's delay, and I hope everything which your government may desire in the premises may be fully realized. With a passport, a commissioner may, without doubt, safely travel to this city, as travellers are arriving and departing constantly without molestation. Be pleased, your excellency, to answer me without delay, and let the man who bears your answer be the commissioner, with the requisite powers to negotiate a treaty.

With the highest respect, &c.,

ELIJAH HISE.

His Excellency S. SALINAS, &c., &c., &c.

OFFICE OF THE UNITED STATES LEGATION,
Guatemala, June 20, 1849.

SIR: I received your letter of the 25th ultimo, in which you inform me of the expected arrival of Mr. Squier on a mission from the United States to Nicaragua. I had already made a treaty with Nicaragua, through the chargé d'affaires, Señor Buena. Selva, when your letter arrived. It is a *most important* treaty, and the most advantageous treaty in its terms and provisions that *human ingenuity can devise* for the promotion of the views and interests of the United States and of the State of Nicaragua; and also for the promotion of the grand design intended of opening an oceanic communication, this treaty secures everything on terms the most favorable. If Mr. Squier comes to Leon, inform him of this treaty; let him demand its production, and let it be examined by him carefully, and let him insist on its ratification, if approved; at least hear from the United States on the subject. Nicaragua may suppress and hold back this treaty in reserve to see if she can procure more favorable terms from Mr. Squier; but this treaty will surely be ratified by Nicaragua, rather than give up the protection of the United States, if it is insisted on.

Respectfully, your servant,

ELIJAH HISE.

JOSEPH W. LIVINGSTON,
United States Consul at Leon.

C.

LEON DE NICARAGUA, July 9, 1849:

SIR: As the representative of her Britannic Majesty's government in this State, it befalls my duty to wait upon you with the enclosed copy of a letter from Mr. Hilano Gausseen, a British subject resident in Grenada, with reference to a communication made public by General Muñoz, commander-in-chief of the arms of this State, alluding to British subjects as the cause of the present revolution of the country. Expressions of such a criminal nature from a public person representing the Nicaraguan government in those departments cannot but be injurious to British interests, and conducive in placing their lives and property in most imminent jeopardy at so critical a time. I consequently feel persuaded you will not hesitate, in reply, [to refer] to your secretary, —— Marriot, esq., who possesses the Spanish language corroborating in part or in whole (as the

case may rest within the scope of his memory) the matter contained in the second paragraph of said letter, and that you may possibly make known to the Supreme Director of the State the impropriety of such assertions.

Your present position with the government as minister of the United States, and with which her Britannic Majesty's government is on the most amicable footing, induces me to conceive that your making known this grievance to the government would tend very materially to change the conduct of its public officials until I am able to make known the case and circumstances to her Britannic Majesty's consul-general at Guatemala, assuring you, as I do, in the most positive terms, that there does not exist the slightest foundation of implication towards British subjects in such statements, of late too often made use of, directly or otherwise.

I have the honor to be, &c.,

THOMAS MANNING,
Acting British Vice Consul.

Hon. E. GEORGE SQUIER,
Minister Plenipotentiary of the United States Government
to Central America, Leon.

GRENADA, July 2, 1849.

DEAR SIR: I think it my duty, as a British subject, to inform you of a small occurrence of yesterday. I was at General Muñoz's place when the American minister (Mr. Squier) came in, with his secretary, to felicitate the General's arrival, who, after having thanked him, stated that he was sorry that Mr. Squier should arrive at a moment that the State was rather in disorder; but the *present faction* was all made up by the English in this State—men who had views to see the State ruined, and the blood of its inhabitants spilled. This was said in a public place, where there were at least seventy persons of different classes.

I think it will be quite necessary to stop these sayings, so often repeated, and which will at last cause an excitement of the inhabitants against British subjects in this State, which may cause disastrous results.

I remain, &c.,

H. GAUSSEN.

THOMAS MANNING, Esq.

UNITED STATES LEGATION, LEON DE NICARAGUA,
July 10, 1849.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, covering the copy of another from a gentleman of Grenada, relating to remarks alleged to have been made by General Muñoz, chief of the army of the State, in an interview between that officer and myself, at Grenada, on the 18th ultimo. That interview was entirely unofficial, and the conversation upon both sides consisted in an expression of personal sentiments and opinions. Whether they were well-founded or properly entertained, I conceive to be, as was also their expression, entirely a matter of individual opinion and responsibility. I trust, therefore, that I shall not be considered as wanting in respect to you, person-

ally or officially, in saying that this legation must decline making any further communication on the subject of your note.

I am, &c., E. GEO. SQUIER.
THOMAS MANNING, Esq.,
Her Britannic Majesty's Vice Consul.

E.

LEGATION OF THE UNITED STATES,
Leon de Nicaragua, August 1, 1849.

SIR: Understanding that an attempt is about to be made to effect, through commissioners specially empowered for that purpose, a more complete and efficient union between the States of Honduras, San Salvador, and Nicaragua, I take the liberty of expressing my sincere hope that such attempts may prove successful. It is the desire of my government that some consolidation of these States may be effected, believing, as it does, that their general interests will thus be promoted, and that they will be better enabled to resist the encroachments, and thwart the designs of foreign and unfriendly powers.

The exterior policy of these three States has always been very nearly the same; and if some arrangement, simple and explicit in its details, could be made, by which the foreign affairs of all might be conducted jointly, I am convinced that greater benefits would accrue to each than can be hoped for under present circumstances. The moral force of such joint action would be great, and, if sustained by an alliance at all times defensive, and, under certain circumstances, offensive, would put an effectual check upon future aggressions upon the rights and territories of these States. A union for such purpose might be effected without a surrender of any of the sovereign rights or powers of interior regulations pertaining to the respective States, and without involving them in new expenditure.

Should the State of San Salvador conclude to name a commissioner for the above purpose, it may facilitate the objects of my mission if he should be empowered to negotiate with myself a treaty of concord and commerce between San Salvador and the United States. It is my design to visit San Salvador for this express purpose, but other duties may delay this visit for a considerable period.

I have the honor to be, &c., E. GEO. SQUIER.
The MINISTER OF FOREIGN RELATIONS
of the Republic of San Salvador.

F.

UNITED STATES LEGATION,
Leon de Nicaragua, August 12, 1849.

SIR: The perfect understanding and good correspondence which exists between my government and that of France, induces me to address you upon a subject of interest to both countries, and one which is worthy of immediate attention. You are well aware that many attempts have been made, in years past, to devise some means for the opening of a ship-

canal between the Atlantic and Pacific oceans; but for a variety of reasons all have proved unsuccessful. In fact, none of these attempts were made under circumstances which justified the remotest hope of success. A work of such magnitude, in a foreign country little known, and distracted by civil commotions, could not be seriously undertaken, except under the most favorable conjunction of circumstances, and under the most solemn guarantees from one or more of the great maritime powers of the globe. Such a conjunction of circumstances has occurred, and the United States of North America, for reasons which you can well understand, has become sufficiently interested in the construction of this work to extend the necessary guarantees to those who shall undertake it. An American company, having the full confidence of their government, and composed of the largest capitalists of the continent, have obtained from the government of Nicaragua a most favorable, and at the same time a reciprocally just contract for the construction of this canal. I have also on behalf of my government pledged the faith of the United States for the protection of this company in all its rights, and under the same authority have recognised the sovereignty of Nicaragua over the line of the canal, and guaranty the neutrality of the same. This protection and guarantee is no less against domestic than foreign disturbance and invasion. This intervention of the United States has been made from no selfish considerations; it has not exacted, therefore, any exclusive privileges; but has been actuated only by a sentiment of the highest philanthropy, and a desire to insure the construction of a work which shall confer upon mankind the greatest benefits. Any advantages which shall accrue to American citizens over those of other nations, can only result from their superior enterprise, sagacity, and industry.

It is stipulated in the contract and treaty that the canal, when constructed, shall be *free* to the citizens of all nations, on the same terms with those of the United States, with the *sole proviso* that such nations shall first enter into the same treaty stipulations and guarantees respecting such canal as have been entered into by the United States. What those stipulations and guarantees are, I have already indicated.

Although matters of this kind are usually kept secret by the contracting parties until they have been fully perfected; still, as the policy of the United States is as open and frank as it is honest and sincere, I have no hesitation in advising you of what is transpiring, in the hope that, if you should feel yourself authorized to do so, you may take immediate measures to place France upon an equal footing with the United States. I will not take it upon myself to do more than to suggest, if you should not consider yourself able to act definitively in the matter, that you will communicate with your government, and solicit its early attention to the subject. I shall address my friend Mr. Poussin, French minister in the United States, to the same effect; but it is probable that considerable time must elapse before I shall be able to communicate with him, in consequence of the difficulty of forwarding letters and despatches from this point.

There is another reason, which no doubt will occur to you at once, why it is desirable that no delay should arise in perfecting the arrangements which I have, perhaps too sanguinely, indulged the hope might be made, on the part of the French republic, in regard to the important matter above referred to. To the pretensions which Great Britain has set up on what is denominated the "Mosquito coast," pursuing the

grasping policy which led her to seize upon Gibraltar, Malta, and the Ionian isles, and which has governed all her operations in the East Indies, she has, upon the flimsiest pretexts, possessed herself of the port of San Juan, commanding this isthmus, relying upon the feebleness of Nicaragua, and the supposed indifference of other nations, for impunity in the perpetration of this grand felony. The farce of erecting a miserable tribe of degraded Indians and samboes into a nation worthy of the alliance and special protection of Great Britain, is as clumsy and ridiculous as the encroachments and aggressions which have been made under its cover are disgraceful. She must be fast relapsing into senility if she deludes herself with the belief that the nations of the globe, interested in the free transit of this isthmus, will allow it to be interrupted or in any way restricted by the pretensions which she has set up.

I believe that France must view the seizure of San Juan in the same light; and if so, her recognition, in conjunction with the United States, of the sovereignty of Nicaragua over the route of the proposed canal, and her guarantees of protection to the same upon the broad principle of equal rights and perfect reciprocity, must prove an efficient warning to Great Britain to quietly relinquish her ill-gotten possessions. Other nations stand ready to follow the lead of the United States in this matter; but I regard the intervention of France as of first importance. Who shall dare to dispute the will of the first two republics of the globe, when it is exercised in behalf of justice and the general good of mankind?

I have, sir, written to you without reserve, knowing that my confidence will not be misplaced, and that my motives and the policy of my government will be properly appreciated. I need not add that I shall be glad to receive your views upon the matters herein referred to, if practicable, by return courier.

Hoping, sir, to have the pleasure at an early day of presenting my respects to you in person, I am, &c.,

E. G. SQUIER.

To the CONSUL GENERAL
of the Republic of France in Central America.

H.

LEON DE NICARAGUA, August 13, 1849.

Sir: As the diplomatic representative of the United States in Central America, I have made a treaty with the government of Nicaragua of the highest importance to the American interests, and of great general interest as relating to the opening of a ship canal between the Atlantic and Pacific oceans. This route, suffice it to say, is now in American hands, and, as you have perhaps been already advised, it is the determination of the present administration to defend it from all encroachments and invasions, from whatever quarter the same may proceed. You can well understand that these proceedings on the part of the United States have been opposed by the whole weight of English influence, and no expedient will be neglected by the English representatives here to embarrass us in our new relations.

You are well aware that, under a variety of pretences, (but relying for impunity in their acts upon the weakness of the Central American States) they have kept the west coast from Punta Arenas to Istapa in constant

alarm. The alleged debts due to British subjects, from the old confederation and from the individual States, have furnished them with an abundance of pretexts for blockades and consequent exactions, much to the injury of our trade and commerce, as well as that of other nations; and, now smarting under a consciousness that their influence here is nearly at an end, vexed that the Central American States have exhibited so marked confidence in the United States and entered into so close relations with them, they are alarmed lest they shall be compelled to relinquish the port of San Juan, and their ill-gotten possessions on the Atlantic coast. The English will seize every opportunity to visit their vengeance upon the republics and embarrass our relations with them. I have means of knowing that the port of Realejo will, at an early day, be visited with one of those blockades which have been of so frequent occurrence on this coast, and which have never been preceded by any declaration of war, or any other notice whatever. Now as this port is one at which our steamers on the Pacific propose soon to stop regularly for their supply of provisions, and as American vessels often call there in the pursuit of their legitimate trade, we cannot allow it to be obstructed by any petty naval force which the caprice of the British officials in this quarter may choose to place before it. The blockading forces before the port of the Union in 1847 consisted of a *launch with twelve men*, but the contemplated blockade here will probably be more imposing.

I have thought proper to inform you of these circumstances, and to suggest that, if it should not conflict with your instructions, or be in opposition to your own good judgment, it would promote the interests of the United States here, which are now of the highest importance, if one or more vessels of the Pacific squadron could touch at Realejo from time to time, and remain so long as might be deemed proper. The port is healthful, and supplies of all kinds cheap and abundant. The people also are ready to receive all Americans with open arms and with the greatest hospitality. You will see some evidences of this in the official papers of this State, which I enclose herewith.

A British war steamer will be here in the course of a month. Time will disclose its objects. In case it should be necessary to our interests, I shall not hesitate to call upon your co-operation in maintaining them.

I have advised the government at home of what is transpiring here, and, knowing as I do what its intentions are, I am certain that as soon as communications can reach you, you will be instructed to give special attention to this portion of the American coast. The delay which must, however, attend the despatch of advices, and the necessity for prompt action, has induced me to address you thus freely, feeling assured that you will take such action as you may deem proper under the circumstances.

I am, &c., E. GEO. SQUIER.

To the COMMANDER OF THE UNITED STATES SQUADRON
on the western coast of America.

J.

LEGATION OF THE UNITED STATES,
Leon, August 16, 1849.

SIR: Under date of August first I had the honor to address a letter to the Minister of Foreign Relations of Honduras, in which I expressed the

hope that a commissioner might be appointed to settle with me the terms of a treaty between Honduras and the United States. Since the date of that letter I have received information which is conclusive that Great Britain has determined, in pursuance of the policy which led her to seize upon the island of Raatan and the port of San Juan, to take possession of the island of Tigre, in the gulf of Fonseca. The pretext for this extraordinary proceeding is the alleged indebtedness of Honduras to England or British subjects. I have no doubt that your excellency is already well informed of the fact that a war steamer and a frigate are now on their way for the above purpose, as well as for the purpose of overawing the other States of Central America, and of obstructing the construction of the proposed canal between the Atlantic and Pacific oceans, for which a contract has already been secured from the government of Nicaragua, under the sanction of the United States.

Although the foreign policy of the United States has uniformly been that of non-interference in the affairs of other nations, still she has asserted and is determined to maintain the principle of the exclusion of foreign influence from the domestic and international concerns of the American republics. Nor will she consent to the forcible acquisition, by foreign powers, of any portion of the North American continent, by which her interests, in common with those of her sister republics, are likely to be endangered. She cannot, therefore, permit the contemplated encroachments of Great Britain in the territories of Honduras to take place, without making all proper exertions in her power to arrest them.

The danger which I have pointed out is imminent, and threatens the most disastrous consequences not only to Honduras, but also to San Salvador and Nicaragua. The question now arises, how can this danger be arrested and the selfish designs of Great Britain thwarted? The only means which occur to me is the speedy adjustment of a treaty between Honduras and the United States, the provisions of which shall authorize the United States in interposing its power against the designs of the English. But to be effective, and to enable me to interfere before the contemplated seizure shall take place, it is absolutely necessary that this treaty should be made without delay.

The interests of my government at this point will not permit me to leave here for some time, otherwise I should at once proceed to Honduras. Under the circumstances, therefore, the only feasible mode of accomplishing the objects I have indicated, is the immediate appointment of a commissioner on the part of Honduras who shall have full powers not only to negotiate a treaty, but to take all measures, and enter into all such arrangements as he shall think proper to secure the interests, integrity and safety of his State.

With a commissioner thus empowered, should he reach here soon, I have no doubt measures could be concerted which would effectually thwart the designs of Great Britain, and put the relations between Honduras and the United States upon a footing of reciprocal advantage.

I am sure your excellency fully appreciates the exigency which calls forth this communication, and that you will take such measures as you think it may require. Should the suggestions which I have made meet your approval, I trust there may be no delay in carrying them into effect; the loss of a day may destroy the sole remaining hope of frustrating the plans of the English. You may be assured that I would not address you

with so much urgency if my information upon this point was not conclusive and authentic.

I shall despatch this letter by special courier, whose return with your reply I shall await with the utmost impatience.

Meantime, begging your excellency to accept the assurances of my highest consideration and regard,

I am, sir, &c.,

E. GEO. SQUIER.

To the DIRECTOR OF THE STATE OF HONDURAS.

K.

LEGATION OF THE UNITED STATES,
Leon, August 15, 1849.

SIR: The probable speedy opening of a canal or other communication across the isthmus of Nicaragua will, without doubt, bring before the government of Nicaragua a swarm of adventurers with applications for exclusive grants and special privileges for this, that, and the other purposes. It may be laid down as an axiom of sound policy that no exclusive grants should be made for any purpose, except in cases where the magnitude of the thing undertaken requires some such encouragement, in order to its execution; or, when its probable general advantages will more than compensate for the sacrifice of individual rights which are involved in every exclusive grant. In case the projected canal is commenced, enterprising men and capitalists will not fail to take advantage of the circumstance to engage in those branches of industry which may be prosecuted here with profit, and nothing would tend more to retard their enterprise and the prosperity of the country than the fact of their exclusion in any department of trade or industry. No legitimate field of enterprise (such is the mental and physical activity of the world at this time) will long be neglected, and the benefits which follow from free competition must accrue to the public at large. If it is the desire of a government to establish manufactures, let it invite their commencement by bounties; and, once established, let them be protected by discriminating duties. We have, in the unparalleled success of the United States, the amplest evidence of the soundness of this policy.

I hope, for the common interests of the citizens of this, as of my own country, that the government of Nicaragua will adopt in this, as in other matters, that liberal policy which is demanded by the spirit of the age in which we live.

I am, sir, &c.,

E. G. SQUIER.

To the DIRECTOR OF THE REPUBLIC OF NICARAGUA.

Mr. Squier to Mr. Clayton.

[Extract.]

[No. 4.]

LEGATION OF THE UNITED STATES,
Leon de Nicaragua, September 10, 1849.

SIR: I have the satisfaction of informing the department that I have succeeded in accomplishing the objects of my mission to this republic.

The commissioner of the "American Atlantic and Pacific Canal Company" has concluded his contract, and both treaty and contract are now awaiting the action of the legislative chambers, which have been called to meet in special session at Managua, on the 15th of this month.

A copy of the contract is forwarded herewith, (A,) and precludes the necessity of any extended reference here. It is far the most favorable in its terms, for all parties, of the many which have been concluded for the same object, and carries with it an air of earnestness not to be found in any of its predecessors. The simple fact that the company proceeds at once to make outlays of money, will be sure to inspire confidence. It will be observed that the term of the contract is ninety-seven years, (eighty-five years after the completion of the work, for which twelve years are allowed,) with a subsequent interest of twenty years; while the contracts of Palmer, the King of the Belgians, Louis Napoleon, &c., &c., all fall below fifty years. This more than compensates for the interest which is allowed the State in the net profits of the work. It will also be observed that the grant is not only for a canal, but for a rail or carriage road—a provision which will enable the company to open a route at once across this isthmus more rapid, easier, cheaper, safer, and more pleasant than that by Panama. In distance this route will save 300 miles on the Atlantic and upwards of 800 on the Pacific, besides passing through one of the most magnificent and salubrious regions on the continent. It is only necessary to spend a few thousand dollars in clearing out the obstructions on the San Juan, so as to permit the ascent of a small steamer to open easy water communication to Grenada, from which place to Realejo there is now a good road for the most part as level as the streets of Washington. If steamers should touch at San Juan and Realejo, or rather run so as to connect these points, the communication with California would be materially shortened, and letters, &c., transmitted some days sooner than by way of Panama.

I have had inserted in the contract provisions to the effect—

1st. That the company (officers, &c.) shall always be citizens of the United States, and that a majority of the stock shall always be owned by American citizens.

2d. That the contract shall be held inalienably by the individuals comprising the company, and that the company shall never become connected with or dependant upon any other company, whatever its object.

3d. That the citizens and vessels, &c., of all nations shall be allowed to pass through the canal on the same terms with those of the United States; provided such nations shall first enter into the same treaty stipulations with Nicaragua for the protection of the canal.

4th. That the stock books of the company shall always be open for inspection, and the tariff of rates on the canal shall be placed at the lowest point consistent with the interests of the company, and shall never be changed except after six months' notice given in the principal ports of the United States.

These provisions include all the suggestions made by the department, with a single exception, viz: the specific determination of the rates of transit. This I found impracticable, for reasons which must, I think, be conclusive. In the first place, no work at all, corresponding either in extent or character with the proposed canal, exists in the world, which might serve as a basis to proceed upon; secondly, the cost of the work must be an important consideration in fixing such rates; and this, without

a careful survey, must be a matter upon which no reflecting man would venture even a conjecture. Besides, whether the rates should be on tonnage or otherwise, is a matter which cannot now be determined. The commissioners of the company and the government were alike in utter ignorance of what those rates would or ought to be, and of the basis upon which they should be calculated. Under these circumstances I thought it best to leave the matter entirely open. There was another consideration not without its influence. No doubt the company will apply to the government for some assistance in constructing the work, offering in return special privileges, extending perhaps to the citizens and commerce of the United States. At any rate, such assistance might be extended only on condition that such privileges should be granted. In this case no other nation would have the right to complain that the government and citizens of the United States enjoyed favors not extended to them, for the arrangement would have the nature of a private contract, and would be one in which a *quid pro quo* was rendered, and concerning only the company and the United States. We would thus, in all our treaties and public acts, stand before the world upon high and impregnable ground, interfering in the matter of the canal only for the general good, without exacting any special favors, and willing that all nations shall enjoy equal rights with ourselves, upon incurring equal obligations. And yet, by a proceeding perfectly fair and legitimate, we may purchase exemptions in favor of our commerce that would give our citizens advantages beyond those which might flow from their superior enterprise and industry.

In arranging a treaty with this republic, I have endeavored to follow the spirit as well as the terms of my instructions, and to put all the special provisions upon such grounds that other powers may not complain of them without placing themselves in a wrong position. The basis of the treaty is the old treaty with Central America. The special provisions are as follows:

1. In article 3, a clause is inserted providing that American citizens may purchase and hold lands and other real estate on the same terms with the native citizens, and that no privileges in manufactures, trade, or mining shall be granted to foreigners, which shall not be common to American citizens, &c. This provision was inserted for the reason that, during the English troubles, foreigners were excluded by law from purchasing or holding lands; an exclusion which is still continued. Previously to the passage of this law, foreigners were not allowed to purchase lands except at triple the price at which they were conveyed to native citizens.

2. In article 13, the last clause is altered, so that citizens of the United States shall have the same privileges in courts of law with the native citizens, and no more. The change is unimportant, and is made to conform to the regulations of the courts.

3. Article 25th is entirely new, and embraces the provisions respecting the proposed canal. The first section stipulates that no vessel of the United States shall be subjected to any port or other similar charges in the ports of Nicaragua, which ports shall, to citizens of the United States, be practically free ports; that the right of way across the territories of Nicaragua by any modes of conveyance at present existing, or which may hereafter be constructed, shall be free to the government and citizens of

the United States; that no duties shall be levied on vessels or merchandise passing in transit by such communications, and that all merchandise introduced for sale or barter, which may within three years be exported, shall be entitled to drawback. These provisions respecting our commerce, etc., are more favorable to the United States, I believe, than those of any existing treaty.

The second section extends the protection of the United States over the proposed canal, and recognises the right of sovereignty of the republic of Nicaragua over the line of the same, and guarantees its neutrality so long as it remains under the control of citizens of the United States, and so long as the United States enjoys the privileges conceded to it by the preceding sections. The third section provides for the contingency of the existing company failing in executing its contract, and reserves the power, under certain circumstances, to the President and Secretary of State of the United States, to transfer its privileges to another company if they think proper. And section four provides that none of the privileges conceded to the United States and its citizens shall accrue to any other nation, or its citizens, unless it first enters into the same guarantees.

It may, perhaps, be objected that the recognition of the sovereignty and property of Nicaragua in and over the line of the proposed canal, and the guarantees of the neutrality of the same, were unnecessary; but these provisions practically amount to nothing more than is contained in the guarantee extended to the canal company; they are in fact involved in them. The government was at first extremely anxious that this guarantee should be extended over the entire territory of the State; but to this I replied, that such a step was in contravention of the settled policy of the United States, and unprecedented in the history of her foreign relations; that the guarantee extended to the canal company was a departure from this policy, only warranted by the admitted fact, that without such intervention a work of immense importance, not only to our own interests, but to those of the world, could not be constructed; and that, although we sympathized deeply with this republic, and were willing to exert ourselves in all proper ways, and exercise our influence to preserve her integrity and promote her interests, yet we could not take a step which, if adopted as a precedent, would be sure to involve us in inextricable difficulties; that the exclusion of foreign influence from the affairs of this continent could be better effected by the promotion of trade and commerce, the cultivation of friendly relations, and the growth of confidence between the several nations grouped upon it, than by a resort to the system which had made Europe the theatre of dark intrigues and bloody revolutions. Whether convinced by my arguments, or otherwise, the more discerning among them came early into my views with a good grace, and the terms of the treaty were arranged accordingly. The principal source of embarrassment was Mr. Hise's "special convention," which had raised extravagant hopes of a relation between the United States amounting to something closer than exists between the States of our confederacy. However, as matters have been finally arranged, they are all the better for this republic, and quite as favorable to the United States.

The publication of the contract and the treaty will, without doubt, cause some commotion among the English officials here, and attract the attention of the home government; but I cannot believe that Britain will insist upon the pretensions of its august ally the "King of Mosquito," or

suffer herself to be drawn into any controversy about the port and river of San Juan. I think it most likely that her agents will endeavor to effect some arrangements with the canal company, by which passage shall be granted for the proposed work upon certain conditions, favorable to their interests. By this means they may flatter themselves they will be successful in holding their position without involving themselves in a controversy or provoking a scrutiny into their title.

September 12—Yesterday arrived Mr. Castellon, late envoy of this republic in England. I was correct in informing the department that he had been recalled, but mistaken in conveying the impression that the step had been taken in consequence of dissatisfaction as to his public course. His mission it was hardly expected would produce any favorable result.

Mr. Castellon informs me that Mr. Bancroft had received instructions from the department in the matter of the seizure of San Juan, and that he had several interviews with Lord Palmerston on the subject. He tells me, also, that Mr. Bancroft has reposed some confidence in Mr. Molina, the Costa Rican minister in England. I cannot too strongly warn the department and the diplomatic agents of the United States against this artful man. * * * * * No reliance can be placed upon his statements, so far as they may concern the dispute between Nicaragua and Great Britain. The nature of the relations between Costa Rica and Great Britain may be inferred from the circumstance, that when a rumor reached London that hostilities were meditated on the part of Nicaragua against Costa Rica, Lord Palmerston sent in haste for Castellon, to tell him that "Great Britain could not look with indifference upon such a collision, inasmuch as the republic of Costa Rica was under British protection."

Mr. Castellon also informs me that in a long and tedious interview with Lord Palmerston (his final one,) that officer referred to the intervention of the United States in the matter of the San Juan as of no kind of importance, and warned Nicaragua to indulge no hopes in consequence. "We have been disposed," he added, "to treat the United States with some degree of consideration; but in reference to this question, it is a matter of total indifference to her Majesty's government what she may say or do."

I repeat these things as I received them, and see no reason to suspect any exaggeration on the part of Señor Castellón. But however this may be, I send herewith a document, under Lord Palmerston's own hand, which will prove interesting to the department, (B.)

It is a letter addressed to Señor Castellon, and received at the moment of his departure from England. It is in reply to several notes addressed by Mr. C. to the government, and contains the English exhibit of British pretensions on the Atlantic coast of Nicaragua and Honduras. In the haste of copying it, I have only had time to run rapidly over its contents, and it strikes me as the weakest State paper which ever fell under my notice. Bad, indeed, must be the premises, when Lord Palmerston himself makes out so poor a case. I only hope this document may appear before the world side by side with the analysis of British pretensions contained in my instructions.

Mr. Castellon had an interview with Louis Napoleon, but found him wholly uninformed upon the subject of the Nicaragua troubles. He however explained the case to him at some length, to which Napoleon replied

that the continental relations of France would preclude that attention to the subject which its merits demanded, but that it would constantly be kept in mind ; that France reposed unbounded confidence in the United States, and would hold herself prepared to second any course of action which she might decide upon ; and that the French consul-general in Central America would be instructed to that effect. I feel pretty well assured that any action which the French consul may be induced to take will be sustained by his superiors, who, it is clear, have not yet decided, nor are likely soon to decide, upon any line of conduct in the matter.

Mr. Castellon seems to be much dispirited by the result of his mission, and says that an arbitration is hopeless.

I regret that I have been able to have but one short interview with him, and that it is indispensable that Mr. K. G. White, whom I have made special bearer of despatches, should leave *at once*, in order to be in time for the steamer at San Juan. I shall take care to acquaint myself with what information he has in his possession.

I regret also that it is impossible to complete my observations upon the canal route, etc., mentioned in despatch No. 3, in season to go by the bearer of this. Mr. D. L. White, the agent of the canal company, will, however, go to the United States by next steamer, and I will forward it complete by him. I have only time to copy the paragraphs referred to in my despatch, but these cannot be well understood without a map. (See document C.)

* * * * *

Hon. JOHN M. CLAYTON,
Secretary of State of the United States.

A.

CONTRACT.

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 Director of the State of Nicaragua Messrs. Hernanegila Zepeda and Gregorio Juarez, and on the part of the said company Mr. David 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 other 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 that the engineers of the company may decide upon, by means of the St. John's river, Lake

Nicaragua, river Tipitapa, lake of Leon, or any other rivers, lakes, 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:

ART. 2. 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.

ART. 3. 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.

ART. 4. The exclusive rights and privileges herein granted to the said company by the said State shall be enjoyed by the same for the fixed period of eighty five years, counted from the day in which the canal shall be completed and put in use.

ART. 5. 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 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 enterprise, which shall be delivered to the State as soon as the certificates of stock shall be distributed by the company.

ART. 6. 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 of 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. out 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 the twelve years herein granted for the construction of said canal.

ART. 7. 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.

ART. 8. 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 within one year from the ratification of this contract, which it may distribute, as it may deem proper, among any of its native citizens, or the citizens of the adjoining States, upon giving notice to the company of such intention through the United States consul in the city of Leon.

ART. 9. It is further stipulated that a majority of the stock of said canal shall always be owned by citizens of the United States; in evidence of which, the stock books of said company shall always be open to inspection at the principal office of the company, wherever the same may be located.

ART. 10. 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 events 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 should 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.

ART. 11. If none of the events which are expressed in the preceding 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 to that time in the prosecution of the work shall be forfeited to, and become the property of the State, without any indemnity.

ART. 12. 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 it may require for the construction and use of said canal and its dependencies. And the said State hereby further gives to the company the right to take and make use of such portions of the public lands as it 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.

ART. 13. 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.

ART. 14. 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, 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.

ART. 15. The State binds itself to facilitate and aid in every possible way the engineers, contractors, employés, 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.

ART. 16. 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.

ART. 17. The said company agrees to transport across the said canal all passengers, goods, merchandise, and materials of every description which may be intrusted to it; and also stipulates that the canal shall be open to the transit of vessels of all nations, subject to fixed and uniform rates of tolls that may be established by the company.

ART. 18. 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, 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 a view to induce the largest and most extended business by this route, the said company agree to fix the said tariff of fees 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.

ART. 19. 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 favorable tariff, which shall be agreed upon between the State and the company.

ART. 20. 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 Pacific and Atlantic 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.

ART. 21. The State hereby stipulates that all vessels and steamers of the company, and also all goods, merchandise, manufactured articles, or any other property which may be conveyed therein, passing through the said canal 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.

ART. 22. 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 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.

ART. 23. The exclusive right which the company has acquired by this contract of navigating the 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 the natives of the country from free interior navigation by means of sailing or any other vessels, excepting steam-vessels.

ART. 24. 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 the said route to any other one at which said vessels may stop, without any charge to the State therefor.

ART. 25. 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 said State agrees not to collect or recover any postage or duties of any kind upon any of the correspondence of the said company.

ART. 26. 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 said company.

ART. 27. The State of Nicaragua, with the object of facilitating the colonization of the lands contiguous to the river St. John's 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 which 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 to-

wards 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 supreme dominion and sovereignty over said lands and their inhabitants.

6th. That said lands shall not be alienated by the company to any government whatsoever.

ART. 28. 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 service, as soon as each colony shall contain at least fifty settlers.

ART. 29. The State further agrees, that in case any event may hereafter occur, as named in the preceding article 10, to suspend or prevent the construction of the 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 4, 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.

ART. 30. The company shall have the exclusive right to construct rail or carriage roads and bridges, and to establish steamboats and steamvessels 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 the 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.

ART. 31. The State hereby binds itself not to sell or dispose of any of its public lands located upon or near the river St. John's, 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.

ART. 32. 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 govern-

ment, 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.

ART. 33. 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, viz: two to be named on the part of the State, two named by the company, and the fifth to be selected by the four thus 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 the company.

ART. 34. 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.

ART. 35. 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.

ART. 36. 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, that 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.

ART. 37. It is finally stipulated that this contract, and the rights and privileges which it confers, shall be held unalienable by the individuals composing the company herein named, and their associates; and that it shall never, in whole or in part, be transferred or assigned to any other company, nor in any way become dependant upon, or connected with, any other company, whatever may be the objects of the same.

ART. 38. 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.

In testimony of which, we, the respective commissioners, have signed and sealed the present contract in triplicate, in the city of Leon, in the State of Nicaragua, the twenty seventh day of August, in the year of our Lord one thousand eight hundred and forty-nine.

HERMEN'A ZEPIDA. [L. s.]
GREGORIO JUARES. [L. s.]
DAVID L. WHITE. [L. s.]

B.

FOREIGN OFFICE, *July 16, 1849.*

SIR: I have the honor to acknowledge the receipt of your letter which you addressed to me on the 23d ultimo, in reply to my letter of the 27th of April, relative to the debt due by the State of Nicaragua to certain British subjects, holders of bonds of that State.

As the question whether the State of Nicaragua has a right to include amongst those branches of her revenue which are pledged for the payment of that debt custom duties to be levied at the port of Greytown, or, in other words, the question as to the validity of the alleged right of Nicaragua to the port of Greytown, forms the essential point of your letter now under consideration, as well as in your preceding letter of 20th of January, and of the 5th and 19th of March last, I will address myself at once to that question.

In your letter of the 23d ultimo, you say that by the arguments therein employed you have shown: first, that the port of Greytown is now *de jure* the property of the State of Nicaragua, and has been so ever since Central America declared itself independent of Spain; secondly, that therefore the revenue of customs levied at that port is justly to be included in those revenues of the State of Nicaragua which are pledged for the redemption of the loan which was contracted for in 1826, by the republic of Central America, with the house of Barclay and Company; and thirdly, that the British creditors are bound to assist the government of Nicaragua in establishing its claim to Greytown; and that if they do not do so, they must submit to the loss which may result from their own lachés until the port, which you say is unjustly withheld by Great Britain, shall have been restored to Nicaragua.

Upon these propositions I am prepared to join issue with you, and will proceed to show that the port of Greytown does not belong and never has rightfully belonged to the State of Nicaragua. This point once demonstrated, the second and third propositions, which you deduce from the alleged rights of Nicaragua to Greytown, must of course, and necessarily, fall to the ground.

Now, in the first place, I have to remark that since the people of Nicaragua have never occupied any part of the territory of Mosquito, except Greytown, which they forcibly took possession of only in 1836, the sole pretence upon which the State of Nicaragua can claim a right to Greytown, or to any other part of the Mosquito territory, is the allegation that the Mosquito territory belonged to Spain, and that Nicaragua has inherited the rights of Spain over that territory. But assuming for the present, for the sake of argument, that Spain had rights over the Mosquito territory,

how can it be shown that those rights have devolved to Nicaragua? Has Spain ever conveyed such rights to Nicaragua by treaty? Certainly not. Has Nicaragua obtained them by conquest? Equally not. The people of Nicaragua revolted, indeed, against the King of Spain, and established by force of arms, and *de facto*, their practical independence, which, however, I believe, has not up to this day been formally and diplomatically acknowledged by Spain. But the successful revolt of the people of Nicaragua could give them no right with reference to Spain, except the right of self-government. The very principle upon which their revolt was founded, and which the success of that revolt established, goes to forbid them from practising towards other nations that kind of oppression from which they had freed themselves. The fact of their having thrown off the yoke of Spain could give them no right to impose their yoke upon the people of Mosquito. The circumstance that they had succeeded in asserting their own freedom from foreign rule could give them no right to impose their rule upon a people who had always been free; and it is a well known historical fact that the Mosquito nation had from time immemorial, and up to the period of the revolt of Nicaragua, been as free as they had continued to be from that period to the present day. But even supposing that this had not been so, and that the Crown of Spain had possessed rights of sovereignty over the Mosquito territory: the people of Nicaragua might just as well claim a derivative right from Spain to govern and to be masters of Mexico, New Grenada, or any other of the neighboring States of Central America, as to govern and possess by such derivative rights the Mosquito territory, which was never possessed or occupied by the people of Nicaragua. The people of each of the revolted districts of the Spanish American provinces established their own independence, and their own right of self-government, within the territory which they actually occupied, but nothing more. If these revolted provinces had imagined that they acquired by their revolt all the rights of Spain, besides determining among each other in what manner those rights were to be apportioned between them, they must also by necessity have considered themselves bound to all the obligations of Spain. But they neither acknowledge these obligations, nor were called upon by other countries to adopt them; on the contrary, when their political existence as independent States was acknowledged by foreign countries, they contracted severally with those foreign countries such new treaties as were applicable to their own respective geographical limits and political conditions; and neither they, nor the foreign powers with which they treated, ever thought of considering them as inheritors of any rights or obligations arising out of the treaty engagements of the Spanish Crown. Moreover, if Spain possessed any rights over the Mosquito territories, and if those rights have descended by inheritance to any of the Spanish American republics, it would remain to be proved that such rights have devolved upon Nicaragua rather than upon Honduras, Costa Rica, or New Grenada; and it is probable that each and all of those three States would establish just as good a claim as Nicaragua, and probably a better one, to the inheritance, if any such rights had existed. But I deny totally and entirely that Spain had any right to the Mosquito territory, and I therefore contend that there is no inheritance whatever in this respect which can become the subject-matter of dispute. On the contrary, the King of the Mosquitos has, from an early period of the history of America, been an

independent ruler of a separate territory; and he has invariably been acknowledged and upheld as such by the government of Great Britain. It is quite true that, by the convention of 1786 between Great Britain and Spain, Great Britain agreed to withdraw British subjects from the Mosquito country; but Great Britain did not by that treaty either acknowledge that the Mosquitos were not an independent nation, or renounce her protectorship of that nation; on the contrary, the stipulations of the treaty of 1786 clearly mention the Mosquitos as a nation distinct from the people living within the Spanish dominions, and that treaty contains a stipulation which was an act of protectorship exercised by Great Britain in favor of the Mosquito nation.

In order to understand fully the treaty of 1786 it is necessary to revert to the treaty of 1783.

It appears, from the 6th article of the treaty of 1783, that, several English settlements having been formed and extended upon the Spanish continent, on the pretence of cutting logwood or dyeing-wood, and Great Britain and Spain being desirous of preventing, as much as possible, the causes of complaint and misunderstanding to which this intermixture of Spanish and British wood-cutters gave rise, it was thought expedient that the Spanish government should assign to British subjects, for the purpose of wood cutting, a separate and sufficiently-extensive and convenient district on the coast of America; and that, in consideration of such assignment, British subjects should be restricted from forming settlements in any other part of the Spanish territories in America, whether continental or insular, and that all British subjects dispersed in those Spanish possessions should, within eighteen months after the exchange of the ratifications of the treaty, retire within the district specially assigned for their occupation and use.

It seems, however, that the treaty of 1783 did not sufficiently accomplish the purpose of preventing complaints and misunderstandings. It was found by Great Britain, on the one hand, that the district on the coast of Honduras assigned to British subjects, by the 6th article of the treaty of 1783, was too limited in extent, and the enjoyment of it was too much narrowed by the restrictions contained in that article. It was found by Spain, on the other hand, that British subjects still lingered in parts of the Spanish American territories; and the Spanish government found, moreover, that there were many British subjects settled in the Mosquito territory—a territory to which the treaty of 1783 did not apply, as that treaty mentioned only the Spanish possessions in America, and said nothing about Mosquito, and did not require that British subjects should retire from Mosquito; and it seems that the revenues of Spain suffered from smuggling transactions carried on by British subjects so settled in the Spanish territory and in Mosquito.

To put an end to these mutual inconveniences it was agreed, by the convention of 1786, that a larger extent of territory should be assigned to British subjects on the coast of Honduras, according to new boundaries described in that convention; and it was also agreed that the enlarged territory so granted should be occupied by British subjects with a greater latitude of enjoyment than was allowed by the restrictions of the treaty of 1783; and in return, in order to relieve the Spanish government from loss by smuggling, the British government again bound itself to recall British subjects from the Spanish possessions in America, and also took the new

engagement of withdrawing British subjects from the Mosquito territory *as well as* from the Spanish possessions; and the British government further engaged that British subjects so withdrawn, and confined to the ceded district in Honduras, should, in their communications from thence with the Spanish territories, conform to *such regulations, as to custom duties*, as the Spanish government might think proper to establish among its own subjects.

The manner in which the Mosquito territory is, in the convention of 1786, contradistinguished from the possessions of Spain, which alone had been mentioned in the treaty of 1783, clearly proves that, by the understanding of both parties, the Mosquito territory and the possessions of Spain were separate and different things.

But any pretension of Spain to right over the Mosquito territory, of which she had no possession, could only be founded upon a general claim of sovereignty over the whole of that central part of the American continent. But if that claim existed, Spain could not have acknowledged that she had in that part of America any frontier except the two oceans, and yet, by article 14 of the treaty of 1786, the British government engages not to allow British subjects to furnish arms or warlike stores to the Indians in general situated upon the frontiers of the Spanish possessions; and, by the immediately-preceding mention of the Mosquitos, in the very same sentence, it is sufficiently clear that they were intended to be included among the number of Indians situated upon the frontiers of the Spanish possessions. But if Mosquito had belonged to Spain, the Spanish possessions in that quarter would have had no frontier except the tide line of the ocean, and upon such a frontier no Indians could dwell, to whom arms and warlike stores could be furnished. It is plain, therefore, that the treaty of 1786 proves that the Mosquitos were considered by the contracting parties as a nation separate and independent, and were not acknowledged by Great Britain as belonging to Spain.

But that treaty also proves that Great Britain still sheltered the Mosquitos under her protection; for, while the British government engaged for fiscal reasons to withdraw from Mosquito those British subjects whose presence therein, being a visible symbol of the protectorship of Great Britain, would secure the Mosquitos from any act of hostility on the part of the Spaniards, the British government exacted from the government of Spain, as an equivalent security for Mosquito, an engagement not to retaliate upon the people of Mosquito on account of the co-operation and assistance which the Mosquitos had afforded to the British in the hostilities which had taken place between Great Britain and Spain before the peace of 1783. This stipulation was a substantial and effectual act of protectorship on the part of Great Britain, acquiesced in, and subscribed to, by Spain.

It is demonstrable, therefore, that the convention of 1786 did not invalidate either the independence of Mosquito or the protectorship of Great Britain; but, if it had invalidated both, as between Great Britain and Spain, what would that have been to Nicaragua? or how could a convention which was "*res inter alios acta*" have had any bearing whatever upon the rights or pretensions of Nicaragua?

I might well content myself to close here my answer to your notes; and having proved a negative, I might abstain from going into a proof of opposite affirmative. Having shown that Nicaragua has no claim whatever to the Mosquito territory, it would seem unnecessary for my argument with

you to show, by any other evidence than the documents which you yourself have quoted, that long before Nicaragua came into existence as a State, Great Britain exercised a protectorship over the Mosquito as a separate nation. But, nevertheless, even at the risk of making this letter needlessly long, I will mention one or two facts which clearly demonstrate that it was so.

At what time and in what manner the connexions between Great Britain and the Mosquito nation first began, is not well known; but it is certain, and on record, that while the Duke of Albemarle was governor of Jamaica, to which office he was appointed in 1687, the Mosquito Indians made a formal cession of the sovereignty of their country to the King of England; and that in consequence of that cession, the chief of the Mosquitos received his appointment as King, by a commission given to him by the governor of Jamaica, in the name and on the behalf of the King of England.

Somewhat more than thirty years afterwards—namely, on the 25th of June, 1720, as appears by the journals of the house of assembly of Jamaica—a convention about runaway slaves was concluded between Sir Nicholas Lawes, governor of Jamaica, and King Jeremy of the Mosquitos. From that time downwards, during the reigns of George I, II, and III, the connexion between Great Britain and the Mosquitos continued uninterrupted and unimpaired; and at times during that period, there were British settlers established in the Mosquito territory, with a British resident officer appointed by the governor and council of Jamaica, on behalf of the British Crown, to superintend those settlers; and the council of Jamaica, in a report to Governor Dallas on the 16th of July, 1774, advertising to the inland boundary of the Mosquito territory, mentions it as running along “the distant mountains which bound the Spanish territory;” a clear proof that Mosquito was a separate State, and did not belong to Spain. But the colonial records of the British government abound with correspondence about the Mosquito King and nation, proving not only the strong and constant interest taken by the British government in their welfare, but the close and intimate connexion which has uninterruptedly subsisted between Great Britain and Mosquito.

If it be established, as it clearly is, that the Mosquito territory is, and for centuries has been, a separate State, distinct from the American possessions of Spain, there cannot be a moment's doubt that the port of Greycwn, at the mouth of the river St. John's, belongs to, and forms part of, that Mosquito territory. This can be shown by quotations from numerous authorities, public and private, official and literary; and so far from there being any just ground to doubt that the southern extremity of the Mosquito territory includes the port of Greycrown, there are, on the contrary, good and substantial reasons which can be alleged to show that the rights of Mosquito extend southward as far as the Boca del Tora, at which place the King of Mosquito has at various times exercised rights by levying duties.

Such being the state of these matters, it can scarcely be necessary for me to say that her Majesty's government cannot allow the government of Nicaragua to mix up its unfounded pretension to the territory of Mosquito with the just claims of the British creditors upon Nicaragua; and any attempt on the part of the Nicaraguan government to do so would constitute one of those cases of denial of justice, and of notorious injus-

tice, which you yourself admit would entitle her Majesty's government to exercise an authoritative interference in the dissensions between the British bondholders and the Nicaraguan government. In saying this, however, I beg not to be misunderstood as admitting that such an authoritative interference would be proper and legitimate only in such an extreme case—a case which my respect for the Nicaraguan government forbids me from considering to be possible, as between the British bondholders and that government. But as in a matter of this kind it is desirable that no mistake should be allowed to exist, I beg to say that it is quite certain and indispensable that, according to international law, the government of every country is at full liberty to take up, according to its own discretion, in such manner and at such time as it may think fit, any just claim which any of its subjects may have against the government of any other country.

I have the honor to be, &c.,

PALMERSTON.

C.

[Extract.]

“There is still another route to which public attention has never been generally directed, but which, if feasible, offers greater advantages than either of the others just named, viz: from the northern point of Lake Managua, *via* the Estero Real, to the Gulf of Fonseca, or Conchagua. The upper part of the lake of Managua is divided into two large bays by a vast promontory or peninsula, at the extreme point of which rises the giant volcano of Momotombo. Between this volcano and that of the Viejo, a little to the northeast of Realejo, running nearly east and west, is an uninterrupted volcanic chain, presenting in a short distance a greater number of extinct craters, and more evidences of volcanic action, than any other equal extent of the continent. This chain is isolated, and at right-angles to the general course of the great mountain range. Upon the south is the magnificent plain of Leon, bounded only by the sea; and upon the north is also another but narrower plain, bounded by the auriferous hills of Segovia. This plain extends from the north bay of Lake Managua to the Gulf of Conchagua. This gulf, or bay, is equalled only by that of San Francisco, and may be described as a grand harbor, in which all the vessels of the world might ride in entire security. It much resembles that of San Francisco in position and in form; the entrance from the sea is, however, broader; its entire length within the land is not far from one hundred miles, and its breadth sixty or eighty. The three States of San Salvador, Honduras, and Nicaragua have ports upon it. The principal port is that of La Union, in San Salvador. All the adjacent coasts are of unbounded fertility, and possess an unlimited supply of timber. The sides of the mountains, particularly of the volcano of San Miguel, are covered with white oak and pine suitable for building or repairing ships. Coal, it is said, occurs in abundance twenty-five or thirty miles from the port of La Union, the roads to the beds leading through a level country. The bay embraces several islands of considerable size and

great beauty, surrounded by water of such depth as to enable vessels of the largest size to approach close in-shore. The most important of these, from the circumstance of its size and the fact that it commands and is the key to the entire bay, is the island of Tigre, belonging to Honduras. This island was the headquarters and depot of Drake during his operations in the South seas. It is about forty miles in circumference, level near the shore, but rising regularly and gradually to a perfect cone in the centre, thus affording almost every variety of air and climate desirable. Upon this island is situated the free port of Amapala, recently established, where there are a few storehouses and dwellings. The rest of the island is almost wholly uninhabited. I refer thus particularly to this island because the English have long regarded it with longing eyes; and since the project of a canal across the isthmus of Nicaragua has been seriously entertained, and is likely to be carried into effect, but particularly since the large accessions by the United States of territory on the Pacific, they have resolved to possess themselves of it. The alleged debts due by Honduras to England, or rather English subjects, are the basis of operations. They have unquestionably offered to receive this island in payment, in whole or in part, of the debt; but in case the proposition is not accepted, they propose to seize upon it by way of indemnity. England is never in want of pretexts for any act which may promote her interests, real or fancied. Witness the seizure of the island of Raatan, on the Atlantic coast of Honduras, and of the port of San Juan, on the same coast of Nicaragua. The contemplated acquisition of the key to the Gulf of Conchagua is but another step of the same policy which has for its principal and *ultimate* object the prevention of American preponderance in the Pacific. Our vessels, merchandise, and citizens passing round Cape Horn, across the isthmus of Panama, or through the proposed ship canal in Nicaragua, would be completely within the power of Great Britain, and might be easily intercepted from this commanding position in the Gulf of Conchagua; besides, the three States of San Salvador, Honduras and Nicaragua, with their great mineral wealth and unlimited agricultural productiveness, would soon be reduced to the condition of dependencies of Great Britain, and ultimately be absorbed by her.

"Into the southern extremity of the Gulf of Conchagua empties a considerable stream called the *Estero Real*, up which the tide flows for many miles. Its course for a long distance is near the base of the volcanic range which I have mentioned, and in ascending it the voyager takes a direct course to the northern and deepest bay of Lake Managua. There is a sand-bar at the entrance, upon which at low tide there are but two or two and a half fathoms of water. The tide rises about ten feet, and with some artificial improvement, it is said, could be made passable at all times. The bar passed, the Estero deepens to five or six fathoms, and pursues a uniform width of from three hundred to four hundred yards. It is one of the most beautiful natural canals that can be imagined; the banks lined with mangroves and a dense background of other trees. Sir Edward Belcher, R. A., who was here in 1838, went thirty miles up the Estero in a vessel drawing ten feet of water, and might have penetrated further, had it not been for opposing winds."

[No. 7.]

LEGATION OF THE U. S. IN CENTRAL AMERICA,
Leon de Nicaragua, October 10, 1849.

SIR: In pursuance of the duties devolved upon me by my instructions, I have devoted some attention to the investigation of the practicability of a ship canal across the continent through the territories of this republic (Nicaragua.) I have now passed over the entire line of the proposed canal, and have no hesitation in saying that the project of constructing it is entirely feasible. I have the honor to submit herewith the general results of my observations, as also such other authentic information as I have been able to collect, bearing upon the subject. I have only to regret that the pressure of official duties, as also the want of appropriate instruments, (which I vainly endeavored to procure before leaving Washington,) have prevented me from giving more attention to a subject so interesting, and from presenting more exact data as respects distances, altitudes, &c. I am, nevertheless, convinced that the reports of the engineers who may hereafter survey the route will be more favorable than mine. The maps herewith submitted may be relied on as far more exact than any which have hitherto been made of this remarkable but little known country.

I am, sir, your obedient servant,

E. GEO. SQUIER.

Hon. JOHN M. CLAYTON,
Secretary of State, &c.

Observations on the route of the proposed canal across the isthmus of Nicaragua, with notices of the resources, climate, &c., &c., of the country.

GENERAL OBSERVATIONS.

The project of opening some artificial communication between the Atlantic and Pacific oceans occupied the attention of the Spaniards as soon as it was satisfactorily ascertained that no natural connexion existed. As early as 1527, the three routes which have, by common consent, come to be regarded as the only feasible ones for such communication, had already been indicated. "The lake of Nicaragua," says Herrera, writing of the events of this period, "is remarkable for its extent, the towns and islands in it, for ebbing and flowing, and for that, being three or four leagues from the South sea, it empties itself into the North sea. Those who desired to please the Emperor, seeing him intent upon finding a way to the Spice islands, said that since there was no strait in those parts — that is, between the *Gulf of Uraba* (Papagayo) and the drein of Nicaragua — a passage might be made by any of four ways which they proposed; the first along the drein of said lake, (the San Juan,) on which large boats go up and down, though there are some dangerous falls, and then making a canal along these four leagues from the lake to the South sea; and second, along the river de Lagartos, (Chargres,) which rises five or six leagues from Panama, where the way being all plain, as we have said before, a canal might also be cut for the sea and the river to meet; the third, by way of Vera Cruz to Tecoantepec, on

which, in New Spain, they convey boats from one sea to the other; fourth, the pass from Nombre de Dios to Panama, where, they asserted, though there were mountains, it was no difficult matter to make a way. They added, that from the *Gulf of Urabá* to San Miguel, (in the present State of San Salvador,) there were only twenty-five leagues; and though it would be a difficult matter, yet nothing was too much for the King of Spain's power, and this would open a much shorter way to the Spice islands through his own dominions, without any opposition."*

From this period to the present time, the subject of the communication has been a matter of much speculation; but, beyond a few partial surveys, until very lately nothing of a practical character has been attempted. The recent acquisitions of the United States on the Pacific, attended by the discovery there of much mineral wealth, have given this direction to American enterprise, and it is now probable that the two oceans will be connected both by a canal and railroad, and that a complete revolution will, in a very few years, be effected in the commerce of the civilized world.

It has been universally conceded that the only communication between the two oceans, which shall really confer any great benefit upon commerce, must be by means of a canal capable of passing with safety and rapidity the largest ships. And it has as generally been conceded, by those who have investigated the subject, that the only route practicable for such a purpose is that via Lake Nicaragua, and its dependent waters. It has good harbors upon both coasts, and passes through a country remarkable for its salubrity, and capable of furnishing all the supplies which would be required by the commerce of the world, should it take this direction.

But although it has occupied so large a share of the attention of all maritime nations, and furnished a subject for innumerable essays in almost every language of Europe, it is astonishing that so little has actually been ascertained concerning it. The data upon which most writers have proceeded have been exceedingly vague, and have, in more than one instance, received an undue coloring from their prejudices. This renders it more important that a complete and accurate survey of the proposed route should speedily be made by competent engineers; not a simple reconnaissance on a single line, but a thorough examination of every line which may be thought feasible. The so-called survey made by Mr. Baily, under the authority of the old federation of Central America, has never been published in a complete form, but its various parts, and all its results, have nevertheless come before the public, in one way or another. Mr. Baily was not an engineer, and his survey only established the impracticability of the line which he examined, viz: from Lake Nicaragua to the port of San Juan de Sud. Any route for a ship canal which involves the construction of a tunnel of any considerable extent, (as this did) may be rejected without further consideration.

It is, however, fortunate that there are other lines besides that to which Mr. Baily directed most of his attention, which, although considerably longer, not only appear to be feasible, but to hold out advantages compensating, in a great degree, for their greater length. Among these advantages are, better ports on the Pacific, and a better relative position, when they are attained, as respects the western American possessions, the Pacific islands, the Indies, and China. Besides these advantages for purposes of navi-

gation, the winds are more favorable, and the canal would terminate in a section the most fertile and populous of any on the western coast of North America.

These routes will pass the entire length of Lake Nicaragua, and, by means of the Rio Tipitapa and a short section of canal, ascend thence to the lake of Managua, through the Lake Managua, and thence by canal to the Pacific by one of three routes: 1st. By the left shore of Lake Managua to the small port of Tamarinda; 2d. By the same shore to the well known port of Realejo; and, 3d. By the upper shore of Lake Managua to the Estero Real, debouching into the magnificent bay or gulf of Fonseca, or Conchagua. It is probable that all these lines from Lake Managua to the sea are feasible, but a minute survey can only determine which is best.

TOPOGRAPHICAL FEATURES.

Before proceeding further it is necessary to refer briefly to the geographical and topographical features of the State of Nicaragua. These are somewhat remarkable. If an accurate map of Central America existed, it would exhibit in this State a separation of the great chain of the Cordilleras into two divergent ranges, of less general height than the great ridge itself, and having occasional partial interruptions. This divergence takes place in the northern department of Segovia, one branch extending due southeast towards the Atlantic. Its outposts come down to the very shore, and form the prominent landmarks upon that coast. The range itself intersects the San Juan river about fifty miles above its mouth. Upon its northern base, and nearly parallel to it, flows a large and long stream, the Rio Escondido, better known in the maps as "Bluefields river." All the streams upon the other side of the range fall into lakes Managua and Nicaragua or into the San Juan river. This range resumes its course upon the southern shore of the San Juan, but now bears nearly due south, connecting with the Pacific range in the elevated regions of Costa Rica.

The Pacific range follows the general direction of the coast, sometimes rising into lofty volcanic cones, but generally sustaining the character of a high ridge, in places subsiding into low hills and plains. This range preserves a nearly uniform distance from the sea of from ten to twenty miles; consequently there are no considerable streams falling into the Pacific for the extent which it continues. It unites, as I have already said, with the eastern range in Costa Rica. The course of this range seems to have been the line of volcanic action, and extinct craters and beds of lava are to be met at short intervals throughout its length. The lofty cones of the Viejo, Santa Clara, Acosusco, Momotombo, Momobacho, and Ometepec, not to mention many others, may be regarded as belonging to this range, and are prominent landmarks and form remarkable features in the landscape.

The two ranges of the Cordilleras, here referred to, form, with their slopes, a great interior basin, not far from three hundred miles long by one hundred and fifty broad, consisting in great part of broad, beautiful, and fertile plains. The waters of this wide region fall into the lakes already named, of which the San Juan river is the only outlet. Many of the streams flowing into these lakes, especially from the north, are of

considerable size, and furnish a supply of water which could not be sensibly affected by drains for artificial purposes.

The lake Managua approaches, at the nearest point, to within four or five leagues of the Pacific, from which it is separated on the south by the range of hills already described, but between its northern extremity and the sea there is only the broad and magnificent plain of Leon, gradually rising, for a distance of two thousand seven hundred and twenty-five yards, to an elevation of fifty-five feet six inches, and then subsiding gradually to the ocean.*

There is every reason to believe that this statement is not far from correct; and, if so, it must be obvious that it will be entirely practicable to carry a canal from the lake, which will form the summit level, to the ocean, especially as the earth at a short depth is sufficiently firm to sustain itself without the usual guards. This is shown from the fact that the wells on the plain of Leon, which have often a depth of from eighty to one hundred feet, do not require the use of artificial means to prevent the earth from falling inwards.

Section from Pacific to Lake Managua—Tamarinda line.—The first line from the lake of Managua to the sea, at the port of the Tamarinda, is considerably shorter than any other, not exceeding fifteen miles in length. But the water of the lake, upon its northwestern shore, is shallow. It was sounded by myself and Dr. Livingston, in July, 1849. It deepened regularly from the shore to the distance of one mile and a quarter, where it attained five fathoms; after that it deepened rapidly to ten and fifteen fathoms, which is, as I was informed by the boatmen, the average depth of the central portion of the lake. The country between these points, so far as could be ascertained, (it being covered with forests,) offers no insuperable obstacle to a canal. The port itself is small, but well protected, with a considerable stream of fresh water flowing into it. Vessels of 160 tons have frequently entered to load Brazil wood. There is no town or village upon it, and it seems to have escaped general notice. It is said to have all requisite depth for large vessels.

Section from Pacific to Lake Managua—Realejo line.—The second line is that to the well-known and excellent port of Realejo, which is properly an estero, formed by the junction of the Doña Paula and Realejo rivers, and protected on the side of the sea by the islands of Cardon and Asserradores, and a bluff of the main land. It is safe and commodious, and the water is good, ranging from three and four to eight and nine fathoms.† The volcano of the Viejo, lifting its cone upwards of 600 feet

* Mr. A. G., whose personal investigations are extensively quoted by Prince Louis Napoleon Bonaparte, in his pamphlet on the Nicaragua canal route, printed privately in London in 1846—p. 22.

† Sir Edward Belcher, who surveyed it in 1808, says: "It has two entrances, both of which are safe, under proper precautions, in all weathers. Good and safe anchorage extends for several miles. The rise and fall of the tide is eleven feet, full and change 3 h. 6 m. Docks or slips, therefore, may easily be constructed, and timber is readily to be procured of any dimensions; wood, water, and immediate necessities are plentiful and cheap. The village of Realejo is about nine miles from the sea, and has a population of about one thousand souls."—*Voyage round the World*, vol. ii, p. 307.)

"I may confidently say," observes Dunlap, "that Realejo is as good a port as any in the known world. I have seen Portsmouth, Rio Janeiro, Port Jackson, Talcujano, Callao, and Guayaquil, and to all of these I consider it decidedly superior. It is a salt water creek, into which several small streams of water empty themselves. The entrance is protected by an island about two miles long, which leaves at each end a channel where ships can enter the

above the sea, to the northeastward of the port, forms an unmistakable landmark for the mariner, long before any other part of the coast is visible. This line, starting from the nearest practicable point of lake Managua, cannot fall short of forty-five or fifty miles in length. It is said that the *Doña Paula* might be made use of for a considerable distance—so far as the tide flows; but that can only be determined by actual survey. I can discover no reason why this route could not be advantageously pursued. It has the present advantage of passing through the most populous and best cultivated part of the country, and terminating at a point already well known. There is no stream upon this line which, as has been supposed by Louis Napoleon, and some other writers on this subject, can be made available for supplying this section of the proposed canal with water. The “*Rio Testa*” of which they speak (by which, from its described position, it is supposed the *Rio Telica* is meant, for no stream known as the *Rio Testa* exists) was formerly a stream of some size, but never furnished a quantity of water sufficient to supply an ordinary canal. The local geography of the plain of Leon is little known to its inhabitants; and, as the roads are hemmed in by impenetrable forests, it is impossible for the traveller to inform himself of the minor topographical features of the country. The *Rio Telica* empties into the estero of Realejo, and it may possibly be made to answer a useful purpose. I have crossed it at many points where it has (as it probably has throughout) the character of a huge natural canal, from sixty to ninety feet deep by perhaps one hundred and fifty or two hundred yards broad at the top, and having steep banks, for the most part of a friable substratum of rock or compact earth. And as, at its source, it is not more than ten miles distant from lake Managua, it is not improbable that, by proper cuttings, the waters of the lake might be brought into it, and, after the necessary level is attained, the bed of the stream might be used from that point to the sea, securing the necessary depth of water by locks or dams. If this suggestion is well founded, the principal part of the estimated excavation of this section of the canal may be avoided. In any event the cutting would not, with the aids furnished by this mechanical age, be an object to deter the engineer. We have examples of much more serious undertakings of this character. In the canal from Arles to Bouc the table-land has been cut through to the extent of two thousand two hundred and eighty-nine yards, the extreme depth being from one hundred and thirty to one hundred and sixty two feet. The deepest cutting required here, in order to furnish a depth of twenty-five feet of water in the canal, or, in other words, to that depth below the level of the lake, would be eighty-one feet. I need hardly add

harbor, but extending opposite the main land, forming the port in such a manner as to protect it entirely from any wind that can possibly blow, and also breaking the swell which enters the outer bay of Conchagua from the ocean. The north entrance is about a quarter of a mile wide, and that at the south of the island rather narrower—both being entirely free from rocks or hidden dangers, and having in no part less than five fathoms depth of water. At one of these openings vessels can at all times enter with a haling wind, from whatever quarter it may blow. The inside consists of a noble basin of water, nowhere less than four fathoms deep, with a bottom of mud, where two hundred ships of the line might lie at all times in the most perfect security. Merchant vessels generally lie about a mile from the entrance, in the branch of the creek which runs up to Realejo, where there are about five fathoms water over a mud bottom. Opposite this port there is a fine level beach, possessing deep water close to the edge, which would form an admirable site for a town, and where, at very little expense, a wharf might be constructed capable of accommodating almost any number of vessels.”—(*Central America*, p. 26.)

that the lake of Managua must supply the water requisite for the use of the canal, from its shores to the sea, as there are no reservoirs or streams of magnitude upon this line.

Section from Pacific to the Lake Managua—line of the Estero Real.—There is still another route to which public attention has never been generally directed, but which, if feasible, of which I have no doubt, offers greater advantages than either of the others just named, viz: from the northern point of Lake Managua via the Estero Real to the gulf of Fonseca, or Conchagua. The upper part of Lake Managua is divided into two large bays by a vast promontory or peninsula, at the extreme point of which stands the giant volcano of Momotombo. Between this volcano and that of the Viejo, to the northeast of Realejo, running nearly east and west, is a chain of volcanoes, presenting, probably, in a short distance, a greater number of extinct craters and more evidences of volcanic action than any other equal extent of the continent. This chain is isolated, and nearly at right-angles to the general course of the great mountain ranges. Upon the south is the magnificent plain of Leon, bounded only by the sea; and upon the north is also another great plain, the "*Llano del Conejo*," bounded by the auriferous hills of Segovia. This plain extends from the northern bay of Lake Managua to the gulf of Conchagua, which is equalled only by that of San Francisco, and may be described as a grand harbor, in which all the vessels of the world might ride in entire security. It much resembles that of San Francisco in position and form; the entrance from the sea is, however, broader. Its entire length within the land is not far from 100 miles, and its breadth from 30 to 60. The three States of San Salvador, Nicaragua, and Honduras, have ports upon it. In respect to trade, the principal port on the main land is that of La Union, in San Salvador. All the adjacent coasts are of unbounded fertility, and possess an unlimited supply of timber. The sides of the mountains, particularly the volcano of San Miguel, are covered with oak and pine, suitable for building and repairing ships. Coal occurs in abundance 25 or 30 miles from the port of La Union, on the banks of the Rio Lempa, the roads to the beds leading through a level country. The bay embraces several islands of considerable size and beauty, surrounded by water of such depth as to enable vessels of the largest class to approach close in-shore. The most important of these, from the circumstance of its size and the fact that it commands and is the key to the entire bay, is the island of Tigre, belonging to Honduras. This island was the headquarters and depot of Drake during his operations in the South sea. It is about thirty miles in circumference, level near the shore, but rising regularly and gradually to a cone in the centre; thus affording almost every variety of air and climate desirable. Upon this island is situated the free port of Amapala, recently established, where there are a few storehouses and dwellings. The rest of the island is almost wholly uninhabited. I refer thus particularly to this island because the English have long regarded it with longing eyes; and since the project of a canal across the isthmus of Nicaragua has been seriously entertained, and is likely to be carried into execution, but particularly since the large accessions by the United States of territory on the Pacific, they have resolved to possess themselves of it. The alleged debts due by Honduras to England, or rather to English subjects, constitute the basis of operations. They have unquestionably offered to re-

ceive this island in whole or part payment of their debts; but in case the proposition is not accepted, they have intimated their purpose to seize upon the island by way of indemnity. England is never in want of pretexts for any act which may promote her interests, real or fancied. Witness the seizure of the island of Raatan, on the Atlantic coast of Honduras, and of the port of San Juan, on the same coast of Nicaragua! The contemplated acquisition of the key to the Gulf of Conchagua is but another step of the same policy, and has for its principal and ultimate object the prevention of American preponderance in the Pacific. Our vessels and merchandise and citizens passing round Cape Horn, across the isthmus of Panama, through the proposed ship canal in Nicaragua, would be completely within the power of Great Britain, and might easily be intercepted from her commanding position, should she obtain possession of it. Besides, the three States of San Salvador, Honduras, and Nicaragua, with their great mineral wealth and unlimited agricultural productiveness, would soon be reduced to the condition of dependencies of Great Britain, and ultimately be absorbed by her.

Into the southern extremity of the Gulf of Conchagua empties a considerable stream, or estuary, called the Estero Real, up which the tide flows for many miles. Its course, for a considerable distance, is near the base of the volcanic range which I have mentioned, and in ascending it the voyager takes a direct course towards the northern and deepest bay of Lake Managua. There is a sand-bar at the entrance of the Estero, upon which, at low tide, there is but two and a half or three fathoms of water. The tide rises about ten feet, and, with some artificial improvements, it is said the bar could be made passable at all times. The bar passed, the Estero deepens to six and ten fathoms, and preserves a uniform width of from three hundred to four hundred yards. It is one of the most beautiful natural canals that can be imagined; the banks are lined with mangroves, and it has a dense background of other trees. Sir Edward Belcher, who was here in 1838, went thirty miles up the Estero in a vessel drawing ten feet of water. He says: "To-day we started with the Starling and other boats to explore the Estero Real, which I had been given to understand was navigable for sixty miles; in which case, from what I saw of its course in my visit to the Viejo, it must nearly communicate with the lake of Managua. After considerable labor we succeeded in carrying the Starling thirty miles from its mouth, and might easily have gone further had the wind permitted, but the prevailing strong winds rendered the toil of towing too heavy. We ascended a small hill about a mile below our extreme position, from which angles were taken to all the commanding peaks. From that survey, added to what I remarked from the summit of the Viejo, I am satisfied that the stream could be followed many miles further, and, I have not the slightest doubt, is fed very near the lake Managua. I saw the mountains *beyond* the lake on its eastern side, and *no land higher than the intervening trees occurred*. This, therefore, would be the most advantageous line for a canal, which, by entire lake navigation, might be connected with the interior of the States of San Salvador, Honduras, Nicaragua, and extend to the Atlantic. Thirty navigable miles for vessels drawing ten feet we can vouch for, and the natives and residents assert *sixty* (30?) more!" From the course of the Estero, and the distance it is known to extend, it probably would not require a canal of more than twenty or twenty-five miles in length, to connect its navigable

waters with those of Lake Managua, in which case there would be a saving over the Realejo line, besides having the western terminus of the great work in the magnificent bay which I have just described, where every facility is afforded for victualling, repairing, etc., and where a local trade of vast importance in sugar, cotton, indigo, cacao, and coffee, would soon spring up.

It may therefore be safely asserted that a passage from the lake of Managua to the sea is entirely feasible, and it only remains to determine which of the routes here indicated offers the greatest advantages.

Lake of Managua.—The lake of Managua is a fine body of water, and of much larger size than has heretofore been represented. It is certainly not far from fifty or sixty miles in length, by thirty or thirty-five in greatest breadth, and ranges from nine to ten and fifteen, and even thirty fathoms in depth. The scenery which borders it is unsurpassed in beauty and grandeur. Upon the northern and eastern shore, lifting their blue, rugged peaks one above the other, are the mountains of Matagalpa, merging into those of Segovia, which are rich in metallic veins; and upon the south are broad and fertile slopes and level plains, covered with luxuriant verdure and of almost unlimited productiveness. The volcano of Momotombo, like a giant warder, stands out boldly into the lake; its bare and blackened summit, which no man has ever reached, covered with a light wreath of smoke, attesting the continued existence of those internal fires which have seamed its steep sides with burning floods, and which still send forth hot and sulphurous springs at its base. Near it is the torn and distorted Arota, with its yawning craters, and the high and verdure-covered peak of Acosusco. In the lake itself rises the regular cone of Momotombita, so regular that it seems a work of art covered with a dense forest, under the shadows and in the deep recesses of which, frayed by the storms of ages, stand the rude and frowning statues of the gods of aboriginal superstition, raised long before European feet touched the soil of America, and to which the minds of the christianized Indians still revert with a mysterious reverence, impossible to conceal. The town or city of Santiago de Managua, which gives its name to the lake, and which is the place of the meeting of the legislative chambers of the State, is situated upon the southwestern shore. Some considerable streams flow into the lake from the direction of Segovia, and the level of water undergoes very slight change with the different seasons.

With the aid of steamers and with proper deepening near the shores, there would probably exist no difficulty in making the passage of this lake with the largest vessels. Its sole outlet is the river Tipitapa, or Panaloya, which connects it with the lake of Nicaragua. The distance between the two lakes is about 18 miles, and the difference of level is stated to be 28 feet. The whole of this fall is comprised within the first four miles from Lake Managua. The river below assumes the character of an estuary of Lake Nicaragua, with a wide channel and from six to fifteen feet of water. The estate of Pasquiel, at the head of this estuary, is the limit of navigation. Above for a mile and a half, to "Paso Chico," the bed of the river is full of large and isolated rocks, resting upon a bed of rock which seems to be calcareous breccia, but, singularly enough, intermixed with fragments of lava, as well as various granitic stones, jasper, and other materials. Beyond "Paso Chico" the bed, or rather the former bed of the river, (for there is now no water here except what flows from springs,

or is deposited in large pools on the depressions of the rock by the rains,) is the same solid breccia, worn into basins and fantastic "pot-holes" by the water. Within one mile of the lake of Managua is the falls of Tipitapa, opposite the little village of that name. It is a ledge of the same rock above described, and is from twelve to fifteen feet in height. The former bed of the stream is here not less than 400 feet in width. At this point is a bridge, and, as far as I know, the only one in actual use in Nicaragua. Just below it is a copious boiling spring, from which flows a considerable stream, so hot as to scald the hand at the distance of sixty paces from its source. It has formed a thick deposit upon the rocks and stones, the apparent constituents of which are carbonate of lime, sulphur, and sulphate of copper. There are numerous other hot springs in the ancient bed of the stream, as also along the shores of the lake; they are readily observed in the cool of the morning, from the condensation of the steam as it rises from them. From the falls to the lake the ancient bed is wide but shallow, and is now covered with grass and bushes, resembling a neglected pasture. At the time of my visit (September, 1849,) at the height of the so-called rainy season, no water flowed through it, and, so far as I could learn, none had flowed there for years. I can, however, readily believe that in an extremely wet season a small quantity may find its way through this channel, and over the falls. It is, nevertheless, very evident that no considerable body of water ever passed here. There is an arm of the lake which projects down the old bed for three or four hundred yards, but the water is only two or three feet deep, with an equal depth of soft gray mud, the dwelling-place of numerous alligators, with reedy shores thronged with every variety of water-birds. The water of Lake Managua, near the so called outlet, is not deep, and the channel, in order to admit of the passage of large vessels, would probably require to be well dredged, if not protected by parallel piers. At the distance of about three-fourths of a mile from the shore I found, by actual measurement, that the water did not exceed two fathoms in depth. No great obstruction to building the proposed canal exists in the section between the two lakes. The rock is so soft and friable that a channel can easily be opened from Lake Managua to the falls. Beyond this the banks are high for four miles, forming a natural canal, which only needs to be properly dammed at its lower extremity to furnish a body of water adequate to every purpose of navigation. Locks would then be required to reach the estuary from lake of Nicaragua at Pasquel. From this point to the lake I conceive may prove the most difficult part of this section, although apparently the easiest. Where the bottom is earth or mud, the desirable depth of water may be secured by dredging; but where it is rock, as it certainly is near its upper extremity, some difficult excavation will be required. The banks downward are so low as to prohibit assistance from dams, except by diking the shores.

The Tipitapa is bordered by low and slightly undulating, but very rich and beautiful lands, interspersed with glades, and chiefly occupied for cattle estates. Abundance of Brazil wood grows here, and large quantities are annually shipped in bungos from Pasquel for the port of San Juan, passing thence to all parts of the world, but chiefly to the United States.

Lake Managua may thus be said virtually to have no outlet. The streams which come in from the Pacific side are insignificant; and though,

as already stated, the Rio Grande and other streams of considerable size flow into it from the direction of Segovia, yet they vary much with the season of the year, and seldom furnish a greater quantity of water than is requisite to supply the evaporation from so large a surface in a tropical climate. The lake sometimes rises a few feet from the influx of water, but according to the concurrent testimony of the inhabitants on its shores, its average level is considerably less than it was some fifteen or twenty years ago, before the terrible eruption of Consegunnia, already referred to. Nevertheless, a reservoir like that of Managua, with 1,200 square miles of surface, would be adequate to supply all the water required for a ship canal at this point, without any sensible diminution of its volume. The winds on the lake blow freshly from the NE. during the afternoon and evening, and subside towards morning, causing an ebb and flow in its results corresponding with that produced by the tides of the ocean; hence the vulgar error of a subterranean communication with the sea. The same is true of Lake Nicaragua.

Lake Nicaragua.—Lake Nicaragua is unquestionably, in all respects, one of the finest bodies of water on the continent, and needs only to be made easy of access to become as famous a resort of the lovers of the grand and beautiful in nature as any now known in the Old or New World. In common with Lake Managua, its size has been rather under than over-estimated. Mr. Bailey calculated its greatest length at 100 miles, and its greatest width at 40 or 45 miles. It is probably nearer 120 miles in length, by 50 or 60 in breadth. Upon its southern shore, near the head of the lake, is the ancient city of Grenada, the most important commercial point in the republic. It has a considerable trade, which is carried on through the port of San Juan on the Atlantic by means of small boats of peculiar construction, and capable of carrying from four to ten tons, called *bungos*. These make the trip to San Juan and back in about three weeks time. A few miles below Grenada, and projecting boldly into the lake, is the extinct volcano of Momobacho, not far from 5,000 feet in height. At its base in the lake is a group of innumerable small islands of volcanic origin, rising in the form of cones from 20 to 100 feet, and covered with verdure. Some of them, upon which the soil has accumulated, are inhabited by Indians, and their thatched cottages shadowed over by tall palms, and with a dense background of broad-leaved plantains, form the most picturesque objects which can be conceived. Upon the same shore with Grenada, but 40 miles distant, is the city of Nicaragua or Rivas, the capital of a very large, fertile, and comparatively well-cultivated district, but recently the scene of butcheries too horrible to relate. The remaining section of the southern shore of the lake has scarcely any inhabitants, except a few wild Indians called "Bravos," who alternate between the mountainous district towards Costa Rica and the shore. The northern shore, called Choutales, is undulating, and well adapted to grazing. There are a great number of cattle estates, some embracing many thousand head of cattle and mules. There are a number of considerable islands in the lake, the largest of which is Madeira or Ometepec, which is almost wholly inhabited by Indians. It abounds in numerous traces of aboriginal occupation and art, and is distinguished by two immense cones, visible from every point of the lake and from the Pacific. These are called respectively Ometepec and Madeira. The cone of Ometepec is the most regular in outline of any which I have seen, and is, I think, the highest in the

country. Its summit is generally enveloped in clouds. The water of the lake, in most places, shoals gradually, but at some points vessels of the largest class may approach close to the shore. The depth, except in the immediate vicinity of its outlet, is for all purposes of navigation ample, ranging from 8 to 20, and even 45 fathoms. The prevailing winds are from the N.E., (the direction of the summer trades on the coast,) and when the breeze is considerable, the waves of the lake roll with all the regularity and with much of the majesty of those of the sea. At such times, the surf upon the shore at Grenada is nearly as high as that upon the beach at Newport and Cape May.

River of San Juan.—The river of San Juan, concerning which so much has been written, is certainly a magnificent stream, but its capabilities have been greatly exaggerated. It is the only outlet, as is well known, of the two large lakes just described. It flows from the south-eastern extremity of Lake Nicaragua, nearly due east, to the Atlantic. Its length has been variously estimated from 79 to 104 miles. The first estimate is obviously too little. Mr. Bailey calculated it at 90 miles, and he is probably not far from correct.

The body of water which flows through this stream is at all times considerable, but it varies greatly in amount at different seasons of the year. It is greatest during what is termed the "rainy season" in the interior, that is to say, from May to October, at which period the volume of water is nearly doubled. To this circumstance in a great degree may be ascribed the wide difference in the statements of the depths and capacity of the river made by different individuals.

Several considerable streams enter the San Juan, the principal of which are the San Carlos and the Serapique, both rising towards the south in the highlands of Costa Rica. The streams flowing in from the north are comparatively small, indicating that the mountains are not far distant in this direction, and that upon this side the valley is comparatively narrow. The Serapique is ascended by boats to a point where the Costa Rica road (trail) commences. This is the route by which Costa Rica keeps up communication with the San Juan, and to the point here named she is now endeavoring to construct a road for mules starting from San José, her capital. The banks of the San Juan, from the fort of San Carlos, at the outlet of the lake, to the *Rapides del Toro*, a distance of twenty miles, are generally low, and covered with palms, canes, and a species of high, coarse grass called *gamalote*. The river here sometimes overflows its shores, which for a considerable distance back seem to be flat and swampy. From the port of San Juan upwards to the point of the divergence of the Colorado, a distance of eighteen miles, the banks of the river present a corresponding appearance. In fact, the entire country from this point to the sea is flat, as is shown by the divergence of the Colorado, the Juanillo, and Tauro, and by the occurrence of numerous *lagunas*. It is nevertheless fertile, and capable of producing in the utmost luxuriance rice, sugar, and those other articles which require moist and fertile soils. From the Colorado to the Rapides del Toro, a distance of more than fifty miles, the banks of the river vary from six to twenty feet in height and are densely wooded, the forests coming down to the water's edge, forming an almost impenetrable wall of verdure. The passenger in the boats is so completely shut in by vegetation, that it is impossible to discover what is the character of the back country. At intervals hills and high

grounds are to be discerned, and sometimes these come down to the edge of the river. At the mouth of the San Carlos there are hills 2,000 feet high, and the river is much contracted. The entrance of the passage between them, from the west, somewhat resembles the opening of the highlands of the Hudson from the north.

The banks of the river are in some places rocky; elsewhere they are far from being as crumbling as those of the Ohio and Mississippi and other rivers of the western States of the Union. This is, perhaps, due, in some extent, to the roots of trees and plants which penetrate and bind the earth in all directions. The bed of the river may be regarded as essentially permanent; it nevertheless abounds in islands, of which there are hundreds. Some of these are low and covered with *gamalote*, or with canes; but most are as high as the banks of the river, and wooded in like manner.

The width of the river varies from one hundred to four hundred yards, and its depth from two to twenty feet. I should estimate the average volume of water at about that of the Hudson below its confluence with the Mohawk. The bottom seems generally to be gravel. There are four considerable rapids, where the bed is rocky and the water shallow; these will be noticed hereafter in detail. The current, from the mouth of the river to the Del Toro, is very rapid. With the water at a medium stage, in a light bungo, and with a stout crew of ten men, I was six days in passing from San Juan to San Carlos. The men labored hard at the oars and setting poles from long before daylight until after dark each day. We passed other bungos which had left three days before us, and our trip was regarded as one of extraordinary rapidity. From these facts, some idea may be formed of the strength of the current. Bulow calculates the fall of the stream at twenty inches per mile, except at the various rapids, where it is more.*

The banks of the river are totally uninhabited, nor is it known that any one has penetrated the country in either direction. A small garrison is stationed at *Castillo Viejo*, about twenty-five miles below the lake, at the Rapides Del Castillo. There is no doubt that the entire region is eminently fertile, and capable of producing all the fruits and staples of the tropics in the greatest abundance.

The accompanying map (No. 2, of the San Juan) is corrected from that constructed by Baron Bulow in 1847 upon the basis of a MS. map made by Messrs. Rouchaud and Dumaintry. Bulow descended the river in July, when the water was at its highest stage; his bungo was fifty feet long by nine broad, and had a freight of five tons and thirteen persons, the boat drawing about four feet of water. His notes, as far as they were confirmed by my own observations, are imbodyed in the subjoined explanations of the map.

The fort of San Carlos, at the head of the river, is a collection of some fifteen or twenty cane-built houses, occupied by perhaps one hundred people. The defences were formerly considerable, but have of late years been allowed to fall into decay. The position is a strong one, and the old works might soon be put in a condition to control the entrance of the lake. A small body of troops is maintained here, and here also, since the

* Mr. Bailey estimated the elevation of Lake Nicaragua above the Pacific ocean at 128 feet; above the Atlantic at 140 feet.

seizure of San Juan by the English, are the officers of the customs for this department.

The water of the lake opposite the fort and fronting the opening of the San Juan is very shallow, not exceeding six or seven feet in depth for the distance of a mile and upwards from the shore. Near this point the Rio Frio (Cold river) comes in from the south. It is a large stream, and is represented to have two fathoms water for a distance of forty miles from its mouth. A tribe of Indians called the *Guatosos* live upon its banks, who refuse all intercourse with the whites, and permit no ingress to their territories. Some explorations were undertaken up this river by Don Trinidad Salegar, comandante of San Carlos, in the early part of the year 1849, but he was attacked by these Indians, severely wounded, and compelled to return.

The opening of the San Juan is probably three hundred yards and upwards broad, which width the stream maintains with great uniformity to the Rio Savalos, a distance of twenty miles; for this extent the current is slight—according to Baron Bulow, not exceeding *one and a half mile the hour*. The channel is wide, and the depth of the water from two to four fathoms. The banks are low, and the back country flat and swampy. Some sluggish streams come in from both north and south, but they are almost hidden by the overhanging trees.

At the Rio Savalos commences the *Rapides del Toro*, which are about three-fourths of a mile long. The water, of course, varies in depth with the different seasons of the year. At the time of my passage, it was, certainly for most of its extent, less than a fathom of water. The banks upon both sides are firm and high, and the palm gives place to other and larger trees. Bulow gives the current at one hundred and eighty to two hundred yards per minute, but I esteem it something more. From this point to the *Rapides del Castillo* is six miles. The intervening banks are high, and the land well adapted for settlements. At the rapids considerable ridges come down to the river upon both sides. Upon the extreme point of that upon the south bank is situated the ruins of the old castle of San Juan, now called "*Castillo Viejo*." The eminence upon which it stands resembles that of Chepultepec, and the ruins are still massive and imposing. At the base of the hill are the remains of the water batteries; the works completely commanded the river. This position was captured by the English in 1780; Lieutenant (afterwards Lord) Nelson participated in the attack. The rapids here are short, but swift—better deserving the name of falls than rapids. Bungos cannot ascend loaded; when they have cargoes, part of the same has to be removed and carried past the falls. The boats are then *tracked*, or pushed up against the current, by main force. My bungo was upwards of three hours in getting as many hundred yards. This rapid, without artificial modifications, would present nearly an insuperable obstacle to all kinds of navigation deserving the name. It might be made practicable, with little trouble, for small steamers of light draught, such as are used upon some of the small western rivers. Three or four miles below the *Rapides del Castillo* are the *Rapides los Valos* and *Mico*, which may, however, be regarded as one. The current here is two hundred or three hundred yards per minute; the bottom rough and rocky, and navigation in bungos difficult. The water does not appear to be more than five or six feet deep for any considerable distance; the banks correspond with those above the castle.

To the *Rapides of the Machuca*, (the present limits of the English claim,) the last, largest, and worst, the river is deep and free from obstructions. "These rapids," says Bulow, who is disposed to represent the capabilities of the river in the most favorable light, "are worst of all; the water is more broken from running over a rocky bed; stones and rocks project above the surface for a distance of six hundred yards; and great attention is necessary in passing the channel." It may, nevertheless, be passed by small steamers. From this point to the San Carlos the river is very fine, the banks high and studded with beautiful trees. The current is regular, but the depth of water variable. Bulow states the depth at from two to six fathoms. The San Carlos is a large stream, and may be ascended by bungos to the distance of fifteen or twenty miles.

From the river San Carlos to the Serapique the banks are good, though not so elevated as they are higher up the stream. The current is strong but even, and the depth from four to twenty feet in the channel. The Serapique is navigable for canoes to the distance of twenty-five or thirty miles.

To the divergence of the Colorado river is a distance of thirteen miles, the banks preserving their elevation to the divergence of the Juanillo, from which point they become very low. The current is regular, and the depth, according to Bulow, from ten to thirty feet. The Colorado withdraws a large body of water from the river, which, however, continues to preserve very nearly its original width to the port of San Juan. The channel for the remaining distance is studded with low islands, covered generally with gamalote. The depth is very variable, ranging from three to ten or twelve feet; the bottom gravelly. In the dry season bungos can hardly pass with their loads.

It has been suggested that the channel of the Colorado was cut or enlarged by the Spaniards, under the empire, to prevent the ascent of hostile vessels; but the suggestion is simply absurd. The delta has existed very nearly in its present form and condition, without doubt, for many centuries. The loss of water by the Colorado has been calculated at 28,000 cubic yards per minute in the dry, and 86,000 in the rainy season.

I have no hesitation in asserting that the San Juan never can be made navigable for ships of any considerable size. Small steamers, with some improvements in the channel, might be run without much difficulty; and this is *all* that can be hoped for from this stream.

In case it should be determined to open communication for ships across the continent at this point, it would be necessary to cut a canal at the base of the hills parallel to the stream, which might be made to yield, at the necessary intervals, the requisite supply of water. It is possible that the river might be used from the lake to *Del Toro*, though even this is not certain. I am convinced that the ground rises not very far back from the river on the north, and that stone and all the materials necessary for the construction of a canal might be obtained without difficulty very nearly on the spot desired. These are things, however, which can only be determined from actual survey. A canal upon the southern bank, for reasons sufficiently obvious from what has been presented above, is impracticable.

It has been conjectured by some that formerly the volume of water in the San Juan was much more considerable than it now is. This conjecture was doubtless founded on the circumstance of strong defences having been erected by the Spaniards many years since upon the banks both

of the river and the lake, implying that it was an important channel of communication, and upon the known fact that vessels denominated in early times "frigates" were accustomed to pass from the ocean to the lake and from the lake to the ocean. Indeed, it would seem that vessels sometimes sailed direct from Grenada to the ports of Spain; but from the accounts of Gage, who visited Nicaragua about 1670, it appears that the task of passing "El Desaguadero," or the San Juan, was one of great difficulty and danger. He says: "For though while the vessels sail on the lake securely and without trouble, yet, when they fall from the lake to the sea, *hic labor, hoc opus est*—here is nothing but trouble, which sometimes makes that short voyage to last for *sixty days*; for such is the fall of the waters in many places among the rocks, that many times they are forced to unlade the 'frigates,' and load them again with the help of mules kept for that purpose by the few Indians who live about the river and have care of the lodges made to lay in the wares, while the frigate passed through dangerous places to another lodge, whither the wares are brought by mules and again placed in the frigate."* The vessels here called "frigates" were probably of small size, not exceeding eighty or a hundred tons burden. Vessels of this size may still with extraordinary efforts be taken up during high water in the river, as was shown in 1826 by Captain Peter Shepherd, of San Juan, who took a schooner of fifty-two tons through the river by removing her keel and warping the whole distance. In this condition the vessel drew three feet six inches. The task was accomplished in thirty-two days. It may be observed here, upon the authority of Captain Shepherd, that this vessel, with her keel replaced and loaded, drew seven feet of water, and that *then*, in the dry season, she could not approach within two miles of San Carlos, or the point of debouchure of the San Juan. Such being the fact, extensive works would be necessary to enable ships to pass from the lake into any canal which might be constructed.

Harbor of San Juan.—The harbor of San Juan is altogether more spacious and a better one than is generally supposed. The entrance is easy, and vessels of the largest draught find no difficulty in passing the mouth, and obtaining within a safe and commodious anchorage. It has been represented that, in consequence of the peculiar make of the land, it is extremely difficult for ships to find the harbor. This is true to a certain extent; but although the coast in the immediate vicinity is low, yet a short distance back the land is high and characteristic, and cannot be mistaken. With proper charts, correct sketches of the coasts, and with a light house on Point Arenas, every difficulty would be obviated. This is evident, even to the unprofessional observer. The harbor is fully adequate to every purpose connected with the proposed canal.

RECAPITULATION.

The length of the proposed line of communication between the two oceans, from San Juan to Realejo, is variously stated, but is estimated by Napoleon at 278 miles, as follows: Length of the San Juan, 104 miles; of Lake Nicaragua, 90 miles; river Tipitapa, 20 miles; Lake Leon or Managua, 35 miles; and distance from the lake to Realejo 29 miles. This is posi-

* Gage's West Indies, p. 422.

tively erroneous in some particulars; as, for instance, the distance from Lake Managua to Realejo, so far from being only 29 miles, is actually 40 to 45 miles. That the calculation is generally erroneous will appear from the following facts: The port of San Juan is in $10^{\circ} 56'$ N. latitude, and $83^{\circ} 42'$ W. longitude; the port of Realejo is in $12^{\circ} 27'$ N. latitude, $87^{\circ} 3'$ W. longitude; consequently the distance *in a right line* between the two points is 265 standard miles, or only 13 miles less than the distance computed by Napoleon's authorities—a margin altogether too small for the augmentation of length consequent upon the variations of the route from a right line. The actual distances can only be determined by actual measurement; but I nevertheless venture to submit the following calculations:

Length of the river San Juan	-	-	-	90 miles.
Length of the port of Lake Nicaragua necessary to be traversed	-	-	-	110 miles.
Length of river Tipitapa	-	-	-	18 miles.
Length of Lake Managua	-	-	-	55 miles.
Distance from lake to Realejo	-	-	-	40 miles.
Total	-	-	-	303 miles.

From this must be deducted 25 miles, in case the line is terminated at the port of Tamarinda; in case it should terminate in the Gulf of Fonseca, it is not probable it would be many miles longer than the Realejo line. The extent of actual canalization would therefore be, to Realejo 148 miles; to Tamarinda 123 miles; and to the Gulf of Fonseca, probably, 135 miles.

The height of the various lakes to be passed, and the elevations of land to be overcome, I have employed no means of ascertaining with accuracy. From my observations, however, I am disposed to regard the following statement as very nearly correct:

	Above the Atlantic.	Above the Pacific.
Height of the lake of Nicaragua	147 ft. 9 in.	128 ft. 3 in.
Height of the lake of Managua	176 ft. 5 in.	156 ft. 11 in.
Highest point of land to be passed	231 ft. 11 in.	212 ft. 5 in.

The accompanying section, No. 3, is on the horizontal scale of 15 miles, and the vertical elevation of 500 feet to the inch; that is to say, a vertical scale proportionably 160 *times greater* than the horizontal.

It is useless to enter into calculations respecting the proper size and respecting the cost of such a work as the proposed canal. Its dimensions, in order to make it fully answer the purpose of its construction, must be sufficiently great to admit the easy passage of the largest vessels. Its cost, until there is a detailed survey of the entire line, must be entirely a matter of conjecture. It has been variously estimated from six to twenty-five and thirty millions of dollars. Assume it to cost \$100,000,000, which may be as near the truth as any other calculation; still it is enough to know that it is *feasible*; and that its benefits, immediate and prospective, will be sufficient to compensate for the expenditure of double that amount, startling as it may at first appear.

Louis Napoleon estimates the size required in the earth-cuttings as follows:

Width at water line	-	-	-	147 feet.
" bottom	-	-	-	65 "
" level of towing-path	-	-	-	155 "
Depth	-	-	-	23 "

In the rock-cutting as follows:

Width at water line	-	-	-	131 feet.
" bottom	-	-	-	126 "
Width at level of towing-path	-	-	-	131 "
Including paths	-	-	-	158 "

The dimensions of the locks, to admit one ship of 1,200 tons, or two merchantmen of 300 tons, or two brigs of 16 guns, &c.:

Width	-	-	-	47 feet.
Length within gates	-	-	-	210 "

These dimensions are one fifth greater than those of the Caledonia canal, calculated to admit frigates of the third rank.

The same authority calculates the cost as follows:

Works on the river San Juan	-	-	-	\$4,304,000
Works on the river Tipitapa	-	-	-	1,907,100
Works between Lake Managua and Realejo	-	-	-	10,787,000
Works at the extreme ports	-	-	-	400,000
Purchase of tools, engines, etc.	-	-	-	600,000
<hr/>				
Total cost	-	-	-	17,998,100
Casual expenses and reserved fund	-	-	-	2,001,900
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Total	-	-	-	20,000,000

The author here quoted observes that he has purposely exaggerated all parts of this estimate, supposing a great number of works to be necessary which he is assured are not, and adopting the European rate of wages, with an increase of 50 per cent. But he proceeds upon the assumption that the river San Juan can be made navigable by means of locks, dams and excavations—an opinion from which I must differ. The balance of the calculation is probably not far from correct.

It is, of course, impossible to calculate with anything more than approximate accuracy the advantages which, upon the score of economy alone, would result to the world from the construction of the proposed canal. Its general benefits to mankind, from the augmentation of commerce, the opening of new markets, the creation of new sources of demand, and the cheapening of all articles of import, with the consequent increase of manufactures and agricultural supplies, cannot be calculated by the narrow standard of dollars and cents. The employment which would, under the new era, be given to the overgrown and starving populations of Europe, the new fields which it would open to enterprise, and the diffusion of light, knowledge, and civilization which follows always upon any great improvement in the physical condition of mankind, and which increases with every saving of an hour's time or a mile's distance in the communications between nations—all these are considerations which must lead the statesman, the philosopher, the Christian, and the

philanthropist, to regard the proposed undertaking with deeper interest than any which has claimed the attention of mankind. The conjunction of time and circumstance is favorable for the work, and it now seems that the "star of empire," which, in its westward progress, stood still for awhile upon the crown of the Cordilleras, is destined to pass onward to its culmination, while the giant-arm of conjoined capital and labor smites through the barriers which nature has set up between the two hemispheres.

HISTORICAL SKETCH OF THE VARIOUS NEGOTIATIONS WHICH HAVE BEEN MADE IN RESPECT TO OPENING THE CANAL.

It will not be uninteresting, now that the project of opening a canal across the isthmus of Nicaragua has assumed a practical form, and seems certain to be carried into execution, to notice briefly some of the measures which have heretofore been taken in respect to it. I have already mentioned, that early in the 16th century the practicability of such an undertaking was asserted, and its advantages put forward in a striking light; but nothing was practically attempted until late in the 18th century, when the attention of the Spanish government was called to the subject once more by Godoy, "the prince of peace," and a survey of the route was made under his direction. The documents relating to it still exist in the archives of Guatemala. After the independence of Central America, another attempt towards the accomplishment of the same object was made by Señor Manuel Antonio de la Cerda, afterwards governor of the State of Nicaragua, who, in July, 1823, urged the matter upon the federal Congress, but failed in accomplishing anything at that time. In the year 1825 different proposals were made from abroad upon the subject; and the national Congress, in June of that year, passed the following decree:

"ARTICLE 1st authorizes the opening of a canal fitted for the passage of the largest vessels in the State of Nicaragua.

"ART. 2d. The works to be of the most solid construction.

"ART. 3d. The government shall offer to the undertakers an indemnification equivalent to the cost and labor of the work.

"ART. 4th. The government shall take all means of facilitating the object; permitting the cutting of wood; assisting the surveyors; forwarding the plans; and, generally, in every manner not injurious to public or private interests.

"ART. 5th. No duty shall be charged on instruments and machinery imported for the works of the canal.

"ART. 6th. The expense of the work shall be acknowledged as a national debt, and the tolls of the canal shall all be applied to its extinguishment, after deducting the necessary costs of maintenance and repairs, and the maintenance of a garrison for its defence.

"ART. 7th. Any dispute regarding its liquidation or proofs of outlay, shall be determined according to the laws of the republic.

"ART. 8th. The Congress shall be entitled to establish, and at all times alter, the rates of toll as it may think proper.

"ART. 9th. The navigation shall be open to all nations, friends or neutrals, without privilege or exclusion.

"ART. 10th. The government shall maintain on the lake the necessary vessels for its defence.

"ART. 11th. If invincible impediments, discovered in the course of the work, prevent its execution, the republic shall not be liable to make any remuneration whatever.

"ART. 12. In case only a boat canal can be opened, the indemnification shall be proportioned to the smaller benefit which will then result to the republic."

This decree was published jointly with another fixing six months for receiving proposals; but the term proposed was too short for any measures to be taken on the part of companies or individuals, and the Congress only received a repetition of a part of the proposals before made.

The principal of these were made by Mr. Bailey and Mr. Charles Beniski, the first as agent for the English house of Messrs. Barclay, Herring, Richardson, & Co., and the second for Mr. Aaron H. Palmer, of New York. Mr. Bailey's offer was conditional, while Mr. Beniski's was positive, and was therefore accepted by the republic. The contractors, under the name and style of the "*Central American and United States Atlantic and Pacific Canal Company*," were bound to open through Nicaragua a canal navigable for vessels of all sizes, and to deposit in the city of Grenada the sum of \$200,000 for the preliminary expenses, within six months, to erect fortresses for the protection of the canal, and to have the works in progress within a period of twelve months. In compensation, they were to have two-thirds of the profits of the tolls upon the canal until all the capital expended in the work was repaid, with interest at the rate of 10 per cent., besides afterwards receiving one-half of the proceeds of the canal for seven years, with certain privileges for introducing steam vessels. The government was to put at their disposal all the documents relating to the subject existing in its archives, to permit the cutting of wood, and to furnish laborers at certain rates of wages. In case of non-completion, the works were to revert unconditionally to the republic. This contract bore date of June 14, 1826, and the contractors at once endeavored to secure the co-operation of the government of the United States. A memorial was presented to Congress and referred to a committee, which reported in due time, but here the matter stopped, although it appears to have received the sanction of De Witt Clinton and other distinguished men.

Previous to this transaction, however, in 1825, the envoy extraordinary from the republic of Central America, in the United States, called the attention of the government to the subject in an official letter, requesting the co-operation of the United States in preference to any other nation, and proposing, by means of a treaty, "effectually to secure its advantages to the two nations." The chargé d'affaires of the United States in Central America, Colonel John Williams, was accordingly specially instructed to assure the government of Central America of the deep interest taken by the United States in an undertaking "so highly calculated to diffuse a favorable influence on the affairs of mankind," and to investigate with the greatest care the facilities offered by the route, and to remit the information to the United States. But it appears no information of the character required ever reached the American government.

The project seems to have been allowed to slumber from this period until October, 1828, when the work was proposed to be undertaken by an association of the Netherlands, under the special patronage of the King of Holland. The idea seems to have originated with General Verree,

commissioner for Netherlands to the Grand Diet of Bavaria, upon the representations of the commissioners for Central America, Señors Larriábel and Molina. In March, 1829, the Dutch general arrived in Guatemala, as plenipotentiary of his government, with instructions regarding the undertaking of the canal. In consequence of civil distractions, the subject was not taken up until the succeeding October, when the federal Congress passed new resolutions upon it.

The offers made by the association were exceedingly liberal; the work was to be executed under the protection of the King, and as soon as the outlay, with ten per cent. interest upon the same, was repaid to the company, the work was to revert to the republic. Arrangements were made to send envoys to the Netherlands, with full powers to perfect the plan, and for a time the work seemed in a fair way to a commencement, but the revolution of Belgium and the separation of Holland put an end to these hopes. In 1832, endeavors were made to renew the negotiations with Holland, and the State of Nicaragua passed resolutions agreeing to the propositions of the Dutch envoy, but nothing was accomplished.

Upon the 3d of March, 1835, public attention having again been directed to the subject, a resolution passed the Senate of the United States, "that the President be requested to consider the expediency of opening negotiations with the governments of other nations, and particularly with the governments of Central America and New Grenada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication from the Atlantic to the Pacific oceans, by means of a ship canal across the isthmus which connects North and South America, and of securing forever, by means of such stipulations, the free and equal right of navigating such canal to all nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work."

Under this resolution, (says Mr. Stephens,) a special agent was appointed by General Jackson, to proceed without delay, by the most direct route, to the port of San Juan de Nicaragua, ascend the river San Juan to the lake of Nicaragua, and thence proceed across the continent, by the contemplated route of the proposed canal or railroad, to the Pacific ocean: after which examination, he was directed to repair to Guatemala, the capital of the republic, and with the aid of Mr. De Witt, the chargé d'affaires of the United States, procure all such public documents connected with the subject as might be had, and especially copies of all such laws as had been passed, and contracts and conventions as had been made, to carry into effect the undertaking, and also all plans, surveys, or estimates in relation to it. From Guatemala he was directed to proceed to Panama, and make observations and inquiries relative to the proposed connexion of the two oceans at that point. Unfortunately, from the difficulties of procuring conveyances to San Juan, the agent went to Panama first; from adverse circumstances, never reached Nicaragua, and died soon after his return to the United States. He nevertheless made a partial report concerning the isthmus of Panama, to the effect that it was not practicable for a canal.

In 1837, the subject was again taken up in Central America, by General Marazan, who resolved to have the proposed line of the canal exactly surveyed, intending to raise a loan in Europe for the execution of the work. Mr. John Bailey was employed for the former purpose, but his work was

brought to a sudden close by the dissolution of the government of the republic.

In 1838 a convention was made between the States of Nicaragua and Honduras, under which Mr. Peter Rouchaud was authorized to conclude an agreement in France, for the formation of a company to make a canal, and other objects, but he effected nothing. The same result attended the efforts of Señor Don George Viteri, Bishop of San Salvador, who was sent ambassador to Rome.

In the same year, Mr. George Holdship, representing a company composed chiefly of citizens of the United States, residing in New Orleans and New York, among whom was Mr. Soulé, of the former city, arrived in Central America, with a view of contracting for the opening of the canal with the general government. Finding that Nicaragua had "pronounced" against Marazan, and assumed an independent position, he proceeded to that State, whence he at once entered into a contract which provided for opening the canal, for the establishment of a bank to assist the enterprise, and for colonization on an extensive scale. He returned to the United States, and the matter ended.

In 1844, Don Francisco Castellon, having been appointed minister from Nicaragua to France, and failing to interest that government, entered into a contract with a Belgian company, under the auspices of the Belgian King, for the construction of the work. The grant was for sixty years, at the end of which time it was to revert to the State without indemnity, the State receiving meantime an interest of ten per cent.

Still later, in April, 1846, a contract was made by Mr. Marcoleta, Nicaraguan chargé d'affaires to Belgium, with Prince Louis Napoleon Bonaparte, then a prisoner at Ham, which differed but little from the preceding one, except that the canal was to be called "*canal Napoleon de Nicaragua*." Beyond the publication of a pamphlet upon the subject, under the initials of the Prince, this attempt also proved abortive.

So the matter rested, until 1849, when the acquisition of California by the United States, and the discovery there of vast mineral wealth, again directed public attention to the subject, in a more serious manner than at any previous period. It now began to assume a practical form, and, as a consequence, there was a renewal of propositions to the government of Nicaragua. The first of these, in the form of bases subject to future adjustment, came, under date of 16th of February, from Mr. William Wheelwright, the projector of the British line of steamers on the western coast of South America, upon behalf of an English company. It embodied, substantially, the provisions of the contract of 1844 with the Belgian company, but was never acted upon by the Nicaraguan government.

The second was in the form of a detailed contract, and was entered into between Mr. D. T. Brown, representing certain citizens of New York, and General Muñoz, commissioner of the Nicaraguan government, on the 14th of March. It, however, never received the sanction of the Executive, nor was it ratified by the company within the time stipulated by its terms.

Upon the 27th of August, another and final contract was entered into by Mr. D. L. White, agent of an American company, which, together with a treaty negotiated by myself upon the part of the United States, guarantying the security of the same, I have already had the honor to transmit to the department.

CLIMATE OF NICARAGUA, ETC.

There are other circumstances besides the actual topographical features of the country necessary to be considered in estimating the practicability of a grand work like the proposed canal: the means of subsistence, climate, ability of procuring and applying labor, &c., must all be considered. Situated between latitude 10° and 13° north, the climate is essentially tropical, but is favorably modified by a variety of causes. Upon the Atlantic declivity it is unquestionably warmer than in the interior, or upon the borders of the Pacific—more humid and more subject to rain. The country, too, is low along the coast, with numerous lagoons and inlets, and consequently more infested with annoying insects, and more subject to fevers. The climate, however, is more salubrious than would be supposed under the circumstances. This is illustrated by the fact that in the months of March and April, 1849, a party of American emigrants—130 in number—spent upwards of six months at this point; and notwithstanding the sudden transition from midwinter to tropical heats, not to mention inadequate shelter and indifferent food, not one was seriously affected by illness. The same party, it may also be mentioned, passed up the San Juan under the worst of circumstances, suffering great exposures, and remained in the interior and upon the northern coast until the middle of August, with scarcely any illness among them, and that little generally the result of carelessness or excesses. But a single member, whose health had been shattered by dissipation at home, and whose habits would soon have proved fatal in any climate, died during this period. It cannot be doubted that the surveys, excavations, &c., on the San Juan, will not only prove the most difficult of any section of the proposed canal, but, from the nature of things, be attended with greater injury to the health of those engaged there. The forests which line that river are dense and dark; and the removal of the trees and other vegetation, and the consequent exposure of the rich earth—the accumulated vegetable deposite of ages—to the sun, would prove a prolific source of fevers and kindred diseases. The evil consequences could only be arrested by employing here, as elsewhere, the natives of this latitude, inured to labor and hardened to exposure. In fact, the principal reliance throughout must be upon this kind of laborers, who, for *two reals* (25 cents) per day, (the standard price,) would flock in all desirable numbers from all the States of Central America. For a *medio* (6½ cents) per day each man provides his own support, without further cost to his employer. The laboring population is eminently docile, and can soon be brought to perform any kind of simple labor, as excavating, clearing, quarrying, burning lime, &c., in a satisfactory manner. In a country where there are so many festival and saints' days, it would be necessary to keep them a little in arrears, or possess some means of forcing them to comply with their contracts, to secure their constant attention to their work. The valley of the San Juan once passed, the climate is unsurpassed for salubrity by an equal extent of territory under the tropics, or perhaps in the world. The year is divided, rather anomalously to the stranger, into two seasons—the wet and the dry; the first of which is called winter, and the latter summer. The wet season commences in May, and lasts until November; during which time, but usually near the commencement or close, rains of some days' duration are of occasional occurrence, and showers are

common, but do not often happen, except late in the afternoon, (commencing about four o'clock,) or in the night. They are seldom of long duration; and often days and weeks elapse without a cloud obscuring the sky.* During this season, the verdure and the crops which, during the dry season, become sere and withered, appear in full luxuriance: the temperature is very equable, differing a little in different localities, but preserving great uniformity all over the country, except in the mountainous regions. The range of the thermometer is from 78° to 88° , in rare instances sinking to 77° , during the night, and rising to 90° in the afternoon. During the month of June, at Grenada, the average height of the thermometer was 82° of Fah.; in Leon, during the months of July, August, and September, 83° . Out of the sun this weather would prove agreeable to most persons. There is almost constantly a cool and pleasant breeze, blowing for the most part from the northeast. The nights are delicious, and sleep is seldom, if ever, interrupted by the heat. For weeks together the thermometer has marked 79° at ten o'clock in the evening, and 78° at sunrise. During the dry season, in January, the temperature is less, the nights positively cool, and occasionally the winds are chilling. The sky is cloudless, and trifling showers fall at rare intervals. The fields become dry, cattle are driven to the hills and forests for pasturage, and the dust in the towns becomes almost insupportable. It penetrates everywhere, permeating even through the tiled roofs in showers, and sweeping in clouds through the unglazed windows. Were it not for this, the dry season would not be pronounced unpleasant. It is esteemed healthier than the wet season.†

*Probably not more than one-half the amount of rain falls during these six months in Nicaragua than falls in the latitude of New York during the same period.

†Upon the matters here adverted to, it will not be uninteresting to subjoin the following remarks of Mr. Bailey: "In executing so stupendous an undertaking," says he, "the salubrity of climate, and the means of feeding abundantly and economically so large a body of workmen as would be collected, are subjects which cannot be passed over without notice. With regard to the first, the writer can aver that, during four months that he was occupied between the Pacific and the lake of Grenada, with a party of forty individuals, there was not a man prevented by sickness from performing his daily labor, although continually sleeping at night in the open air. On the lake and in the river San Juan, with a large party, the men maintained their health well, although exposed to frequent rains in the latter. But when at the port (del Norte,) or near to it, sickness got among them, which was mainly attributable to the use, or rather abuse, of ardent spirits, and other excesses so frequently indulged in at such places. This change, however, is not assignable solely to indulgence in excesses, because San Juan is exposed to all the dangerous influences of climate and temperature peculiar to the Mosquito shore, and all the coast from Cape Gracias á Dios to Cartagena and beyond it.

"The population of the State of Nicaragua may be said not to extend south, only, much beyond the environs of the town of Nicaragua, so that the line of survey, approaching it in no part nearer than four leagues, passed over a comparative wilderness, and consequently all provisions were supplied from that place. These are always to be had in abundance; and should circumstances require it, they could be drawn from other parts of the State to almost any extent. The principal articles of consumption are meat, (beef,) maize, frijoles, rice, plantains, and fruits, which can be furnished at moderate prices; as, for example, meat at $3\frac{1}{2}$, 4, or $4\frac{1}{2}$ reals the arroba of 25 pounds, (the real is equal to sixpence of English money;) maize varying, according to seasons, 6, 8, or 10, seldom 12 reals per fanega, which weighs about 300 pounds; frijoles and rice in similar proportions: plantains, which are universally used, especially by the laboring classes, are so plentiful that a mule load of them (two or three quintals) can be had throughout the year for 2 or $2\frac{1}{2}$ reals; so that if a large number of workmen were to be collected in this direction, there would be found no difficulty in supplying them with all the ordinary necessities of life.

"The price paid for labor during the survey was \$7 $\frac{1}{2}$ per man per month, besides provisions which, on an average, amounted to half a real a day; but this was higher than what was usually given for general field-work, in consideration of the men being taken to a distance from their families for an indefinite time. For work such as that in question, good native artisans would

AGRICULTURAL RESOURCES OF NICARAGUA.

I have already said that the natural resources of Nicaragua are immense, but they have been very imperfectly developed. The portion of lands brought under cultivation is very small, but ample for the support of its population. There is no difficulty in increasing the amount to an indefinite extent, for the forests are easily removed, and genial nature needs no forcing to return rich harvests. There are many cattle estates, particularly in Choutales, Matagalpa, and Segovia, which cover wide tracts of country; some of these have not less than ten or fifteen thousand head of cattle each. The cattle are generally fine, quite equal to those in the United States.

Among the staples of the State, and which are produced in great perfection, I may mention sugar, cotton, coffee, cacao, indigo, tobacco, rice, and maize or Indian corn.

Sugar.—The description of sugar cane used in Nicaragua is a native of the country, and very different from the Asiatic cane cultivated in the West Indies and the United States: it is said to be equally productive with the foreign species; the canes are slenderer and softer, and contain more and stronger juice, in proportion to their size, than the Asiatic variety. Two crops are taken annually, and the cane does not require replanting but once in twelve or fourteen years. The best kind of sugar produced from the sugar estates is nearly as white as the refined sugar of commerce, the crystals being large and hard. A large part of the supply for ordinary consumption is what is called "*chancaca*," and is the juice of the cane merely, boiled till it crystallizes, without being cleaned of the molasses. A quantity of this is exported to Peru, and elsewhere in South America. It is stated that the "*chancaca*" may be produced ready for sale at \$1 25 per quintal (101 $\frac{1}{2}$ lbs. English.) The most profitable part of the sugar establishment is the manufacture of "*agua ardiente*," a species of rum. It is impossible to say, in the absence of data, what is the amount of manufacture of sugar in Nicaragua; it is perhaps enough to know that it may be produced indefinitely. The export has been estimated at 200,000 lbs.

Cotton.—Cotton of a superior quality to that of Brazil may be produced in any quantity in Nicaragua. "As many as 50,000 bales, of 300 pounds each," says Dunlap, "of clean and pressed cotton, have been exported from this State in a single year; the cultivation is, however, at present (1846) at a very low ebb." Considerable quantities are nevertheless raised, which are manufactured by the natives, but chiefly by the Indians, into hammocks, sail-cloth, and ordinary clothing. The domestic cloth is coarse, but compact, neat, and durable.

Coffee.—Coffee of a superior quality, and probably equal to any in the world, may also be produced indefinitely in this republic; but for some reason it is not very extensively cultivated. The plantations which I have seen are very flourishing, and the proprietors find them quite as

be scarce; but there would be no want of laboring hands, for the certainty and regularity of their pay would attract men not only from all parts of this, but from the adjoining States of Costa Rica, Honduras, and San Salvador also; while a judicious system of equitable regulations would insure their docility and submissiveness. The barbarism that has been attributed to this population in the writings before alluded to needs no other refutation than saying that the imputation is unfounded; nor is it, nor can it be, a supposable fact that the peasantry of the one country should differ very much from that of the other adjoining it—the same language, habits, and customs being common to both."

profitable as any other. The limited cultivation is perhaps due to the circumstance that chocolate is the common beverage of the people, and coffee never having become an article of trade or export, has consequently been neglected. There is no reason why as good coffee should not be produced here as in Costa Rica; and the Costa Rica coffee, when offered in good condition in England, commands a higher price than any other. As, however, it is usually shipped by way of Cape Horn, it often suffers from the protracted voyage. It has, nevertheless, been the almost exclusive source of wealth in Costa Rica. The crop of 1847 amounted to 8,000,000 pounds, which, at \$12 50 per cwt., (the average price in the English market,) gives \$1,000,000 as the returns—a considerable sum for a State of less than 100,000 inhabitants, and where the culture has been introduced but fourteen years. The cost of production per quintal (101 $\frac{1}{2}$ pounds) at the present rate of wages (25 cents per day) is about \$2 50. If the attention of the people of Nicaragua was seriously directed to the production of coffee, it would prove a source of great profit.

Cacao.—Cacão, only equalled by that of Soconosco, on the coast of Guatemala, (and which was once monopolized for the use of the royal establishment of Spain,) is cultivated in considerable quantities. It is, however, an article of general consumption among the inhabitants; and, consequently, commands so high a price that it would not bear exportation, even though it could be obtained in requisite quantities. About all that finds its way abroad goes in the form of presents from one friend to the other. There is no reason why this should not become an article of large trade and a source of great wealth. There is one cause why its production is not greater, and that is the length of time and great outlay required in getting a cacao plantation in paying operation. Few have now the capital to invest; and these few are in too feverish a state, in consequence of the distracted condition of public affairs, to venture upon any investment. Under a stable condition of things, and by the opening of a short and easy channel to market, the cultivation of cacao will rise to be of the first importance. The trees give two principal crops in the year. It is sold from \$15 to \$20 the quintal, while the Guayaquil is worth but \$5 or \$6.

Indigo.—Indigo was formerly cultivated to a considerable extent, but has of late years much fallen off; and there are a number of fine indigo estates in various parts of the republic which have been quite given up, with all their appurtenances, by their respective proprietors. The plant cultivated for the manufacture of indigo is the *indigo feria*, a triennial plant, supposed to be a native of America. There is also an indigenous triennial plant abounding in many parts of Central America, which produces indigo of a very excellent quality, but gives less than half the weight which is produced by the cultivated species. The indigo of Nicaragua is of very superior quality, and its export once came up to 4,000 bales, of 150 pounds each. It is impossible to say what the export is at present: probably not more than 1,000 or 2,000 bales. Under the government of Spain, the State of San Salvador produced from 8,000 to 10,000 bales annually. A piece of ground equal to two acres generally produces about 100 or 120 pounds, at a cost of not far from thirty to forty dollars, including clearing of the field, and all other expenses.

Tobacco.—A large amount of tobacco is used in Nicaragua, all of which is produced in the country. A considerable quantity was this

year shipped to California. It may be cultivated to any desirable extent, and of a very superior quality. That of San Salvador is said to be equal to the best Havana for cigars.

Maize flourishes luxuriantly, and three crops may be raised on the same ground annually. It is essentially the "staff of life" in all Central America, being the material of which the eternal *tortilla* is composed. The green stalks, "sacate," constitute about the only fodder for horses and cattle in the country, and is supplied daily in all the principal towns. The abundance of this grain may be inferred from the fact that a *fanega* of Leon (equivalent to about five bushels English) of shelled corn commands in the capital but seventy-five cents.

Wheat and all other cereal grains, as well as the fruits of temperate climates, flourish in the elevated districts of Segovia, in the northern part of the republic, bordering upon Honduras; where, it is said, except in the absence of snow, little difference is to be observed, in respect to climate, from the central parts of the United States.

Rice is abundant in Nicaragua, is extensively used, and, like maize, may be easily cultivated to any extent desirable. It is sold at from \$1 50 to \$2 per cwt.

In short, nearly all the edibles and fruits of the tropics are produced naturally or may be cultivated in great perfection. Plantains, bananas, beans, chile, tomatoes, bread fruit, arrowroot, okro, citrons, oranges, limes, lemons, pine apples, (the delicious white Guayaquil, as well as the yellow variety,) mamays, anonas, guavas, cocoa-nuts, and a hundred other varieties of plants and fruits. Among the vegetable productions of commerce may be mentioned sarsaparilla, anots, aloes, ipecacuanha, ginger, vanilla, Peruvian bark, (quinine,) cowhage, copal, gum arabic, capevi, caoutchouc, dragon's blood, and vanglo or oil plant. Among valuable trees: mahogany, logwood, Brazil wood, lignumvitæ, fustic, yellow sarders, pine, (on the heights,) dragon's blood tree, silk-cotton tree, oak, copal tree, cedar, buttonwood, ironwood, rosewood, Nicaragua-wood, calebask, etc., etc. "Of these," says Dunlap, "Brazil wood, cedar, and mahogany are found in the forests in what may be termed inexhaustible quantities." The cedar is a large tree, like the red cedar of the north in nothing except color and durability, and in solidity and other respects closely resembling the black walnut. Five or six cargoes of Brazil wood are exported from Realejo yearly, and something more from San Juan. A quantity of cedar plank is also exported to South America.

The raising of cattle and the production of cheese is a most important item in the actual resources of Nicaragua. The cheese is for common consumption, and great quantities are used. Large droves of cattle are annually sent to the other States, where they command very fair prices. About thirty-five or forty thousand hides are also exported annually. (See *Appendix*.)

MINERAL RESOURCES.

The mineral resources of Nicaragua are also immense; gold, silver, copper, lead, and iron may be found in considerable quantities in various parts, but more particularly in Segovia, which district is probably not exceeded in its mineral wealth by any equal portion of the continent. The working of the mines has of course vastly fallen off from the time of

the Spaniards; still, their produce is considerable, but it is impossible to obtain any satisfactory statistics concerning it. A portion of the gold and silver finds its way through Isabel to the Belize; other portions pass out through the ports of Truxillo and Omoa, in Honduras; and another but smaller part reaches the ports of Nicaragua.

There is now no mint in Central America, excepting a small one in Costa Rica, which coins from \$50,000 to \$100,000 annually, principally in dollar pieces of gold. These are short of weight, and are not generally current. Their true value is ninety-three cents. Humboldt, in his statement of the produce of the respective mining districts of America, has put against that of Guatemala "nothing;" but it is certain, from the accounts of Gage and others, as also of the buccaneers, who made a number of profitable expeditions to the mining districts, that the precious metals were early produced in considerable abundance. From a report by the master of the old mint, made in 1825, it appears that, for the fifteen years anterior to 1810, gold and silver had been coined to the amount of \$2,193,832, and for the fifteen years posterior to that date to the amount of \$3,810,382. This officer remarks "that it must not be deduced from hence that this is all our mines have produced in this period, as great quantities of the metal have been manufactured and exported in their native state." He estimates the actual products of the mines at ten times the amount coined; which would give upwards of \$50,000,000 for the thirty years preceding 1825. This estimate will probably bear some deduction.

Other minerals are abundant. Sulphur may be obtained in great quantities, crude and nearly pure, from the volcanoes; and nitre is easily procured, as also sulphate of iron.

Coal, as elsewhere stated, is said to occur, in large beds and of good quality, in the State of San Salvador, near the boundaries of Honduras, and only twenty miles back from the coast of the gulf of Fonseca. (See Appendix.)

POPULATION OF NICARAGUA.

The population of Nicaragua may be estimated at 250,000. The civilized Indians, and those of Spanish and negro stocks crossed with them, constitute the mass of the population. The pure individuals of pure European stock constitute but a small part of the whole, and are more than equalled in number by those of pure negro blood. The entire population may be divided as follows:

Whites	-	-	-	-	-	10,000
Negroes	-	-	-	-	-	15,000
Indians	-	-	-	-	-	50,000
Mixed	-	-	-	-	-	175,000
Total	-	-	-	-	-	250,000

Most of these live in towns, many of them going two, four, and six miles daily to labor in the fields, starting before day and returning at night. The plantations, "haciendas," "hattos," "ranchos," and "chacras," are scattered pretty equally over the country, and are reached by paths so obscure, as almost wholly to escape the notice of travellers who, passing through what appears to be a continual forest from one town

to the other, are liable to fall into the error of supposing the country almost wholly uninhabited. Their dwellings are usually of canes thatched with palm, many of them open at the sides, and with no other floor but the bare earth, the occupation of which is stoutly contested by pigs, calves, fowls, and children. These fragile structures, so equable and mild is the climate, are adequate to such protection as the natives are accustomed to consider necessary. Some of them are more pretentious, and have the canes plastered over and whitewashed, with tile roofs and other improvements; and there are a few, belonging to large proprietors, which are exceedingly neat and comfortable, approaching nearer our ideas of habitations for human beings.

A large part of the dwellings in the towns are much of the same character; the residences of the better classes, however, are built of adobes, are of one story, and enclose large courts, which are entered under archways often constructed with great beauty. The court-yard has generally a number of shade trees, usually orange, making the corridors upon which all the rooms open exceedingly pleasant.

The State is divided into five departments, each of which has several judicial districts, as follows:

Departments.	Population.	Districts.
1. Meridional	20,000	Rivas or Nicaragua.
2. Oriental.....	95,000	Acayopa or Chontales, Grenada, Masaga, and Managua.
3. Occidental.....	90,000	Leon and Chinandega.
4. Septentrional of Matagalpa...	40,000	Matagalpa.
5. Septentrional of Segovia	12,000	Segovia.
	247,000	

The population here given is the result arrived at, in round numbers, by a census attempted in 1846. It was only partially successful, as the people supposed it preliminary to some military conscription, or new tax.

The principal towns of the State, with their estimated population, are as follows:

Leon, (the capital,) including Subtiava	25,000
Chinandega	11,000
Chinandega Viejo	3,000
Realejo	1,000
Chichigalpa	2,800
Posultega	900
Telica	1,000
Somotilla	2,000
Villa Nueva	1,000
Puebla Nueva	2,900
Nagorote	1,800
Sonci	2,500

Managua	-	-	-	-	-	12,000
Massaya	-	-	-	-	-	15,000
Grenada	-	-	-	-	-	10,000
Nicaragua	-	-	-	-	-	8,000
Segovia	-	-	-	-	-	8,000
Matagalpa	-	-	-	-	-	2,000

It is a singular fact that the females greatly exceed the males in number. In the Department Occidental, according to the census, the proportions were as *three to two!*

APPENDIX.

MISCELLANEOUS INFORMATION.

The following are extracts from a report made by the British vice-consul, Mr. Foster, in 1837:

"The import trade of this State, (Nicaragua,) and the country in general, has not suffered so much as might have been expected from the very severe visitation of cholera during this year.

"The prices of foreign manufactures have now found their level in these markets, and the consumption of those articles used by the poorer classes has increased in a wonderful degree both in quantity and quality; and the demand for foreign manufactures (of which British cottons of inferior quality have a prominent part) will naturally go on at an increased rate.

"The foreign imports may be classed under the following heads:

"British—consist of calicoes, printed cottons, (domestic or gray,) and power-loom shirtings, linen and cotton mixed, or unions linen, muslins, hosiery, hard earthenware, iron, steel, lead, powder, &c., &c.

"French—consist of silks, printed cottons, cambries, wine, spirits, jewelry, and fancy articles.

"United States—consist of domestic cottons, soap, sperm candles, hardware, spirits of inferior quality, and powder.

"Spanish—consist of paper, silk, riband, wine, oil, spirits, &c.

"Germany—consist of oshaburgs, glassware, wax, furniture, hardware, steel, wine, &c.

"Italy—consist of paper, oil, silk, and liquors.

"Colombia—consist of cacao and straw hats.

"Peru—consist of zerga, (a coarse woollen cloth,) tin, spirits, and common sweet wine.

"Chile—consist of sweet wine and pelones.

"The value of British goods imported may be taken at two-thirds of the whole of the imports.

"The consumption of French goods, being principally articles of luxury, are chiefly confined to the cities of Guatemala, San Salvador, Grenada, &c. German linens, shirtings, and glassware, articles of general consumption. In Spanish goods, with the exception of ribands, the imports are trivial. They have given way to those of France and Italy.

"The sickness of this year has had considerable influence on the exports.

Cochineal and indigo form the principal; great quantities, particularly of the former, are shipped from the ports on the northern side of Honduras. From the ports of the Pacific, 1,500 seroons have been exported during the year to Europe, and the ports of Peru and Chile. Hides, horns, sarsaparilla, and balsam, for Europe and the United States; and mahogany, cedar, and sugar, for Chile and Peru. Those form the principal articles of the export trade, which, in proportion to the imports, is on the increase. Brazil wood, with which this State, as well as Cost Rica, abounds, formerly afforded employment to a great number of British vessels. The fall of this article in the home markets, has for the present caused it to be but little sought for.

"In agriculture, this State is rapidly improving. In addition to indigo, sugar, cacao, wheat, rice, &c., &c., coffee and cotton are now better attended to, but more particularly cotton and indigo. The former, which is much esteemed and known in the European market as 'green sucche,' is an annual plant. The staple is short, which defect is overbalanced by its superior texture, and it is particularly adapted to certain manufactures.

"The province of Nicaragua has the advantage of diversity of climate, the plains in the vicinity of the large towns of Leon, Grenada, and Nicaragua being tropical, and the heights nearing the lakes from the Pacific, as Chocoyes, Matagalpa, and Segovia, being temperate, whilst in the regions about Honduras it is generally cold even for an European.

"The soil is everywhere fertile and capable of yielding every species of produce of corresponding temperature. Mines also exist, but are not worked for want of capital and population, particularly as the plains afford abundance of nutrient to the limited population at very trifling labor.

"The seasons are periodical, with slight variations. The summer, or dry season, commences in the early part of November; and the winter, or wet season, in the latter end of April or beginning of May. The summer is perfectly dry, at which time commercial intercourse is carried on; which during the winter, particularly at the latter end, becomes difficult from the state of the roads.

"It is during the winter that the agriculturist commences his labors, and during the months of September and October that the rains are excessive.

"The climate is considered generally very healthy, although intermittent fevers, by neglect, degenerate into typhus: there are no epidemical diseases peculiar to it. The health of the natives, as well as that of Europeans, is influenced at the change of the season. Any important deviations may be traced to neglect or excess, especially as regards foreigners.

"The temperature in the shade ranges from seventy to ninety degrees in the plains near the seacoast.

"The internal commerce of the country is facilitated by good cart roads in the plains, which are practicable (even in their neglected state) from the South Pacific to the town of Grenada, on the lake of Nicaragua."

MINES OF CENTRAL AMERICA.

Dunlap, who paid considerable attention to the mines and minerals of Central America, observes:

"Though the vegetable productions of Central America are so val-

able, the hidden treasures are scarcely of inferior worth; and in no part of the world are mines so generally found in nearly every district. Many of these were successfully worked after the conquest and during the Spanish dominion. Besides the mines of gold and silver, there are others containing lead in nearly a pure state; the ore yielding 90 per cent. of metal. In some specimens 25 per cent. of silver is said to be mixed with the lead.

"At the village of Patapa, 9 leagues from Santa Anna, in the State of San Salvador, are some rich mines of iron, which produce a purer and more malleable metal than any imported from Europe; the ore is close to the surface, and very abundant, and there are extensive forests in the immediate vicinity, which serve for making charcoal. But, notwithstanding, the amount of iron manufactured is only to equal the supply of the State when it is worth \$10 the 100 lbs., or \$200 per ton. In the same neighborhood are several silver mines, which were successfully worked in the time of the Spaniards, but are now abandoned for want of capital to carry them on.

"Five leagues north of San Miguel are a number of mines, principally of silver: among them was one called La Carolina, worked by a Spaniard about 30 years ago. He invested his own property, borrowed \$100,000, and, after getting the mine in working order, in less than six months was enabled to pay his obligations; and, although he died before the end of the year, left \$70,000 in gold and silver, the produce of the mine. After his death the ownership was disputed, the works fell into ruins, and the mine became filled with water, in which condition it remains. The mines of Tabanco were more celebrated than those in this vicinity, and when worked yielded upwards of \$1,000,000 annually, although worked in a rude manner, without machinery. The principal of these once yielded \$200,000 annual profits to the proprietors.

"Near the town of Teguzigalpa, the capital of Honduras, there are a number of mines which still produce a considerable amount of the precious metals, although not one-tenth of what they formerly yielded. All the hills in the neighborhood abound in gold and silver, generally intermixed; and though none of them have been excavated to any depth, or worked by proper machinery, they have formerly yielded more than \$2,000,000 per year; and were European capital and science introduced, the produce would be great. From all I have been able to collect, this neighborhood appears to possess natural stores of the precious metals, even exceeding those of the celebrated mines of Potosi, in Bolivia. For a scientific and practical miner, supported by capital, they probably offer the best adventure to be found in Spanish America.

"The ores generally contain from 12 to 15 per cent. of silver, and from one to one and a half per cent. of gold; but the latter metal is often found pure in many places, and the value of some thousands of dollars is annually collected by the Indians in the sands of the rivers, pieces of gold weighing as many as five and six pounds having occasionally been discovered.

"Some rich gold washings exist at Matagalpa, near Segovia, in Nicaragua, which are only worked by the Indians, who annually collect and dispose of a few pounds of very pure gold. Some copper mines have also been discovered here, the ore of which, when shipped to England, yielded 35 per cent. of copper.

"In the district of Nicaragua, in the same State, many traces of the

precious metals are said to exist, but as the country is almost wholly uninhabited, little is known concerning them.

"In the mountain of Aguacate, in Costa Rica, several profitable gold mines are still worked with fair profits."—(*Dunlap's Central America, 1847, pp. 277, 284.*)

Mr. Squier to Mr. Clayton.

[Extract.]

[No. 7.]

LEGATION OF THE U. S. IN CENTRAL AMERICA,
Leon de Nicaragua, October 25, 1849.

SIR: I lose no time in informing the department that the island of Tigre, in the Gulf of Fonseca, was seized by a British force under the orders of Commodore Paynter, of her Britannic Majesty's steamer "Gorgon" (acting by direction of her Britannic Majesty's chargé d'affaires, Mr. Chatfield,) on the 16th instant. The facts were officially communicated to me on the 23d instant, by the government of this republic, and I append a translated copy of the documents (A,) embracing, first, a letter from the Secretary of War of this State; second, the statement of the commander of the Tigre; third, the letter of the captain of the "Gorgon," announcing officially his seizure of the island; and fourth, the reply of the commandant. These will sufficiently explain the circumstances and pretexts of the seizure.

* * * * * * * * *
Hon. JOHN M. CLAYTON,
Secretary of State of the United States.

A—1.

[Translation.]

GOD!—UNION!—LIBERTY!

HOUSE OF THE GOVERNMENT, LEON, NICARAGUA,
October 23, 1849.

The supreme government of this republic, penetrated fully with the high and fraternal sentiments of the powerful republic of the United States of North America, (which your excellency so dignifiedly represents) in favor of the other republics of America, and especially of the States of the Centre, has considered it a duty to communicate to you authentic copies of the advices this day received, of the military occupation of the island of the Tigre, on the 16th instant, by the naval forces of her Britannic Majesty, and by order of her consul-general and chargé d'affaires near the government of Guatemala, Mr. Chatfield.

It is unnecessary to recommend this matter to your notice, after the marked evidences which have been given to Nicaragua of your enlightened and determined adhesion to the principles of continental freedom.

The undersigned has the honor, &c.

P. BUITRAGO.

To his Excellency E. GEORGE SQUIER, &c.

A—2.

[Translation]

COMMAND OF THE FREE PORT OF AMAPALA,
Island of Tigre, Honduras, October 16, 1849.

SIR: At a quarter before two o'clock this day, I observed at the entrance of the harbor five long-boats filled with armed people, each boat carrying a cannon, with corresponding ammunition. The people in the boats were dressed in uniform, and armed—their number, as far as we could make out, about 80—together with a boat in which were two officers and a citizen.

Observing this, I immediately mustered my little picket of soldiers, hoisted the flag of Honduras and that of the republic, and ordered my men to present arms, but not to attempt resistance, as it was obviously hopeless against the superior force which was approaching. Under these circumstances I allowed the officers to land, when I observed that the flag in their boat was English; and seeing the colors of a civilized nation, I presented myself to the officers, demanding the *cause* of this display of force and this hostile attitude. An interpreter then presented himself and handed me a letter, which I subjoin. Having informed myself of its contents, I said to them that, considering the disparity of forces, it was impossible for me to resist their proceedings, but that I protested, upon behalf of my government and of Central America, against this violence. In the mean time the boats turned their cannon against the town, and the troops landed under their cover, with musket to shoulder and cartridge in hand. The interpreter then requested me, by order of the commander of the invading forces, to lower the colors of the republic, so that the English flag might be raised; to which I answered, that I would in nowise be party to any such act, and that nothing but my weakness prevented me from driving him away by force of arms. The commander then ordered his troops to advance, and directed an officer to lower our flag and hoist the English colors. This was done under a British national salute and a discharge of musketry, and with many cheers for Queen Victoria.

While the last named proceedings were transpiring, I was engaged in drawing up a protest, which the commander had expressed his willingness to sign; but when it was finished and presented to him, *he refused to fulfil his promise.* The original protest I herewith send to you.

This done, Mr. Chatfield, her Britannic Majesty's consul general, (who was the citizen which I had perceived among the officers, and whom I did not recognise until this moment,) presented himself, and asked me various questions respecting the topography and productions of the island, to which I replied with all sincerity.

This conversation ended, the commander directed himself again to me, and said that if the colors of Honduras were again hoisted on the island, he would return and sustain the English flag by force.

As I had nothing to say, I made no reply; whereupon the British flag was taken back to the boat, and the commander, in passing, observed that I must understand that the island *now* belonged to England. He then embarked his forces, and retired, about 3 o'clock p. m.

This event has greatly alarmed the town, and I have to make great exertions to preserve order; and though I have a very small force, you may

rest assured that, until I receive your instructions, all things shall remain as they are.

I omitted to say that the vessel alluded to is a war steamer, and will remain some time in the gulf. I have also to add that the British commander said that the harbor should remain open and free, and that it was not his intention to disturb the merchants.

I am, sir, &c.,

VINCETE LECHUGA.

To the GENERAL-IN-CHIEF.

P. S.—I have deemed it proper to send a copy of this letter, and the other documents, to the supreme government of San Salvador and Nicaragua, because the matter involved is a national one.

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A—3.

[Translation.]

ON BOARD H. B. MAJESTY'S STEAMER GORGON,
October 16, 1849.

SIR: I have the honor to inform you that, in consequence of communications received from the chargé d'affaires of her Britannic Majesty in Central America, manifesting the impossibility of obtaining by pacific means the arrangement of the just claims of Great Britain against the government of Honduras, I have judged it my duty to establish jurisdiction over the island of Tigre, on behalf and in the name of her Britannic Majesty Queen Victoria, and in consequence have this day taken possession of the said island, elevating in it the national flag of England, under a national salute, &c., reserving to the government of her Majesty of final (*ulteriores*) measures in this particular. Meantime, her Majesty's vessels of war stationed in the Pacific ocean will, from time to time, visit this island, and maintain in it British rights.

Notice of this proceeding has already been sent to the government of Honduras, and I expect that you will give me an acknowledgment of the receipt of this communication, stating also that you were present at the act of dispossession, executed by me this day, in the name of my sovereign.

No change is necessary to be made in the management of the island, which will remain under its present regulations until the will of her Majesty is known.

I have the honor to be, &c.,

T. A. PAYNTER.

To the COMMANDER OF THE ISLAND OF TIGRE.

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A—4.

SIR: I have had the honor this day to receive your communication dated on board your vessel, in which you manifest to me that the claims of Great Britain against my government not having been arranged, you

have judged it proper to establish jurisdiction over this island in the name of her Britannic Majesty Queen Victoria. I, sir, have no forces with which to resist this invasion, and my only resource is to protest, as I now do, and as I have already done, against the occupation of this island, which protests I have sent to my government.

I witnessed, sir, the act effected by your forces this day in the name of your sovereign, and shall submit a detailed account of the same to my government.

I am, sir, &c.,

VICENTE LECHUGA.

To the COMMANDER OF H. B. M.'S WAR STEAMER "GORRON."

Mr. Buchanan to Mr. Bancroft.

[Extract.]

DEPARTMENT OF STATE,

Washington, October 23, 1848.

Sir: Your despatches to No. 92 inclusive have been duly received at this department.

Mr. Joaquin de Osma, late envoy extraordinary and minister plenipotentiary from Peru to the United States, passed through this city a few days ago on his way from Lima to London, to represent his country in the same character in Great Britain. My official and personal intercourse with that gentleman was highly satisfactory throughout his mission. He is an able and estimable man, and his principles and feelings are all opposed to any interference on the part of Great Britain or other European nations with the domestic concerns of the Spanish-American republics on this continent.

Mr. Osma informed me, in conversation, that Señor Castro, the governor of Costa Rica, as he had been credibly informed, had offered to place that State under the protection of the British government. He will himself communicate the details to you. You will perceive from the enclosed extract from the instructions given by this department to Mr. Hise, our chargé d'affaires to Guatemala, in what light the President would view the conduct of that government should they accept this offer. Although, for the present, I am not prepared to give you any positive instructions on the subject; yet, nevertheless, you will be vigilant in ascertaining whether the information of Mr. Osma be well-founded; and should this prove to be the case, in preventing, unofficially and by conversation in the proper quarter, the acceptance by Great Britain of the proffered protectorate.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

AMERICAN LEGATION,

London, November 17, 1848.

Your No. 41 and its enclosure are received. I shall cultivate the acquaintance of the Peruvian minister on his arrival, and explain to him, as

well as I can, the influences which will sway this government in its decision on the very important political and territorial question to which you refer.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION,
London, January 12, 1849.

Your despatch No. 41 directed my attention to Mr. Joaquin de Osma, in connexion with the affairs of Nicaragua. That gentleman expressed himself to me as unwilling to have his name used, in any way, in any conversation on the affairs of Central America.

The subject is, however, again brought to my attention by the arrival of Mr. Francisco Castellon, as chargé d'affaires of Nicaragua near the British government, and of Mr. J. de Marcoleta, chargé d'affaires of the same republic in Belgium. They are come to settle the affair of St. Juan de Nicaragua with this government, and are naturally very solicitous of friendly relations with our government. I think it proper to state to you my opinion that Lord Palmerston will not recede. I have, of course, taken no part except to receive from them such information as they have to offer. They will send me some answers to the inquiries you proposed to Mr. Hise, of which you sent me a copy with your No. 41. These will be forwarded to you as soon as received. They will also communicate to me, as one of the diplomatic corps, the note which they are preparing to Lord Palmerston, setting forth their rights to San Juan. Meantime you will find the British side of the question very fully set forth in the printed correspondence respecting the Mosquito territory, which accompanies this despatch. I am told also by the agents of Nicaragua here, that their country is represented at Washington.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

UNITED STATES LEGATION,
London, January 26, 1849.

Lord Palmerston has issued an order to the West India Packet Company, to call St. Juan de Nicaragua "Greytown." This is an indication of his lordship's policy.

Mr. Bancroft to Mr. Buchanan.

[Extract.]

PARIS, February 7, 1849.

I enclose a copy of a note, by which you will perceive that Belgium has undertaken a mediating office between England and Nicaragua. Our good wishes and influence are naturally much desired by the representative of the latter power.

[Enclosure.]

BRUXELLES, le 11 Janvier, 1849.

MONSIEUR LE CHARGE D'AFFAIRES: J'ai l'honneur de vous faire connaître, en reponse à votre dernière communication, que le Roi, mon august souverain, consent volontiers à interposer sa mediation entre les Etats de Nicaragua et de Honduras et la Grande Bretagne, pour le règlement des difficultés qui se sont produites dans les derniers temps. Vous êtes dès-lors autorisé, Monsieur le Chargé d'Affaires, à vous mettre directement en rapport avec le cabinet particulier de sa Majesté.

Agreez, &c., &c.,

DE HOFFSCHMIT,
Le Ministre des Affaires Etrangères.

A MONSIEUR DE MARCOLETA,

Chargé d'Affaires, &c., &c., &c.

Mr. Bancroft to the Secretary of State.

[Extract.]

UNITED STATES LEGATION,
London, March 9, 1849.

The public mind in England is rapidly coming to the conclusion that this kingdom has too many colonies; that by their excessive number they are burdensome. The opinion is spreading that the Canadas must be independent; and if they could exist separately from us, and as our rival, the number of friends to their emancipation would increase. Yet with all this tendency to new and more liberal measures, Great Britain often follows her old traditions of a policy of aggrandizement. As in the Mediterranean Gibraltar, Malta, and the Ionian isles form her military stations, so she flanks us by a strong fortress at Halifax, seeks to overawe us by another at Bermuda, and now, as we are gaining greatness in the Pacific, under pretence of protecting the Mosquito tribe of Indians, she has seized the key to the passage to the Pacific by the lake of Nicaragua, and has changed the name of the town of San Juan de Nicaragua to Greytown. This subject is important, because the route to the Pacific which that town commands, is here esteemed the best of all. The representative of Nicaragua, who is here, is in great perplexity, and may well be in doubt what to do. The opinion in France is, I believe, adverse to the wholesale encroachments of England; but France is too busy at home to think much of Central America. The Nicaragua minister would very gladly seek advice from the United States. I have always made answer to him that I am not authorized by my government to give him advice; that I can only communicate to the American government whatever facts he may desire to make known to it. My instructions warrant not much more.

I have seen the agent or minister from Costa Rica. He made on me a very-favorable impression. He was educated in the United States. His State has a boundary strife with Nicaragua; but he assured me it was not his intention to place Costa Rica under the protection of Great Britain. At the

same time he does not join with Nicaragua in claiming St. Juan for that province. Instead of it, he keeps aloof and awaits the result.

The Peruvian minister still more keeps entirely aloof from the strife. I annex a copy of a note to me from Mr. Castellon, the Nicaragua minister here, and a copy of a note from Lord Palmerston to Mr. Castellon of February 17. That note of Lord Palmerston is not to be taken as an adventurous act of his lordship alone. On the contrary, Lord Aberdeen was quite as much bent on the end which Lord Palmerston appears to aim at.

LONDRES, le 28 Fevrier, 1849.

MON CHER MONSIEUR: Hier au soir j'ai été chez vous avec l'objet de vous saluer, et de vous informer de l'état où les affaires de Nicaragua se trouvent dans ce moment ci. Malheureusement vous n'etiez pas à la maison à l'heure que j'y suis arrivé, et pourtant je n'ai pas rempli mon objet.

Cependant, j'ai remis au domestique qui était à la porte, trois copies que j'apportais pour vous, à savoir: une de la proteste que j'adressai le 25 Septembre, 1844, aux ministres des affaires étrangères de quelques puissances de l'Europe et de l'Amérique lois de l'occupation de Blue-fields par des officiers Britanniques; une autre copie de la réclamation que j'ai moi-même adressé à Lord Palmerston relativement à la question de Mosquitos; et la troisième, celle de la reponse que Lord Palmerston donna à une lettre dans laquelle je le demandais d'ordonner aux officiers Anglois résidens à San Juan de Nicaragua qu'ils ne fissent point aucune alteration dans l'administration de ce port jusqu'à que la question soit finie au moyen d'une arrangement qui est à présent l'objet de nos conférences.

Je vous prie de vouloir bien lire ces trois pièces, et de me dire avec toute confiance votre avis sur ces affaires.

En attendant une reponse, j'ai le plaisir de vous renouveler l'assurance de mon amitié et de ma considération la plus distinguée.

FRANO. CASTELLON.

FOREIGN OFFICE, February 17, 1849.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, enclosing copies of two letters which the government of the State of Nicaragua has addressed to the governor of Greytown, in the kingdom of Mosquito, and stating that you are instructed by your government to request that the authorities of Greytown may be desired to make no alteration in the state of affairs there until the question respecting that town is definitively arranged.

And I have to state to you, in reply, that her Majesty's government are desirous of cultivating the most friendly relations with the State of Nicaragua; but that her Majesty's government cannot do anything which can be interpreted as admitting any doubt that Greytown belongs exclusively to the Mosquito territory.

I have the honor to be, &c., &c.

PALMERSTON.

Mr. DE CASTELLON, &c., &c., &c.

Mr. Bancroft to the Secretary of State.

UNITED STATES LEGATION,
London, March 31, 1849.

SIR: With my No. 123, of the 9th of March, I sent you a copy of Lord Palmerston's note of the 17th of February last to Mr. Castellon, the chargé d'affaires of Nicaragua at this court.

To-day I enclose copies of various papers which the representative of Nicaragua has addressed to this government, and which were communicated to me to be forwarded to the department.

The importance of the subject is increased by the fact that San Juan de Nicaragua is one of the best harbors in the Caribbean sea, and commands one of the great lines of communication between the Atlantic and the Pacific.

I am, sir, &c.,

GEORGE BANCROFT.

The SECRETARY OF STATE,
Washington, D. C.

Copie de la note circulaire adressée aux Ministres des Affaires Etrangères de quelques Puissances de l'Europe et des Etats-Unis.

BRUXELLES, le 25 Septembre de 1844.

Quelques journaux de Londres, de Paris, et de Bruxelles ont donné la nouvelle que des forces navales de S. M. B. ont occupé le port de Blue-fields, situé sur le territoire de Nicaragua; nouvelle qui m'a été confirmé par une lettre datée de Cartagena, de la Nouvelle Grénade, le 17 Juillet dernier. Comme représentant des Etats de Nicaragua et de Honduras, j'ai cru devoir adresser à S. G. Lord Aberdeen la communication suivante:

MILORD: Les journaux Français, se rapportant à ceux de Londres, ont donné, il y a quelques jours, la nouvelle que des forces navales de S. M. B. ont occupé le port de Bluefields, situé sur la côte de la mer Atlantique, territoire de Nicaragua, Amerique Centrale, et connu sous le nom de Mosquitos depuis la découverte de cette partie du nouveau monde.

Persuadé comme je le suis de l'esprit de modération et de justice qui préside à tous les actes du Cabinet de St. James, et fort par d'irrécusables témoignages, de l'amitié et des égards du susdit cabinet envers les états de l'Amérique Centrale depuis qu'ils se sont déclarés libres et indépendants de leur ancienne métropole, après avoir soutenu avec ardeur la cause de leur emancipation, j'ai eu peine à croire à de semblables assertions. Mais, comme il se pourrait que l'acte dont il est ici question ait été consommé sans la connaissance et sans la participation du gouvernement de S. M. B. comme il arriva en 1830, et postérieurement en 1839, lors de l'occupation de l'île de Roatan, sur lequel fait de respectueuses remonstrances furent adressées au Cabinet de St. James, j'ai cru qu'il serait convenable de déclarer à V. E., en ma qualité de représentant des Etats de Nicaragua et de Honduras, que le gouvernement de ces deux

Etats, désirant conserver avec celui de S. M. B. les relations d'amitié et de bonne intelligence, heureusement existantes jusqu'à ce jour entre ces pays et le Royaume Uni de la Grande Bretagne, n'ont conféré des pouvoirs spéciaux pour faire valoir près le Cabinet de Londres le juste droit qu'ont les dits Etats sur le territoire connu sous le nom de Mosquitos et sur les îles et dépendances, situées sur la mer Atlantique, composant anciennement le Royaume de Guatémala, reconnu après sous la dénomination de République Fédéral de l'Amérique Centrale, et afin d'obtenir du gouvernement de S. M. B. la reconnaissance la plus formelle et la plus solennelle du droit que les dits Etats ont sur le territoire susmentionné, et que les agens et les personnes subordonnées du Cabinet Britannique observant à leur égard la justice qui leur est due sans les troubler dans la possession tranquille et légale, où ils se sont constitués depuis si long temps.

Il est connu en Europe que le continent de l'Amérique Centrale appartint durant plus de trois cents ans à S. M. Catholique, et que sous ce rapport ses côtes furent toujours respectées, soit dans la mer Pacifique, soit dans la mer du Nord. Le traité conclu entre l'Espagne et le Royaume de la Grande Bretagne le 14 Juillet, 1786, démontre que S. M. B. reconnaissait cette domination, puisque par l'article 11, celle-ci s'engagea à expédier les ordres les plus positifs pour que ses agens, ses sujets, et ses colons qui, jusqu'alors avaient été sous sa protection, eussent à sortir dans le délai de six mois (article 12) du pays de Mosquitos, et en général du continent et des îles attenantes. Par compensation, le gouvernement de S. M. B. obtint le privilège de couper du bois de Bresil et autres, dans le territoire de Belice, et dans les limites désignées dans l'article 2^{me}.

Il est également connu que ce traité fut rigoureusement observé par le gouvernement de S. M. B. tout le tems que l'Amérique Centrale vécut sous la domination Espagnole. La constitution, publiée à Cadiz en 1812, article 10, déclara que Guatémala, ainsi que les provinces internes de l'Orient et de l'Occident et les îles y attenantes dans l'une et dans l'autre mer de l'Amérique, faisaient partie intégrante des domaines de l'Espagne; et sous ce rapport, il ne lui fut jamais suscité de questions d'aucune espèce par les puissances de l'Europe. Le roi, Ferdinand VII, communiqua à tous les états souverains, et particulièrement à celui de la Grande Bretagne, son acceptation de la dite constitution politique, et celui-ci donna son adhesion dans la reponse datée du Palais de Carlton le 21 Août, 1820; reponse que le Moniteur Universel, No. 143, publia la même année.

Il est aussi connu que lorsque l'Amérique Centrale se fut déclarée indépendante et souveraine, elle n'entendit en aucune manière céder ni démembrer la moindre partie de son territoire; mais loin de cela, elle déclara à la face du monde entier, dans la constitution de 1824, article 5^{me}, que le territoire de la république embrassait entièrement celui de l'ancien Royaume de Guatémala, la province de Chapas exceptée, dont les limites, d'après la loi 6^{me} titre 15^{me} livre 2^{me} de la *Recopilacion de Indias*, sont, du côté du levant, l'Audience de la terre-ferme ou Escudo de Véragua; du côté de l'occident, le royaume de la Nouvelle Espagne ou le Mexique; du côté du nord la mer de ce nom; et du côté du midi la mer du sud. C'est sous ces principes là qu'ont été écrits les ouvrages de géographie publiées à Londres même ainsi que le prospectus de l'histoire de Guatémala, par l'illustre Américain Don José del Valle, ouvrage où se trouve

consignée la susdite démarcation des limites de l'Amérique Centrale. Ce fut ainsi sur ces mêmes principes qu'en 1826 Mr. Marcial Zebadua, Ministre Plénipotentiaire de la République Centrale près le Cabinet de St. James, fit admettre dans les préliminaires d'une négociation, que malheureusement ne put être conclue, à cause du retard de nouveaux pouvoirs exigés par le gouvernement de S. M. B., un article par lequel on reconnaissait aux sujets Anglais les concessions faites dans le traité de 1783, et par la convention de 1786, déjà mentionnée. Le Cabinet Britannique manifesta alors qu'à cet égard, ces conventions étaient conformes aux intérêts de la Grande Bretagne, et que sous aucun rapport il n'exigerait rien de plus.

Ces points démontrés, il me reste seulement de prouver que les limites des Etats de Honduras et de Nicaragua sont les mêmes qui avaient été reconnues lorsque ses Etats formaient une province de l'ancien Royaume de Guatemala; c'est à dire, celles de Honduras depuis le détroit de Guatemala du côté de l'ouest jusqu'au cap de Gracias à Dios, du côté de l'est, du sud-est, et du sud; et depuis le golfe de Conchagua dans la mer Pacifique jusqu'à l'océan Atlantique du côté de l'est, du nord-est, et du nord, avec les îles attenantes dans les deux mers; les limites de Nicaragua du côté de l'est sont la mer des Antilles; du côté du nord le cap de Gracias à Dios qui le sépare de l'Etat de Honduras; du côté de l'ouest le golfe de Conchagua; du côté du sud l'océan Pacifique; et du côté du sud-est le détroit de Costa Rica; ainsi que ces Etats l'ont déclaré dans leurs constitutions respectives, de manière qu'il n'est jamais arrivé aucun cas dont on put tirer l'induction qu'ils ont reconnu comme territoire indépendant celui qui, pour conserver l'ancienne dénomination, s'appelle Mosquitos; à la civilisation duquel ces Etats s'étaient dévoués, parceque la situation où il se trouve ne permet point qu'il soit considéré non seulement comme état indépendant, mais pas même comme une simple population, puisqu'il est évident qu'il ne forme point un état constitué, et n'a point de gouvernement, d'autorité ni de lois particulières, selon l'exige le droit international.

Tels sont les fondemens sur lesquels est basé le droit qu'ont les Etats de Nicaragua et Honduras sur le territoire de Mosquitos. D'apiès ces fondemens j'ose espérer de la rectitude et de la modération caractéristiques au gouvernement de S. M. B. que non seulement ce droit sera reconnu et respecté comme il est dû; par les nations qui savent apprécier les principes d'égalité et de justice comme des choses importantes à leur sûreté et à leur tranquillité, mais encore que S. M. B. voudra leur accorder la convenable protection pour faire qu'ils soient respectés des autres, en les laissant dans la pacifique possession de tout ce qui leur appartient.

Je prie V. Grace de vouloir bien porter à la connaissance de S. M. B. tout ce que j'ai eu l'honneur d'exposer ici, et de me faire parvenir une réponse définitive. Le soussigné saisit cette occasion pour offrir à S. G. l'assurance de sa haute considération.

Désirant donc assurer, contre toutes les démarches faites par les chefs et les officiers Anglais dans l'Amérique Centrale, le juste droit que les susdits Etats de Nicaragua et de Honduras ont sur le territoire susmentionné, malgré les prétentions de plusieurs sujets Britanniques, soit en s'établissant de fait dans quelques endroits à la faveur des facheuses circonstances où se trouva entièrement ce pays, soit en faisant comprendre aux chefs des hordes sauvages qui l'ont habité, qu'il était un monarque souverain,

allié et protégé de S. M. B., j'ai jugé convenable, afin d'obtenir le but que mes gouvernements se sont proposés, de protester de la manière la plus solennelle et la plus formelle devant les cabinets de l'Europe et notamment devant celui de

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contre toutes les violences et contre l'abus de pouvoirs exercés par les forces navales de S. M. B. dans l'île de Roatan appartenant à l'Etat de Honduras, et dans le territoire de Mosquitos qui est sous l'autorité de Nicaragua, afin de prendre possession de l'une et de l'autre des points intéressants par leur position topographique dans le cas où l'on viendrait à réaliser le projet de percer le grand canal océanique comme également contre les conséquences qui pourraient résulter de semblables actes; réclamant, comme je réclame au nom des susdits gouvernements de Nicaragua et de Honduras, contre de si grands griefs, et espérant obtenir un jour la juste réparation qui leur est due; et je dois déclarer que les respectifs gouvernements ne consentent, ni consentiront jamais, ni en aucune manière, à céder la plus petite parcelle des possessions dont on veut les déposséder par la force, tandis que la raison et la justice, les seules armes jusqu'à présent à leur portée, demandent qu'ils soient respectés par toutes les puissances comme l'exige la conservation de la société universelle, dont les intérêts sont la répression, et même la punition de ceux qui foulent aux pieds si ostensiblement la justice, et qui par leur conduite constante et soutenue témoignent une disposition de s'agrandir au mépris et au préjudice des faibles, sans respecter les droits des autres nations.

J'espère que votre excellence voudra bien porter à la connaissance de S. M. B. la présente déclaration et protestation pour les fins convenables; et daigner aussi agréer l'assurance de ma haute considération.

FRANCO. CASTELLON.

LONDRES, le 26 Février, 1849.

LONDRES, le 5 Mars, 1849.

MILORD: Par ma lettre officielle du 9 Février dernier j'eus l'honneur de demander, conformément aux instructions qui m'ont été données par mon gouvernement, que V. E. voulut bien ordonner aux autorités de San Juan de Nicaragua de ne point faire la moindre altération dans les affaires du dit port jusqu'au règlement définitif de la question dont nous nous occupons maintenant; et comme V. E. a répondu à cette invitation, que le gouvernement de S. M. B. ne peut faire rien, dont on puisse tirer l'indication qu'il admet le moindre doute que "Greytown" appartient exclusivement au territoire de Mosquitos, je me trouve dans le pénible devoir de faire à V. E. à cet égard quelques observations.

J'aurai d'abord, de dire à V. E. que ma précédente demande se borne à demander que l'on observe le *statu quo* adopté par le Major Sparks à l'égard *du port de San Juan de Nicaragua*, et non à l'égard de "Grey Town," qui d'après des informations particulières que j'ai tâché de réunir, ce nom qu'on a récemment donné à Blewfield, contre lequel établissement j'eus l'honneur d'adresser à S. G. Lord Aberdeen le 25 Septembre 1844, une protestation.

Si je fais cette observation, c'est dans l'attente qu'elle pourra contribuer de quelque manière à faciliter un arrangement convenable dans l'affaire en question. D'un autre côté, si les désirs qui animent S. M. de cultiver

avec Nicaragua des relations amicales et de bonne intelligence sont aussi positifs que les assurances que V. E. me fait parvenir à cet égard, sa condescendance à acquiescer à ma demande serait un acte plus obligéant pour cet Etat, et une preuve inéquivoque de la justification dont le cabinet de S. M. procède; puisque le *statu quo*, dans ce cas ne nuit à personne, tandis que le refus pourrait autoriser les faits mêmes qu'on veut éviter; et restreint jusqu'à un certain point les droits de Nicaragua qui à témoigné tant de confiance dans la modération des principes, et dans la loyauté du gouvernement Britannique.

Finalement, si "Greytown" n'est pas, ainsi qu'il me semble, l'établissement de Blewfield, et si ce nom est celui qu'on a donné à "San Juan de Nicaragua," cette seule déclaration pourrait être considérée comme la preuve d'une détermination déjà arrêtée de la part du gouvernement de S. M. B. de soutenir l'occupation de ce port, malgré qu'on n'a pas exhibé les titres qui devaient justifier cette occupation, ou qui devraient rendre inéficaise le droit de possession que Nicaragua réclame; supposition qui est inadmissible si l'on consulte l'esprit de conciliation que le gouvernement de S. M. a évoquée à l'égard d'autres Etats, et qui pourrait être appliquée impartiallement au cas actuel.

Pourtant je crois devoir réitérer à S. E. le très honorable Vicomte de Palmerston les termes de ma dépêche du 9 Février dernier, afin qu'elle veuille bien transmettre les ordres convenables aux autorités provisoires de "San Juan de Nicaragua" pour continuer le *statu quo* adopté par le Major Sparks, sans faire la moindre altération dans les affaires du dit port pendant le cours des négociations qui nous occupent.

Je dois ajouter en conclusion; que si le nom de "Greytown," d'après la lettre de V. E. du 17 Février dernier, est celui qu'on a donné à l'établissement de "San Juan de Nicaragua," l'état de Nicaragua ne peut admettre cette modification, ni consentir, malgré ses bonnes dispositions à l'égard du gouvernement Britannique, à ce que le dit établissement soit considéré comme appartenant exclusivement aux tribus de *Mosquitos*, ainsi que V. E. a voulu le déclarer à moins que cette question ne soit résolue par un arbitre en connaissance de cause, et auquel cette même question serait soumise.

Je ne doute pas, milord, que ce moyen sera favorablement accueilli par le gouvernement de S. M. comme le seul le plus équitable et le plus propre pour faire cesser amicalement ces différends, puisqu'il offre la garantie la plus efficace de faire observer ponctuellement ce qui viendrait à être stipulé; et si l'arrêt arbitral était conforme aux principes soutenus par le gouvernement de S. M. B. tout le monde sera convaincu que ce n'est pas à la force, mais à la raison et à la justice, que les Etats de Nicaragua et de Honduras se sont soumis dans la question actuelle.

Cette manifestation franche convaincra V. E. du soin que je mets de ma part, afin d'amener un arrangement digne de l'illustration des deux pays, et à même temps satisfaisant et honorable pour eux; et qui ne pourra jamais altérer en rien les sentiments d'amitié et de bonne armonie que les Etats mes commettants ont toujours conservés à l'égard de la nation Britannique; sentiments qui bien cultivés sont et seront de nature à produire et à faire éclorer d'immenses bénéfices pour l'humanité et pour le commerce universel.

Fort de ces assurances, V. E. pourrait bien proposer pour sa part, si elle le juge convenable, tout autre moyen propre à remplir ce louable ob-

jet, persuadée qu'elle doit être que de ma part je me rendrais avec la possible efficacité, à tout ce qui, sans entamer l'honneur et la dignité des dits Etats, pourrait contribuer de quelque manière que ce soit à resserrer de plus en plus les relations qui existent avec la Grande Bretagne; relations auxquelles je fais un appel convenable, pour espérer que le gouvernement de Sa M. n'exigera pas autre chose qui pourrait être considérée comme contraire aux droits des dits Etats, en leur qualité de corps politiques.

En attendant la réponse que V. E. voudra bien me faire parvenir, j'ai l'honneur &c., &c.,

FRANCO. CASTELLON.

A Son Excellence Mr. le MINISTRE DES AFFAIRES ETRANGERES
de S. M. B.

Mr. Clayton to Mr. Bancroft.

DEPARTMENT OF STATE,
Washington, May 2, 1849.

SIR: The President of the United States has for some time viewed with anxiety the apparent determination of the British government to take advantage of the comparative inability of the authorities of Central America to repel aggression from abroad, for the purpose not only of extending, according to their own pleasure, the limits marked out by the treaties between Great Britain and Spain for the settlements of British subjects on the Atlantic coast of that country, but also for the conversion of those settlements into communities of a character by no means authorized by those treaties. Hitherto, however, he has abstained from asking of that government an explanation in regard to its measures in that quarter, in the hope that they still might prove to be consistent with the obligations of Great Britain under the treaties adverted to; or, if otherwise, that the differences between the British government and the Central American authorities, respecting them, would be accommodated to the satisfaction of all parties. But he now apprehends that this was a delusive hope.

The President of the republic of Nicaragua has addressed a communication to the late President of the United States, and the Minister for Foreign Affairs of that republic has addressed two letters to the late Secretary of State of the United States, requesting the interposition of this government, with reference to the seizure and occupation of the port of San Juan by the British, on the alleged ground of its being within the dominions of his Majesty the King of the Mosquitos, of whom her Britannic Majesty is declared to be the protector. This application has led to an inquiry by the department into the claim set up by the British government, nominally in behalf of his Mosquito Majesty; and the conclusion arrived at is, that it has no reasonable foundation. Under this conviction, the President can never allow such a pretension to stand in the way of any rights or interests which the government or citizens of the United States now possess, or may hereafter acquire, having relation to the Mosquito shore, and especially to the port and river of San Juan de Nicaragua. He is decided in the opinion that that part of the American

continent having been discovered by Spain and occupied by her, so far as she deemed compatible with her interests, of right belonged to her; that the alleged independence of the Mosquito Indians, though tolerated by Spain, did not extinguish her right of dominion over the region claimed in their behalf, any more than similar independence of other Indian tribes did or may now impair the sovereignty of other nations, including Great Britain herself, over many tracts of the same continent; that the rights of Spain to that region have been repeatedly acknowledged by Great Britain in solemn public treaties with that power; that all those territorial rights in her former American possessions descended to the States which were formed out of those possessions, and must be regarded as still appertaining to them, in every case where they may not have been voluntarily relinquished or cancelled by conquest, followed by adverse possession.

Under these circumstances, therefore, after the most deliberate consideration of the subject, the President has decided to present the views of this government, in regard to it, to the friendly consideration of the government of Great Britain. In forming this determination, though influenced by a just sympathy for the injuries which the republic (of Nicaragua) would sustain if Great Britain should persist in claiming, directly or indirectly, dominion over the Mosquito shore, he has not been unmindful of the past policy of this government.

Viewing the importance to both countries of the commerce between the United States and Great Britain, the President ardently desires that the relations between the two governments should continue to be of the most friendly and harmonious character, and should become strengthened with the advance of time. Consequently, he is reluctant to take any step which might lead to a misunderstanding with that government. Believing, however, that if he were to disregard the appeal of the government of Nicaragua, he would neglect a plain duty, he will not shrink from the responsibility which the discharge of that duty imposes.

The British government can have no reason to be dissatisfied with our friendly interposition. We scrupulously abstain from intermeddling with the internal policy of foreign countries, and have never been officious in attempting to interfere with the affairs of other nations.

It is deemed advisable, that, before entering into a written correspondence upon the subject with the British Minister for Foreign Affairs, you should sound him, in conversation, as to the views and intentions of the British government in regard to the Mosquito coast: Whether it is intended by that government to set aside a portion of the territory for its own uses, for any and for what reason, and on what principle? Whether that government claims a right, as ally and protector of the Mosquito King, to control or obstruct the commerce of the river San Juan de Nicaragua, or *to keep forts or establishments of any kind on its banks?* What are to be the boundaries of the territory, and by whose authority have they been established? All this should be communicated verbally, in conferences, with intimations of the inexpediency of any great commercial power claiming to hold the river, in case it should become a highway for the nations of the earth. Say, in the most friendly manner, that, while we should look upon the exclusive possession or command of such a river by ourselves as a great evil to us, which would draw upon us the jealousy, and ultimately the hostility of the rest of the commercial world,

we ought not to consent to its obstruction by any other power; and, if you find that he is still unwilling to abandon the British and Mosquito claim, or to retire from the river and the command of its harbor, then impart to him, orally, the views of the President, as conveyed in this despatch. You will be careful to assure him that, in questioning the title of the Mosquito King to the territory claimed for him, this government is not actuated by ambitious motives, or by any feeling, in the least, unfriendly towards Great Britain. We are impelled solely by a proper vigilance for the interests committed to our charge, and by a due sympathy for those whose rights we believe to have been invaded.

If the result of your interview with that functionary should be an impression that his government will not pause or recede in the steps which it seems to be taking in the quarter adverted to, you will then address to him, in the name of this government, in firm yet respectful language, a formal written protest and remonstrance against them, and immediately communicate to this department the result of all your official interposition and proceedings.

In order that you may possess full knowledge of the views of the President on this subject, you will herewith receive an extract of a copy of the secret instructions given to E. George Squier, our present chargé d'affaires to Guatemala, who, when you shall be in the receipt of this, will be on his way to Leon, to negotiate with the government of Nicaragua.

It will be expedient to obtain an assurance from the minister from Costa Rica, now in London, that he will not commit the rights of that State by any convention with Great Britain. A cession to Great Britain of her territory south of the river San Juan de Nicaragua might seriously embarrass us. No British forts or British possessions should exist on the right or left bank of the river. Warn the minister of Costa Rica to make no common cause with Great Britain by the cession of any part of her territory, or any rights over it. The safety of every American State, whether in North or South America, will require of it to yield no further to foreign aggression.

I am, sir, &c.,

JOHN M. CLAYTON.

GEORGE BANCROFT, Esq.

Mr. Bancroft to Mr. Clayton.

[Extracts.]

UNITED STATES LEGATION,
London, May 30, 1849.

The minister of Nicaragua, Mr. Castellon, is at this moment in Italy. So, too, is Mr. Marcoleta, the able representative of Nicaragua at Brussels and Paris. Lord Palmerston has sent to that legation another letter, which is described to me as very short and decided, renewing, in the very same words, the view contained in that of the 17th February last, of which I forwarded you a copy with my No. 123. I cannot easily get a copy of the new note till Mr. Castellon returns.

I have seen the minister of Costa Rica, whom I know very well, and have questioned him very minutely as to the state of the relations of Costa Rica with Great Britain. He has renewed to me the assurance that that relation is at present one generally of friendship, and nothing more. I could see, however, the reserved purpose of invoking the protection of Great Britain, in case Nicaragua should make a war on Costa Rica. You know they have a strife about boundaries, which I have always advised them to settle. The Costa Rican minister assured me that he has full powers from his government to come to a settlement, but neither Mr. Castellon nor Mr. Marcoleta has such full powers. I have endeavored to ascertain the nature of the dispute, and find that a part of the claim of Costa Rica rests on nothing historical, but only on the convenience of the natural boundary of the river San Juan. If your diplomatic agent in Central America could induce the several provinces to come to an understanding about their respective boundaries, a great point would be gained. I anticipate no difficulty in inducing the minister of Costa Rica at London to give time for such an effort.

There exists also a treaty of commerce and navigation as yet unratified between Nicaragua and Belgium. The King of the Belgians was also invited to be interested in the establishing of a colony in Nicaragua, but his intervention was claimed as the condition of the grant of lands, and naturally the King of the Belgians would not undertake the protection of Nicaragua against the encroachments of Great Britain.

But the grave subject for discussion is with Great Britain, in reference to its intrusion into Central America as the protector of the so-called King of the Mosquitos. On this subject I could have no better guide than your despatch of the second of May, which, from its clearness and precision, its firmness and its manifest desire to come to a just understanding with Great Britain on this subject in a friendly way, leaves nothing to be desired. You may assure the President, that, in my conversations with Lord Palmerston, and with such other members and supporters of this government as it may be proper to speak with, I shall govern myself exactly by the instructions which you have communicated ; and I shall do so with the more cheerfulness, as those instructions correspond with my own views of the duty of our country on this occasion. They are so founded in justice and moderation, that, if they are consistently and inflexibly adhered to, the President may be sure of not coming in conflict with the judgment or the interests of the impartial in England ; while he will have the good wishes of all other maritime powers on his side. It may, however, in any event, be best for me to prepare and present "the protest or remonstrance" to which you refer. The conversations which you so properly instruct me previously to hold can only smooth the way for that paper, so that it may not come upon the ministry suddenly; but unless the views of the American government are ultimately communicated to the British government in writing, they will not have the weight or the formality which the President desires. A protest, after all, is but a solemn declaration of opinion; and that declaration need not, of itself, assume the existence of an antagonist opinion.

Lord Palmerston is gone out of town for the Whitsuntide holidays ; on his return I will enter upon this business, of the importance of which I am fully aware.

I am, sir, &c.,

GEORGE BANCROFT.

JUNE 1, 1849.

P. S.—Mr. Wheelwright, of the British company of steamers on the Pacific, made an arrangement with M. Castellon, on the 16th of February, 1849, to send a company of engineers, then at Lima or Valparaiso, to make a survey of the river, lake, and isthmus of Nicaragua. The contract contained a conditional grant of the exclusive right to construct a railway or canal connecting the two oceans. Mr. Wheelwright left England on the 17th of February for Nicaragua to obtain the ratification of this contract by the government of Nicaragua.

On Mr. Castellon's return, I will try to send you a copy of the contract.

Mr. Bancroft to Mr. Clayton.

[Extract.]

UNITED STATES LEGATION,
London, June 29, 1849.

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The Mosquito affair is of much more importance, and yet there I am sure we shall succeed if we proceed rightly. I have already talked on the subject with several of the ministers, and have asked of Lord Palmerston an interview. He is in no haste to converse about Nicaragua, partly because he is at work night and day preparing for publication an immense mass of papers on the affairs of northern Italy, and for that end shuns every interruption. The minister of Nicaragua has returned to London, and assures me that he will remain firm.

Mr. Bancroft to Mr. Clayton.

[No. 143.]

UNITED STATES LEGATION,
London, August, 1849.

SIR: Believing that the time had now arrived when it became proper on the part of the President of the United States to present his views to the British government on the subject of its occupation of the port of San Juan de Nicaragua, I was engaged in finishing the paper when I received your letter of recall. Sensible of the confidence reposed in me by your despatch No. 55 and its enclosures, I yet deem it now not proper to present the paper which I had prepared after much consideration; and I now confine myself to a concise report of the present state of the business.

During the debates in the House of Commons on the miscellaneous estimates, an appropriation for a chargé, growing out of the crowning at Jamaica of the so-called King of the Mosquitos, was asked for, and voted amidst laughter. When a member seriously objected that this interference might give umbrage to the United States, the House perceived that the subject was one which merited serious consideration.

Your directions to me were to proceed in the first instance by conversation. I have done so, governing myself by the language and spirit of

your despatch. Lord Palmerston was not inclined to a conversation with me on the subject of Central America, but sought rather to keep the United States at a distance on the question, and to bring the powers of Central America to an immediate or early acquiescence in his arrangements. Nevertheless, I obtained an interview, though not till after repeated solicitations. To my direct question, If the British government designed to appropriate to itself the town of San Juan de Nicaragua, or any part of the so-called Mosquito territory? he answered emphatically, "No; you know very well we have already colonies enough." The remark was just. The masses of the British colonies are becoming relatively too weighty for the central government. British statesmen perceive it; and one evening, when the ownership of Vancouver's island was the subject of debate in the House of Commons, the House was counted out, so indifferent were the members to the whole question. I could not but proceed and ask Lord Palmerston, In whose hands is San Juan de Nicaragua at this time? He replied, "For the present, in those of English commissioners." Is not this, then, I said, an occupation by England? His answer was, "Yes, but this occupation is temporary."

Having your despatch in my hand, I very concisely gave him reasons on which the opinion rests, that there is no such body politic as the kingdom of the Mosquitos; that, if there were, its jurisdiction does not reach to the river San Juan; and even if it did, that no right of exercising a protectorate belongs to Great Britain.

Without entering into any argument, he replied, that Costa Rica might claim San Juan as well as Nicaragua. And he did not in the least disguise his strong disinclination to restore the port; insisting, however, that any purposes the United States might have in reference to connecting the two oceans by a commercial highway, would be better promoted by the policy which he is pursuing than in any other way. And, in reference to the whole subject, his words were, "you and we can have but one interest."

The interview was very short, and came to an end abruptly, as he was summoned to a cabinet meeting; and he has shown no desire to renew it.

The next day I asked the minister of Costa Rica if his country had ever claimed the port of San Juan. He said never; it claimed only the southern bank of the river. The port of San Juan had always belonged to the province or State of Nicaragua.

While Lord Palmerston did not invite me to renew the subject with him, he had a long interview with Mr. Castellon and Mr. Marcoleta, conversing with them for two hours in Spanish, which language he speaks extremely well. The substance of his remarks to them was, that England desires to cultivate friendly relations with Nicaragua, but at the same time is determined not to restore the port of San Juan.

Mr. Castellon, on the eve of his departure for his country, addressed me a note, insinuating the idea of the annexation of Nicaragua to the United States. Scrupulous not to involve the administration of the President, I could have wished the letter had been addressed to Washington; but I thought an instant answer essential, and I therefore sent him, on the 14th of July, a note of which I enclose a copy. I trust it will seem to you precisely such as you could have wished and would have directed, had there been time to consult you.

On the 16th of July Lord Palmerston addressed a formal note to Mr.

Castellon, who had already left England, containing an elaborate argument against the right of Nicaragua to the port of San Juan. I obtained a copy of this important note a few days ago, and I now send it you.

Meantime, Lord Palmerston invited Mr. Marcoleta to an interview with him, and, I am told, proposed a general settlement of all questions between the so-called Mosquito government, Costa Rica, and Nicaragua. To this, I understand the agent of Nicaragua replied, that he could not recognise the kingdom of Mosquito, and, of a consequence, could not treat with it.

The Nicaraguan minister now proposes arbitration. Should this be refused, Nicaragua must submit, unless it can rely on the prompt exertion of the influence of the United States.

This, I believe, is all I need say on the subject. Were I to add any suggestion, it would be, that greater difficulties await you in bringing the States of Central America to reasonable and harmonious views, and a friendly union, than need be apprehended here, if such union existed.

Copies are annexed of various letters and documents pertaining to this subject.

I am, sir, sincerely yours,

GEORGE BANCROFT.

[Enclosures.]

1. Copy of a letter from Mr. Castellon to Lord Palmerston, dated January 20, 1849.
2. Copy of a letter from same to same, February 9, 1849.
3. Copy of a contract between Mr. Castellon and Mr. Wheelwright, dated February 16, 1849.
4. Copy of a letter from Lord Palmerston to Mr. Castellon, dated February 17, 1849.
5. Copy of a letter from Mr. Castellon to Lord Palmerston, dated March 5, 1849.
6. Copy of a letter from Mr. Vaudes Weyer to the Belgian Minister for Foreign Affairs, dated March 7, 1849.
7. Copy of a letter from Mr. Castellon to Lord Palmerston, dated March 19, 1849.
8. Copy of a treaty of Nicaragua, Honduras, and Salvador with Belgium, March 27, 1849; signed but not ratified.
9. Copy of a letter from Lord Palmerston to Mr. Castellon, dated April 26, 1849.
10. Extract from a debate in the House of Commons, July 8, 1849.
11. Copy of a report on the state of affairs of Nicaragua, by Mr. Castellon, July 7, 1849.
12. Copy of a letter from Mr. Castellon to Mr. Bancroft, dated July 9, 1849.
13. [Memorandum.—The protest to Lord Palmerston of July 9, contained in this paper, was never sent to Lord P.]
13. Copy of a letter from Mr. Castellon to Mr. Bancroft, dated July 12, 1849.

14. Memorandum of Mr. Castellon preparatory to a conversation with Lord Palmerston, July 12, 1849.
15. Copy of a letter from Mr. Bancroft to Mr. Castellon, dated July 14, 1849.
16. Copy of a letter from Lord Palmerston to Mr. Castellon, dated July 16, 1849.
17. Copy of a letter from Lord Palmerston to Mr. Castellon, dated July 17, 1849.

No. 1.

LONDRES, le 20 Janvier, 1849.

MILORD: Le soussigné, chargé par les gouvernemens de Nicaragua et de Honduras de représenter leurs droits respectifs, relativement au territoire et au port de San Juan, occupé le 1^{er} Janvier, 1848, par des forces Britanniques, au nom du chef des Mosquitos, a l'honneur d'adresser à V. E. cette communication, pour l'acquitter de la mission qui lui a été confiée, et dans laquelle il a pour but démontrer: 1^{er}. Les motifs que les dits gouvernemens ont eu pour se refuser à reconnaître l'indépendance des Indiens Mosquitos, et pour ne point consentir au démembrement de leur territoire au profit de ces tribus. 2^{me}. L'offense faite à ces deux états en employant des mesures coercitives pour occuper le port de San Juan, et en méconnaissant les droits dont ils étaient en possession pacifique jusqu'au 1^{er} Janvier, 1848; ainsi que la justice dont ils appuyaient leurs réclamations. 3^{me}. Les avantages que le commerce général, et celui de la Grande Bretagne en particulier, rapporteraient de la conclusion aimable de ces différends au moyen d'un traité qui, basé sur des principes de réciprocité, pût réserrer de plus en plus les relations établies entre les deux pays.

Le soussigné démeure convaincu que S. E. Monsieur le Vicomte de Palmerston voudra bien prêter au contenu de cette dépêche l'attention sérieuse qu'elle mérite, et que le gouvernement de S. M. prendra d'accord avec les principes de justice et d'équité, une décision telle qui puisse honorer à jamais son nom; et digne de la nation qu'il représente; une décision, enfin, capable de restrire le nœud de l'amitié et de la concorde entre les dits États et le peuple Britannique.

Relativement au 1^{er} point, le soussigné ne s'est point proposé d'entrer dans une digression minutieuse, puis qu'il a été déjà dit et écrit tout ce qui était de nature à éclaircir une question aussi grave; son but est de rappeler: 1^{er}. Les contestations qui furent échangées en 1822, entre les agens de S. M. B. et le gouvernement de la république de Colombie relativement à l'ordre que ce dernier publia le 9 Mai de la même année afin de régler le commerce avec les côtes incultes de Mosquitos. 2^{me}. Les préliminaires qui servirent de base au traité conclu le 18 Avril, 1825, entre la dite république et le gouvernement de la Grande Bretagne. 3^{me}. Les contestations échangées entre le chargé d'affaires de S. M. B. en Colombie et le gouvernement Colombien, relativement à l'article 9 du traité que ce dernier gouvernement conclu le 15 Mai, 1825 avec la république de l'Amérique Centrale. 4^{me}. Les préliminaires du traité que sous le règne de S. M. George IV. furent posés par le gouvernement

Britannique, et par Mr. Zebadua, en 1826. 5^{me}. Les communications adressées en 1830 par le gouvernement fédéral au sujet de l'occupation de l'ile Roatan; occupation qui d'après le surintendant de Belice eût lieu à l'insu du gouvernement de la Grande Bretagne. 6^{me}. Celles qui furent échangées entre consul général Britannique à Guatemala et le ministre des affaires étrangères du gouvernement général, relativement à la deuxième invasion de l'ile de Roatan en 1839. 7^{me}. Celles que, le 16 Octobre, 1841, eurent lieu entre le gouvernement de Nicaragua et le consul Britannique, Mr. Chatfield, relativement aux procédés de Mr. Macdonald, surintendant de Belice, envers Mr. Quijano, administrateur du port de San Juan, qui emprisonné à bord de la frégate le *Tweed*, et amené au cap de Gracias à Dios, fût contraint de signer le document qui, sous le No. 6, a été inséré dans la *correspondence respecting the Mosquito territory, presented to the House of Commons in July, 1848*. 8^{me}. Les communications qui sur ce dernier objet furent encore adressées, le 13 Septembre et le 16 Octobre de la même année par les Etats de Costa Rica et de Nicaragua à S. E. M. le ministre des affaires étrangères de S. M. B. pour demander la punition des agens qui insultèrent l'administrateur, Mr. Quijano, et violèrent l'intégrité du territoire. 9^{me}. Celles que le 9 Juin, 1843, le 31 Mai, 1844, et le 23 Avril, 1848, furent adressées au ministre Britannique par Mr. Mosquera, ministre plénipotentiaire de la république de la Nouvelle Grénade, relativement aux actes qui furent exercés par ces mêmes agens sur le territoire compris depuis le cap de Gracias à Dios jusqu'à la boca del Toro. 10^{me}. La réclamation que le sus-signé adressa de Bruxelles le 25 Septembre, 1844, à l'honorable Lord Aberdeen, qui était alors ministre des affaires étrangères, au sujet de l'occupation de Bluefields, et pour demander, non seulement la reconnaissance des droits de l'état, mais encore la puissante protection du gouvernement de S. M. afin que ces droits fussent dorénavant respectés par les autres nations. 11^{me}. Les communications que dès Paris furent adressées par le même le 16 Octobre, 1844, relativement au blocus établi la même année au port de San Juan de Nicaragua; et finalement, toutes les dépêches échangées entre le gouvernement de Nicaragua et Messieurs Chatfield, Walker, et autres agens, dont quelques-unes ont été publiées dans la *correspondence respecting the Mosquito territory*, dont il a déjà été mention.

Toutes ces pièces serviront à démontrer de la manière la plus précise: 1^{er}. Que le gouvernement de l'Amérique Centrale et ceux de Colombie et de la Nouvelle Grénade, lesquels croyaient avoir domaine sur la côte de Mosquitos, n'ont jamais en la moindre idée de l'existence d'un peuple se donnant lui-même le titre de nation ou état, sur le territoire de ce nom. 2^{me}. Qu'ils ignoraient encore que les relations de ce peuple avec la Grande Bretagne fussent plus étroites que celles qui naturellement ont dû conserver et continuer les gouvernements et les habitans de ces républiques; encore moins que le gouvernement de S. M. B. eût reconnu l'indépendance et la souveraineté des tribus nomades de Mosquitos, au préjudice des droits que ces républiques, qui étaient en relation avec la Grande Bretagne depuis leur émancipation avaient sur ces Indiens, non seulement parce qu'ils avaient été sous la domination de l'Espagne jusqu'à l'année 1821, époque de la déclaration de l'indépendance de l'Amérique, mais encore parce que n'ayant pas de capacité politique, ni gouvernement régulier, ni lois propres, ainsi que le veut le droit international, ils devaient

être considérés comme dépendants du souverain du territoire qu'ils occupaient; parceque les Indiens, loin d'habiter ces régions, n'ont fait que les parcourir, ce qui, sous aucun rapport, ne constitue pas un droit de possession. 3^{me}. Que la reconnaissance de l'indépendance des Mosquitos par la Grande Bretagne est récente et même postérieure à des certains actes par lesquels le gouvernement de S. M. avait expressément reconnu les droits des dites républiques sur ce même territoire de Mosquitos, sans que jamais il eût fait comprendre l'existence d'un traité entre la Grande Bretagne et ces tribus. 4^{me}. Que ces mêmes tribus n'ont jamais fait connaître aux États de l'Amérique Centrale, ni même à la république de la Nouvelle Grénaïde, leur intention d'être emancipées; qu'ils n'ont eu de communications établies jusqu'à ces derniers temps; et que celles qui ont dernièrement existées n'ont eu lieu que par l'entremise de quelques sujets Britanniques établis dans ces côtes sous la protection que les lois de ces États accordent à tout ceux qui voudraient s'établir dans le pays (lois de l'Assemblée Nationale Constituante, du 24 Février, 1824) qu'il n'existe aucun précédent, ni aucun acte dont on puisse tirer l'induction du désir de ces Indiens d'être emancipées et de former un État à part, ainsi qu'il était rational si ces mêmes tribus avaient l'aptitude et la capacité de former un corps politique en relation avec ceux de l'Amérique et dont on pût citer plusieurs exemples; et finalement, que malgré tout cela, les États de l'Amérique Centrale ne se sont point refusés à entrer dans des arrangements aimables à cet égard, moyennant la puissante intervention du gouvernement de S. M. B., et à cause des relations et de la bonne intelligence qui doivent toujours exister entre les deux pays.

Ces précédents établis, il ne serait pas difficile de remplir l'objet du 2^{me} point que le soussigné s'est proposé de démontrer; à savoir: qu'en employant la force pour occuper le port de San Juan, et autres parties du territoire de la côte de Mosquitos, il a été fait aux États de Nicaragua et de Honduras une offense qui demande une juste réparation.

Effectivement, si l'on examine la question sous tous les rapports, si des précédents établis ou cherche à tirer une conséquence logique, exacte, juste, et impartiale, telle qu'on doit l'espérer d'un gouvernement éclairé, on verra que les États de Honduras et de Nicaragua n'ont jamais donné lieu à être traités en ennemis par le gouvernement de S. M. B.; mais bien au contraire, ils ont des titres suffisants pour qu'ils puissent espérer d'être traités avec la considération qui est due à des États qui ont constamment donné des preuves de leur amour pour la justice, de leur respect aux principes du droit international, de leur désir ardent de conserver la paix avec toutes les nations, de leur disposition à cultiver avec la Grande Bretagne des relations d'amitié, et de leur déférence envers le gouvernement de S. M. B. Leur conduite dans la question actuelle en est la preuve la plus éclatante.

Toujours constants pour défendre leurs droits, ils ont employé le langage que la justice inspire toutes les fois qu'il y a violation des sages maximes qu'elle établit pour la conservation des sociétés; mais toujours d'une manière respectueuse et polie vis-à-vis du gouvernement d'une nation dont les sentiments ne pouvaient pas donner lieu à des actes qui naturellement ont dû exciter un juste ressentiment. C'est pour cela qu'ils n'ont jamais cru que de tels procédés pussent émaner directement du gouvernement de S. M., et ils ont toujours conservé l'espoir qu'on rendrait à la fin justice à leurs sentimens.

Le soussigné a déjà démontré que les Etats de Nicaragua et de Honduras ont eu des motifs pour se refuser à reconnaître les tribus de Mosquitos comme nation indépendante; et de leur conduite on peut déduire: 1^{er}. Qu'il y a une question préalable à débattre. 2^{me}. Que cette question est une question de droit international, et par conséquent qu'elle ne doit être traitée que par les moyens que ce droit a établis. 3^{me}. Que ces Etats ayant proposé ces moyens avant l'occupation de San Juan, il n'y avait pas lieu pour employer légalement ceux de la force auxquels on ne peut pas recourir qu'après avoir épuisé les premiers: "La nature ne nous donne pas le droit de recourir à la force, que là où les moyens doux et pacifiques sont inéflicaces."

La force de ces observations devient plus grande encore si l'on considère, ainsi qu'on doit le faire, que dans l'état actuel cette question est assez douteuse d'elle même pour que les Etats de Nicaragua et de Honduras crussent de leur devoir céder aux exigences des agents de S. M. B.; même en supposant que ceux-ci eussent agi d'après des ordres supérieures, ils auraient dû employer des moyens raisonnables pour débattre, pour céder, ou pour transiger ce différend.

C'est ainsi que l'Espagne et l'Angleterre ont traité les affaires avec leurs colonies respectives, dont l'indépendance ne fut point reconnue qu'au moyen de l'intervention amicale d'autres puissances; et c'est ainsi que toutes les nations ont l'habitude de couper court à leurs différends toutes les fois que, par malheur du genre humain, ces différends viennent à surgir. Nicaragua et Honduras avaient donc des motifs pour croire que la résolution prise par le cabinet de S. M. B. n'était point définitive, surtout lors que son intervention n'avait pour objet que de protéger et d'appuyer les tribus de Mosquitos; intervention et appui qu'on pouvait considérer à peine comme le résultat des vœux exprimés par ces mêmes tribus, dont la capacité politique n'avait pas même été reconnue par le cabinet Britannique.

L'*Atlas* de Londres du 26 Septembre, 1840, en parlant de l'émigration à la côte de Mosquitos, s'exprimait ainsi:

"Nous avons pris des renseignements relativement à cette affaire, et nous sommes autorisés à déclarer que la commission expédiée par le superintendent de Belice n'avait point reçue la sanction du gouvernement; et que celui-ci n'entend pas devenir responsable des circonstances où pouvaient être placés les sujets Britanniques qu'on pousserait à émigrer à la côte de Mosquitos."

On peut déduire ce même résultat de la proclamation publiée le 19 Avril, 1841, par Monsieur Macdonald, relativement à la commission dont il s'agit, en déclarant que le gouvernement de S. M. B. *avait des raisons et des motifs puissants pour caser cette commission, et que les actes qui en avaient été la suite ne devraient pas être considérés comme ayant plus de poids et plus de force qu'ils auraient eus sans être appuyés sur une autorisation émanée du gouvernement de S. M. la Reine;* et en vertue de laquelle les éditeurs de la Gazette de Belice déclaraient dans le No. 7 du 24 Avril, 1847, que "tout ce qui se serait fait par le roi de Mosquitos devait être entendre comme émanant de sa propre autorité comme prince indépendant."

Mais, si tout ceci ajoutait une nouvelle force aux droits de Nicaragua et de Honduras, dans la question de Mosquitos, pour se refuser à reconnaître ces Indiens comme nation indépendante et pour s'affermir dans leur autorité sur ce territoire, ces droits devenaient plus grands encore

relativement aux réclamations que ces états devaient éléver lors de l'occupation du port de San Juan, dont ils étaient en possession depuis de longues années, possession qui ne fut jamais contestée jusqu'au 25 Octobre, 1848, époque dans laquelle on intima au nom du prétendu roi de Mosquitos, l'évacuation de ce port. Voici les motifs de cette assertion. Dans l'hypothèse même de l'existence, de fait ou de droit, de la nation Mosquito, il est hors de doute que les limites du territoire en question n'ont jamais été fixées par la conclusion d'aucun traité entre les deux gouvernemens. Ces limites sont si obscures et si incertaines qu'il serait difficile de les définir, même en pratiquant une reconnaissance minutieuse du territoire et en se rapportant impartiallement à l'histoire; il fallait donc recourir à un arbitrage auquel cette question pourrait être soumise. Cette difficulté n'a pas été seulement reconnue par les Etats de Nicaragua et de Honduras, car les membres qui componaient le Conseil de la Jamaïque, dans le rapport qu'ils adressèrent le 16 Juillet, 1774, au Lieutenant Gouverneur, Mr. Dalling, relativement à la côte de Mosquitos, il était dit: "Les limites de la côte de Mosquitos nous les trouvons difficiles à fixer d'une manière précise;" et quoiqu'ils émirent l'avis que ces limites s'étendent depuis le cap de Honduras jusqu'à la branche septentrionale du fleuve de San Juan de Nicaragua, cet avis de même que celui de plusieurs autres écrivains Britanniques qui ont traité la question du territoire de Mosquitos, ne peut pas être impartial, surtout lorsque le gouvernement de S. M. B. y après une part active, et ne saurait pas être admise définitivement après qu'on en aurait fait un sérieux examen. A l'appui de ce qui vient d'être exposé, il ne sera pas hors de propos entrer dans une digression.

L'auteur de l'ouvrage institué "*The British Empire in America*," publié en 1741; dit, en parlant des Mosquitos: "Ces Indiens habitent un pays marécageux dans une baie sablonneuse, au-delà du cap de Gracias à Dios, non loin de la baie de Campêche."

L'auteur de l'Atlas Géographique d'Edinburg dit: "La portion de territoire connu sous le nom de Mosquito, est située le long de la côte septentrionale et oriental de Honduras."

Farden, géographe de S. M. B., dans la carte qu'il publia en 1787 à la suite du traité de 1783 et de la convention de 1786 entre la Grande Bretagne et l'Espagne, indique le territoire de Mosquitos depuis le cap de Honduras, au 16° de latitude nord, jusqu'au fleuve de Puntagorda au nord du fleuve de San Juan.

Le Dictionnaire Géographique, publié à Barcelona en 1821, parlant de Mosquitos, dit: "Ce sont des Indiens de la partie orientale de Guatemala à l'E. de Honduras, et au N.E. de Nicaragua entre les 11° 16' latitude N. et 79° 82' longitude O. La baie de Mosquitos, qui fait partie de la mer des Antilles, entoure ce pays au N. et à l'E. On y trouve les baies de Cartago, d'Arenas, le lac des Perles, la baie de Bluefields, et au N.E. le cap Gracias à Dios. La partie occidentale de ce pays est sillonnée de nombreuses ramifications de la cordillère centrale de Guatemala. Les fleuves les plus considérables qui la coupent sont ceux de Bluefields, appelé dans sa partie supérieure, la Nouvelle Segovie; le grand fleuve des Perles, le Fougla, le Tara, et celui de Povesas, tous tributaires de la mer des Antilles."

Et quoique d'autres auteurs donnent une étendue plus grande à ce territoire en marquant ses limites depuis le cap de Gracias, au nord,

jusqu'à San Juan au sud, cette divergence d'opinions vient encore ajouter un nouveau froids à la difficulté de préciser ces limites; même en consultant ces écrivains où est frappé d'une contradiction remarquable. Ainsi, tandis qu'ils avancent d'un côté que le pays des Mosquitos s'étend depuis le cap de Gracias à Dios jusqu'au fleuve de San Juan; ils affirment d'un autre que la province de Nicaragua confine, à l'E. avec la mer Atlantique; ce qui ne peut pas être admis même dans la première hypothèse, car alors on devrait donner pour limites, de côté le même territoire de Mosquitos.

Le soussigné ne peut pas s'empêcher de continuer à rapporter les opinions d'autres auteurs connus, et quoiqu'à regret, il continue à traiter une question de la plus haute gravité pour son gouvernement.

Mr. R. Brookes, dans son *Compendious Geographical Dictionary*, publié à Londres en 1815, dit: "Nicaragua est une province de Mexique dans le royaume de Guatemala; ses limites sont: du côté du nord, Honduras; du côté de l'E., l'océan Atlantique; du côté du S.E., Costa Rica; et du côté du S.O., la mer Pacifique."

Mr. Miguel Gonzales Saravia, administrateur de Nicaragua, dans son exquise politique et statistique de cette province, formée en 1823, dit: "Les limites de Nicaragua sont: au N. le golfe d'Aniapala, qui entourent en partie ces côtes et qui reçoit tous ses plus grands fleuves, la province de Honduras et les montagnes et territoires habités par des Indiens insoumis, jusqu'à la côte des Mosquitos; à l'E. la mer des Antilles; au S. la province de Costa Rica, dont la ligne diviseoire est le fleuve du Salto dans le golfe de Nicoya; à l'O. la mer Pacifique."

Mr. Juarros, dans son *Histoire de Guatemala*, dans laquelle Mr. Chatfield, consul général de S. M. B., s'appuie dans son rapport du 15 Avril, 1847, dit de même à la page 60 de l'édition Anglaise, publié par Mr. Bailey: "Les limites de Nicaragua sont: au N. les provinces de Honduras et de Tologalpa; à l'E. la mer Atlantique; au S. l'Etat de Costa Rica et la mer Pacifique; et à l'O. le district de Tegucigalpa."

Un autre dictionnaire de géographie, publié à Barcelone en 1831, par une société de littérateurs Espagnols, et dont l'autorité ne pourrait être doutante par les opinions qu'ils ont émises, relativement à Mosquitos, dit: "Nicaragua, état situé dans la partie S.E. de la république appelée Guatemala, entre les 10° 35' et les 14° latitude N. et entre les 85 lieues longitude O.; c'est un état séparé de Honduras par la cordillère centrale de Guatemala; et du territoire de Mosquitos par la fleuve Nouvelle Segovia; ses limites sont: à l'E. la mer des Antilles; au S. l'Etat de Costa Rica, dont les frontières sont formées à l'E. par le fleuve Colorado, et à l'O. par Porto Culebra, et au S.O. et à l'O. le grand océan équinoxial."

La *Popular Encyclopedia*, on soit le dictionnaire général des arts, des sciences, etc., publié dernièrement à Londres, dans le vol. 5, partie 1, dit: "Les limites de Nicaragua, l'un des états qui composent l'Amérique Centrale, sont: à l'E. la mer des Caraïbes; à l'O. la mer Pacifique; au N. l'Etat de Honduras; et au S. celui de Costa Rica."

Si, d'un autre côté, nous cherchons les limites qui séparent le territoire de Mosquitos de l'Etat de Honduras, nous trouverons que leur démarcation n'est pas moins difficile. Sans s'appuyer sur autre autorité que celle de Juarros, si appréciée par les agents de S. M. B. qui ont écrit sur cette question, je ne crois pas me tromper en assurant que le cap de Gracias à Dios, loin de former une partie du territoire de Mosquitos, il est,

et il a toujours été considéré, comme un district du dit Etat, dont les limites sont: à l'E. le mer Atlantique; à l'O. Chiquimula; au S. San Salvador; et au N. la baie de Honduras.

Ces mêmes limites se trouvent marquées dans tous les ouvrages de géographie, anciens et moderns, et même dans l'histoire et les traditions de ces peuples, ainsi qu'on peut le voir dans les cartes publiées jusqu'en 1844. Il ne pourrait pas être autrement, car les Indiens Mosquitos, si peu nombreux qu'ils sont, ont toujours réduit leurs possession jusqu'au grand fleuve de Bluefield, qui pouvait être la limite naturelle de ce peuple, comme les rivières et les montagnes en sont de presque tous les Etats. Tandis que Nicaragua, non seulement a cru avoir la souveraineté sur le fleuve de San Juan, mais encore il en a toujours fait usage pour la navigation, il a formé sur ses bords, et a son embouchure dans l'Atlantique, plusieurs établissements qui prouvent plus qu'une occupation ne pourrait le faire; une possession longue et non contestée, et l'exercice des droits de souveraineté qui, d'après le droit international, ne sourait lui être contestée.

On a prétendu que les gouvernemens de l'Amérique Centrale ne sont pas entrés en possession de San Juan que l'année 1830, afin de prouver que cette possession est récente, et avec l'objet d'y baser les droits que les Mosquitos croient posséder sur cette partie du territoire. A cela on peut opposer quelques observations et quelques faits. Parmi la correspondance existante dans les cartons du Ministère des Affaires Etrangères de S. M. B., il y a des documents qui prouvent que le port de San Juan fut ouvert au commerce pendant l'administration coloniale en 1796; que depuis cette époque il y eut des employés et de forces militaires; les premiers pour la perception des droits, les derniers avec l'object d'empêcher la surprise, en cas de guerre, des forteresses établies le long de fleuve. Il y est aussi prouvé qu'on expédia des ordres pour peupler le district de San Juan, et qu'à cet effet des matériaux furent préparés. Relativement à ces faits on peut consulter le mémoire publié en 1821, par une commission nommée *ad hoc* par le Capitaine Général de Guatemala, et dont j'ai l'honneur de remettre ci-joint la copie (No. 1) dûment légalisée. Il est aussi constant qu'immédiatement après l'émancipation de l'Amérique Centrale, en 1821, des ordres furent donnés par le gouvernement fédéral, déclarant que le port de San Juan continuerait d'être ouvert au commerce. C'est sous la protection de ces lois que les sujets Britanniques, et toutes les autres nations, y ont fait le commerce avec l'Amérique Centrale.

Il est également notoire, et je l'ai déjà dit plus haut, que les Indiens Mosquitos n'ont jamais habité le port de San Juan, et que le nombre de leurs familles étant excessivement restreint, leurs établissements se trouvent, et se sont toujours trouvés, dans la partie comprise entre Bluefields et le cap de Gracias à Dios.

De tout ceci on peut facilement et naturellement déduire les conclusions suivantes: 1^{er}. Que dans cette hypothèse, le territoire de San Juan n'a point appartenu, ni aux uns ni aux autres, jusqu'en 1830; et que, par conséquent, il dût appartenir au premier occupant. 2^{me}. Que c'est à l'Etat de Nicaragua à qui ce domaine doit appartenir, parcequ'il en prit possession en présence des Indiens Mosquitos, sans que jamais ceux ci eussent élevé la moindre réclamation; comme également en présence des consuls de S. M. B.; lesquels, de fait, y consentirent. 3^{me}. Que cet domaine et cette possession donnaient à Nicaragua le droit de s'opposer à l'occupa-

tion du dit port, ainsi qu' à le défendre s'il venait à être attaqué, et à faire usage des armes pour le reprendre si une fois il aurait été perdu, car c'est un droit que le droit international accorde aux possesseurs, même ayant des titres douteux. Et c'est le moins qu'on peut accorder dans l'état actuel de la question, car il ne serait pas juste de priver un état du territoire qu'il possède, sans avoir préalablement exhibé les titres contraires à ces droits dont on est en possession. Dans la question actuelle le titre que Nicaragua possède pour occuper le port de San Juan, sout de la plus grande évidence, et en voici les motifs: 1^{er}. La nécessité d'assurer les voies de communication pour faciliter le commerce avec toutes les nations; car on ne peut pas refuser à un état d'occuper les contrées désertes, surtout lorsque cette occupation est limitée à ses besoins. 2^{me}. La nécessité qui découle du droit international, lequel droit autorise à un état à occuper un territoire ou des terrains dont les habitans n'ont pas besoin, lors que l'occupation se réduit à ses seules limites, raison qui agit avec plus de force lorsque s'applique à l'occupation de cette partie d'un pays où l'on ne trouve que de peuplades errantes et en petit nombre, comme par exemple les Mosquitos, lesquels n'ont point de ressources ni des moyens pour cultiver les terres, car dans l'immensité de ce pays, n'ont jamais eu d'habitations fixes, et cette circonstance les empêche d'avoir une possession véritable et légitime, et par conséquence il ne peut pas avoir d'injustice à les contraindre à se renfermer dans les limites les plus restreints possibles. Et quoiqu'il est vrai de dire que Nicaragua n'est pas encore parvenu à cultiver, ni à peupler jusqu'à ce jour, tous les terrains qui lui appartiennent de droit, il est cependant en aptitude de remplir le but de toute société et a constamment employé les moyens d'entreprendre ces deux fins, soit en donnant ces terrains à ceux qui voudraient s'y établir ainsi qu'il a été déclaré dans le décret fédéral de 1824, dont j'ai déjà parlé, soit en contractant avec des compagnies étrangères l'établissement de colonies sous la protection de ces lois qui garantissent la sûreté, la propriété, et l'exercice du culte religieux des colons. 3^{me}. l'Adhésion de ces Indiens Mosquitos, lesquels se soumirent aux lois qui régissent la navigation et les établissements qu'on avait formés aux bords du fleuve; car les rapports qui ont été publiés sur l'aversion que ces Indiens professent contre les Espagnols ont été excessivement exagérés. Et on ne peut pas objecter que ces Indiens agissaient par crainte du mal que pouvait leur faire le gouvernement de Nicaragua, lequel ne s'est jamais servi que des moyens que la raison et la justice conseillent afin de contraindre ces tribus à la vie sociale; ni parcequ'ils se soient trouvés dans l'impossibilité de faire des réclamations, ayant été, ainsi qu'on le prétend, plus de 200 ans sous la protection du gouvernement de S. M. B. il ont dûs être considérés par cette puissance aussi forts que le sont on peut en l'être tous les Etats de l'Amérique Centrale. Dans le cas contraire il résulterait, on que cette protection n'a pas existée avant l'année 1847, époque où l'on reclama le port de San Juan, ou bien que si elle a en effet existée elles périma par le silence qu'on garda lorsque l'Etat de Nicaragua occupa le port; et ceci autorise l'occupation d'après le droit international, car selon Vattell: "Il n'y aurait rien de stable parmi les hommes, et surtout entre les nations, si une longue possession accompagnée du silence des intéressés ne produisait un certain droit."

Si, donc, l'Etat de Nicaragua comme premier occupant, se trouvait le 1 Janvier 1848, en possession pacifique du port de San Juan; si cette pos-

session lui donnait un titre conforme avec le droit international, pour conserver cette possession jusqu'à ce qu'on eût prouvé qu'il était possesseur injuste; dans ce même cas on pourrait à peine exiger du gouvernement de l'Etat l'acceptation d'un moyen raisonnable pour résoudre la question, et si au lieu de refuser ce moyen il l'a au contraire, cherché, ainsi qu'il est prouvé dans la correspondance publiée par le gouvernement Britannique, il est hors de doute qu'on lui a infligé un affront en employant la force pour mettre les Indiens Mosquitos dans la possession d'un territoire auquel ils n'avaient même pas un droit douteux ou incertain; et cet affront mérite la réparation que l'Etat de Nicaragua attend d'un gouvernement qui, par sa puissance et par son influence, est appelé à faire régner dans toutes les nations, la justice, l'équité, la paix et la bonne intelligence, si nécessaires au repos et au bonheur du genre humain.

Le troisième et le dernier point, relativement aux avantages que le commerce universel et en particular celui de la Grande Bretagne, pouvaient rapporter, serait l'arrangement aimable des ces différends. La sagesse et illustration de S. E. l'honorable Vicomte de Palmerston n'excusent d'entrer dans des explications sur cet objet; je puis, cependant, assurer, que si je l'avais compris dans ce plan, cela a été uniquement pour y attirer son attention. Les Etats de Nicaragua et de Honduras sont beaucoup plus avancés en civilisation que les Indiens Mosquitos, et par conséquent ils offrent de plus grands avantages au commerce que ces côtes désertes. Les relations avec ces deux états seront nécessairement plus étroites et d'autant plus avantageuses connu le degré de confiance qu'ils pourraient inspirer.

Les Etats de Nicaragua et de Honduras n'étant pas d'une grande portée morale ni physique, la Grande Bretagne pourrait garantir leur indépendance et les couvrir de sa protection contre les attaques des autres nations. Tous les deux possèdent une immense richesse en terrains qui peuvent être exploités moyennant des colonisations. L'istme de Nicaragua est le point reconnu comme le plus facile pour la réunion des deux mers au moyen de canaux et des routes; et comme pour entreprendre un pareil ouvrage il serait peut-être nécessaire d'invoquer l'appui d'une grande puissance, la Grande Bretagne, amie et alliée de Nicaragua, pourrait bien prêter cet appui en garantissant l'exécution de cet ouvrage sans blesser aucune autre nation. L'arrangement de ces différends rétablirait la confiance dans ces pays et pourrait influer d'une manière efficace pour consolider les gouvernements respectifs, circonstance essentielle pour le commerce universel.

D'après la démonstration qui précède, je demeure convaincu, que le gouvernement de S. M. B. ne trouverait pas injuste la réclamation que je lui adresse au nom de l'Etat, surtout lorsqu'elle ne porte la moindre atteinte à l'honneur ni aux intérêts de la Grande Bretagne. Nicaragua par amour pour la paix et par une juste déférence envers le gouvernement de S. M. se pieta à donner des explications satisfaisantes au commandant des forces navales Britanniques, auquel l'Etat consentit à remettre le port de San Juan en attendant un arrangement aimable; cet acte de générosité et de confiance a été une preuve éclatante de haute considération envers le gouvernement de S. M., et ces procédés fait espérer que la réclamation que je lui adressé sera récompensée par un acte de justice et d'impartialité, en faisant que le port de San Juan lui soit immédiatement restitué avec une équitable indemnité pour tous les dommages et préju-

dices causés depuis le jour de l'occupation, en laissant l'état dans la jouissance pacifique des droits qui lui appartiennent, en attendant que par un arbitrage, ou au moyen d'une transaction les limites du territoire de Mosquitos puissent être définitivement fixées; et dont l'indépendance sera reconnue par les Etats de Nicaragua et de Honduras aussitôt qu'elle l'ait été par les autres puissances de l'Europe et de l'Amérique, ainsi que le demande le droit international, et les usages établis parmi les nations.

Le très honorable Vicomte de Palmerston, dans sa dépêche du 17 Mai dernier, a témoigné à mon gouvernement que celui de S. M. B. accueillerait l'agent ou les agents qui lui seraient envoyés pour traiter cette affaire, et qu'il profiterait de cette occasion pour exprimer personnellement à ces agents ses bienveillantes dispositions envers l'Etat de Nicaragua, pourvu qu'on respecta le territoire de Mosquitos. Le soussigné a eu l'honneur d'avoir été nommé à cette mission, et il est redevable à S. E. des preuves de bienveillance avec laquelle il a été accueilli.

Le soussigné ayant déjà fait connaître à S. E. Monsieur le Vicomte de Palmerston les motifs qu'il a pour espérer que le port de San Juan lui soit restitué, et que l'Etat de Nicaragua soit indemnisé de tous les préjudices qui ont été la suite de l'occupation de ce port, déclare d'une manière solennelle, que les Etats de Honduras et de Nicaragua conserveront, sous les conditions dessus exprimées, le *statu quo* où la question actuelle se trouvait le 10 Novembre 1841, jour où le surintendant de Belize leur engagea à nommer des commissaires pour fixer définitivement les limites du territoire de Mosquitos, jusqu'à ce que leur indépendance soit reconnue dans les termes plus haut exprimés.

Le soussigné demeure convaincu que le moyen qu'il propose pour concilier les droits et les intérêts respectifs, sera favorablement accueilli par le gouvernement de S. M. la Reine de la Grande Bretagne; et Nicaragua et Honduras verront dans cet acte de justice un témoignage de la bienveillante amitié qu'ils désirent conserver à jamais avec le gouvernement et avec la nation Britannique.

Le soussigné profite de cette occasion pour renouveler au très honorable Vicomte de Palmerston l'assurance de la haute considération avec laquelle il a l'honneur d'être le très humble et très obeissant serviteur,

FRANCO. CASTELLON.

A. S. E. Monsieur le Vicomte PALMERSTON,
Ministre des Affaires Etrangères de S. M. B.

No. 2.

LONDRES, Febrero 9 de 1849.

EXMO SEÑOR: Como al ratificar el armisticio celebrado el 7 de Marzo del año proximo pasado con el Señor Capitan Lock, comandante del Alarma declaró el gobierno de Nicaragua, en communication que dirigió á V. E. en 13 del mismo mes, que por el tal armisticio no se entendia, ni debia entenderse, que renunciaba los derechos del Estado sobre el puerto de San Juan y que su ocupacion no debio considerarse sino con el caracter de provisional; estima tener derecho para no consentir en que se ejersan actos de señorios conmenoscabo del que le pertenece mientras se arregla con V. E. de una manera definitiva, esta cuestión.

En este concepto dirijió al Señor Gobernador de San Juan, con motivo de los establecimientos que se estaban formando en dicho punto, uno interpellacion atenta; á que contestó el Señor Mayor Sparks en los terminos mas satisfactorios en 29 de Julio del año pasado de 1848.

Por desgracia el Major Sparks fué retirado de aquel puerto, que dando la administracion de este á cargo del Señor Shepherd y Capitan Little; el primero de una edad bastante abanizada y ciego, y el segundo cayas aptitudes no conoces, poco bien dispuesto á cultivar las relaciones con Nicaragua en donde estuvo en calidad de prisionero de guerra; observacion que recomiendo á V. E. para cuando haya de apreciar sus informes respecto á los negocios de aquel pais.

Dichos dos funcionarios, sin acatar á los actos de su predecesor el Mayor Sparks han seguido disponiendo de San Juan, distribuyendo sus tierras, para la construccion de edificios y otros establecimientos que demuestran la intencion de perpetuar la ocupacion y adjuirir una posesion que no se les ha transferido legitimamente.

Con este motivo S. E. el Señor Ministro de Relaciones Esteriores de Nicaragua ha dirigido mueramente al jefe principal de San Juan la protesta que en copia me hago el honor de acompañar á V. E. para conociimiento de su augusta soberana.

Al verificar esto debo anadir que el mismo Señor Ministro me ha dado orden de espresar a V. E. que el gobierno de Nicaragua recibira como una proeza de la amistad con que el de la Gran Bretaña favorece aquel pais el que se prevenga espresamente á los funcionarios britanicos residentes en San Juan, no hayan alteracion alguna en los negocios relativos á aquel puerto hasta la conclusion definitiva de una cuestion, cuyo arreglo es en la actualidad el objeto de la atencion de V. E. y del infrascrito.

Despues de lo cual, tengo el placer de ser con toda atencion del muy honorable Lord Palmerston, obediente y respetuoso servidor,

FRANCISCO CASTELLON.

A. S. E. Lord PALMERSTON, &c., &c., &c.

No. 3.

El licenciado Francisco Castellon, encargado de negocios del Estado de Nicaragua en la America Central cerca de S. M. B. y autorizado especialmente para contratar la apertura del canal inter-oceanico, ó el establecimiento de un ferro-carril por el istmo de dicho Estado; y el Señor William Wheelwright, miembro y agente principal de la Compania de Vapores del Pacifico, residente actualmente en esta corte; han convenido, con el objeto de llevar á cabo tan importante empresa, en los articulos siguientes:

ARTICULO 1º. El Señor William Wheelwright se obliga formalmente á enviar á Nicaragua los ingenieros necesarios para practicar el reconocimiento de los rios, lagos, y terrenos que puedan ser adaptables para la apertura del canal inter-oceanico, ó un ferro-carril por el istmo de dicho Estado. Los trabajos relativos al reconocimiento debérán comenzar precisamente en todo este año; y sus expensas serán de cuenta del mismo empresario.

ART. 2º. Si verificado este reconocimiento resultare que hay las facilidades que se suponen, ya sea para practicar el canal inter-oceanico, ó

bien para establecer un ferro-carril por el espresado istmo, el Señor Wheelwright tendrá el privilegio para emprender cualquiera de dichas obras con exclusión de cualquiera otro individuo ó compañía, bajo las condiciones que se consigurán en un contrato especial arreglado á las siguientes bases: 1^a Que la obra del canal ó del camino debe comenzarse dentro de tres años á lo mas, contados desde la fecha en que se firme el contrato. 2^a Que el canal ha de ser capaz para la navegación de buques mayores; y el camino para el transporte de mercancías y pasajeros de un océano á otro con rapidez y seguridad. 3^a Que á este efecto se le ha de permitir la formación de una compañía sobre los estatutos que sean mas adecuados para llenar sus objetos. 4^a Que igualmente se le ha de conceder la administración del canal ó camino y sus dependencias y el derecho de percibir el peaje por un término que no baje de cincuenta ni exceda de noventa años, contados desde el dia en que el canal ó camino se ponga en uso. 5^a Que de la misma manera se le ha de conceder el terreno conveniente para el canal ó camino de fierro, y para los establecimientos necesarios; siendo de cuenta del estado las indemnizaciones que hayan de hacerse á los propietarios en el caso que dichos terrenos sean de dominio particular. 6^a Que se le ha de conceder ademas el derecho de establecer tarifas para el transporte de mercancías y pasajeros por el canal ó camino, en la inteligencia que tendrán fuerza de ley desde el momento en que sean puestas en conocimiento del gobierno, que sera obligado á sancionarlas dentro de ocho días de su recepcion. 7^a Que tambien se le han de conceder las tierras que se hallan situadas á lo largo del río San Juan y del canal ó camino de fierro en ambos lados, y á la arilla derecha del lago; todo sobre una anchura que no exceda de una legua de cinco mil varas de Castilla, medida desde la orilla del agua hacia dentro: bajo esta condición se entienden tambien cedidas en propiedad las islas situadas sobre el lago, exceptuando las de Maderas y Ometepe. 8^a Que bajo estas concesiones se ha de comprender tambien, aunque no se exprese, el de derecho de tomar libremente y sin indemnización alguna, su las selvas y propiedades nacionales, las maderas, piedras, cales y generalmente todos los materiales que se necesiten para los trabajos del canal ó camino y sus dependencias respectivas, y el derecho de introducir sin pagar los de importación ni ningún otro público ó municipal, las maquinas y demás instrumentos necesarios para los trabajos. 9^a Que el gobierno se ha de obligar, como desde ahora se obliga: 1. A facilitar en lo posible los operarios que necesite el empresario para la ejecución de los trabajos, siendo de cuenta de este ultimo el pago de los jornales que deben arreglarse á los que la costumbre del país ha establecido; 2. A no establecer contribución ó derecho alguno, inclusivo los municipales, sobre los artículos de transporte ó pasajeros que transiten por el canal ó camino de fierro, quedando unos y otros exentos de las formalidades de registro y pasaportes; 3. A garantizar el ejercicio del culto religioso á todos los individuos empleados en los trabajos ó en administración del canal ó camino, así como tambien á no ocuparlos en ningún otro servicio civil ó militar del estado.

ART. 3º. El Señor Wheelwright se obliga en el contrato á trásportar por el canal ó camino, sin gravamen alguno del estado, las tropas y empleados de este, igualmente que sus armas y demás utiles de guerra en caso necesario.

ART. 4º. En el caso de que tenga efecto la concesión de tierras, el Señor Wheelwright, ó la compañía que él forme, no podrá echarseñas

antes de la conclusion de los trabajos del canal ó camino; ni á gabineto alguno extranjero, sin consentimiento de él de Nicaragua.

ART. 5º. Para el mismo caso queda estipulado, que si hubiesen de establecerse colonias sobre las enunciadas tierras, los colonos se considerarán como naturales del estado, y de consiguiente sujetos á sus leyes, quedando sin embargo exentos por diez años de contribuciones y de cualquiera otro servicio público que no sean los de comunidad ó consejo de la misma colonia; todo lo cual se desarollará en el contrato.

ART. 6º. El canal debe ser expedito para el comercio de todas las naciones, pero se rehusará el pasaje al pavellón de la que se halle en guerra con Nicaragua, ó con los demás Estados de Centro America.

ART. 7º. El Estado de Nicaragua percibirá en las rentas del canal la tercera parte de los beneficios líquidos, despues de deducidos: 1º. Los intereses del capital empleado; 2º. Los gastos de entretenimiento y administracion; 3º. La amortizacion del capital en la proporcion que se designe en el contrato definitivo, en el cual se estipulará tambien la parte que debe tomar el gabineto de Nicaragua en la administracion del canal.

ART. 8º. El gabineto de Nicaragua podrá tomar acciones en las subscripciones que se abrá dentro del termino que se fije en el contrato, hasta el valor de dos millones de francos.

ART. 9º. Ademas de las rentas del canal procedentes del peage y navegacion, el gabineto de Nicaragua da por garantia del capital empleado en su construcción, una hipoteca general sobre todas las tierras que pertenezcan al estado, lo mismo que los productos de maderas, minerales et cetera, no debiendo comprenderse en esta garantia las tierras que se conceden en propiedad al Señor Wheelwright.

ART. 10º. Cuando haya espirado el tiempo de la concesion el canal ó camino y sus dependencias, volverán á la administracion del estado que se reserva el dominio sobre todas las tierras, lagos y ríos concedidos para dichas obras; y la jurisdiccion y soberania en los que hayan de pasar á la propiedad del Señor Wheelwright en virtud del contrato.

ART. 11º. El Señor Wheelwright no transmitirá sus privilegios á ningun individuo ó sociedad sin consentimiento del gabineto de Nicaragua, ó sin quedar siempre responsable al estado por los empeños que contrae por el presente.

ART. 12º. En todo lo que no se haya expresado aqui se estará á lo estipulado en el contrato que firmo con su alteza el principe Napoleon Bonaparte, el Señor Don José de Marcoleta, encargado de negocios de Nicaragua, en la ciudadela de Ham, el viente de Abril de mil ochocientos cuarenta y seis, el cual hará parte del presente.

ART. 13º. Estas bases serán inmediatamente remitadas á la ratificacion del gabineto de Nicaragua, quien por el ministerio respectivo deseará comunicar la al Señor Wheelwright a mas tarde dentro de cuarenta dias del recibo de los despachos del Señor Castellon, dijiriéndola á la oficina de la Compañia de Vapores del Pacifico en "Lima."

En fé de lo cual, los infrascritos, por cuadriplicado, firman el presente convenio en la ciudad de Londres á los diez y seis dias del mes de Febrero del año del Señor de mil ochocientos cuarenta y nueve.

FRAN'CO CASTELLON.
WM. WHEELWRIGHT.

ARTICULO ADICIONAL.

Este contrato quedará en calidad de reservado y no se publicará sino es después, que se haya ratificado por el gobierno de Nicaragua, y comenzados los trabajos de los ingenieros, con consentimiento de los Señores Foster y Manning, residentes en aquel Estado, los cuales representarán al Señor Wheelwright en lo concerniente á este negocio. Fecha al supra.

FRANCISCO CASTELLON.

WM. WHEELWRIGHT.

Conforme.—Londres, Julio 12, de 1849.

CASTELLON. [L. s.]

No. 4.

FOREIGN OFFICE, *February 17, 1849.*

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, enclosing copies of two letters which the government of the State of Nicaragua has addressed to the governor of Greytown, in the kingdom of Mosquito, and stating that you are instructed by your government to request that the authorities of Greytown may be desired to make no alteration in the state of affairs there, until the question respecting that town is definitively arranged.

And I have to state to you, in reply, that her Majesty's government are desirous of cultivating the most friendly relations with the State of Nicaragua, but that her Majesty's government cannot do anything which can be interpreted as admitting any doubt that Greytown belongs exclusively to the Mosquito territory.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

PALMERSTON.

M. DE CASTELLON, &c., &c., &c.

No. 5.

LONDRES, *Mayo 5 de 1849.*

MILORD: En mi carta oficial de 9 del mes proximo pasado, pedí a V. E., en conformidad con las instrucciones que he recibido de mi gobierno, se sirviese ordenar á las autoridades de San Juan de Nicaragua no hagan alteración alguna en los negocios de aquel puerto, hasta que se haga arreglado definitivamente la cuestión de que al presente nos ocupamos, y como V. E. contestó á esta invitación diciendo; que el gobierno de S. M. no puede hacer nada de que pueda inferirse que admite una duda de que Greytown pertenece exclusivamente al territorio de Mosquitos, me hallo en el penoso deber de hacer á V. E. algunas observaciones á este respecto. Ante todas cosas diré a V. E. que mi anterior solicitud se limitó á pedir la observancia *de statu quo* adoptada por el Mayor Sparks respecto al puerto de San Juan de Nicaragua, y no á Greytown, que seguna los informes privados que he podido reunir, es nombre que se ha dado recientemente á Bluefields, contra cuyo establecimiento dirigi una protesta á Lord Aberdeen en 25 de Setiembre del año pasado de 1844. Hago

esta observacion con la esperanza de que ella contriburia de algun modo á facilitar un arreglo satisfactorio sobre el negocio en cuestion; por otra parte si los deseos que animan á S. M. de cultivar con Nicaragua las relaciones de amistad y buena inteligencia, son tan positivas como las seguridades que V. E. me dà á este respecto, la condescendencia á observar mi demanda seria un acto mas obligatorio para aquel Estado, y una prueba irrefragable de la justificacion con que procede este gabinete; puesto que el *statu quo*, en el caso propuesto no dafia á ninguno, al paso que la denegacion á su observancia como que autoriza los hechos mismos que se procura evitar, y menos cabr hasta cierto punto los derechos de Nicaragua, que ha mostrado tanta confianza en la moderacion de principios y lealtad del gobierno Britanico.

Finalmente; si Greytown no es, como yo penso el establecimiento de Bluefields y si antes bien el puerto de San Juan de Nicaragua, esta sola manifestacion podria estimarse como una señal de la determinacion del gobierno de S. M. B. á sostener la ocupacion de aquel puerto cuando aun no se han mostrado los titulos que justifican ó hacen eficaz el derecho de posesion que dicho Estado reclama en su favor suposicion que no puede admitirse consultando el espíritu de conciliacion que el gobierno de S. M. ha ostentado respecto á otros Estados, y que podria imparcialmente aplicarse en el caso de que se trata.

Por tanto: debo reiterar á S. E. el muy honorable Visconde de Palmerston los conceptos de mi referido despacho de 9 del mes proximo pasado á fin de que se digne ordenar á las autoridades provisionales de San Juan de Nicaragua, guarden el *statu quo* adoptado por el Mayor Sparks, y no haya alteracion alguna en los negocios de aquell puerto durante el curso de la negociacion de que nos ocupamos añadiendo en conclusion que si el nombre de Greytown á que alude el despacho de V. E. fecho el 17 del propio mes de Febrero, se refiere al establecimiento de San Juan, el Estado de Nicaragua no admite esta modificacion ni consiente á pesar de su buena disposicion hacia este gobierno, en que dicho establecimiento pertenezca al territorio á que pretenden tener derecho esclusivo las tribus de Mosquitos como V. E. se sirve declarar, á menos que un arbitro al qual se someta la cuestion, asi lo resuelva con conocimiento de causa. Este medio, que no dudo será acojido favorablemente por el gobierno de S. M. como el mas equitativo para dirimir las diferencias de una manera amigable, ofrece una eficaz garantia para la observancia de lo que se estipule; y si el laudo arbitral fuese conforme á los principios que ha sostenido el gobierno de S. M., todo el mundo conocerá que no es al poder sino á la razon y á la justicia ante quien los Estados de Honduras y Nicaragua se inclinan en la presente cuestion. Esta franca manifestacion hará conocer á V. E. el esmero con que por mi parte procura un arreglo digno de la ilustracion, satisfactorio y honroso para los dos paises á fin de que no se alteren en nada aquellos sentimientos de amistad y armonia que los Estados, mis comitentes, han conservado siempre hacia esta gran nacion, y que bien cultivados pueden producir immensos beneficios á la humanidad y al comercio del mundo. Bajo tan positivas seguridades puede igualmente V. E. proponerme, si lo tiene á bien qualquiera otro medio adecuado para llevar tan laudable objeto, persuadiendose, que me prestaré con la eficacia posible á todos aquellos, que sin menguar el honor y dignidad de dichos Estados, contribuyan de algun modo á estrechar mas y mas las relaciones existentes con la Gran Bretaña; relaciones a las cuales

apelo para aguardar que el gobierno de S. M. no exijirà otra cosa que podiera estimarse agena de la consideracion a que creen tener derecho en su calidad de seres politicos.

Esperando una contestacion de V. E. me es muy honroso repetirle las demostraciones de respetuosa amistad y atencion con que acostumbro firmar-me del muy honorable Visconde de Palmerston, obediente y humilde servidor.

FRANCISCO CASTELLON.

A. S. E. LORD PALMERSTON,

Ministro de Negocios Estrangeros de S. M. B.

No. 6.

Copie d'une lettre de Mons. Vandé Weger au Ministre des Affaires Etrangères du Belgique.

LONDRES, le 7 Mars, 1849.

M. LE MINISTRE: J'ai eu avec Lord Palmerston une entretien au sujet de la nature des relations politiques de l'Angleterre avec les Etats de Nicaragua et de Honduras.

Sa seigneurie m'a répondu: "Le différend dont vous me parlez est une simple question de limites, et qui est même à cette heure en voie d'arrangement."

"L'Angleterre verrait avec plaisir la Belgique nouer avec les Etats du Nicaragua et de Honduras des relations qui pourraient plus tard ouvrir à son commerce des débauches étendus et avantageux, car ces états seront appelés à une époque peu éloignée à une grande prospérité commerciale. La Belgique a, dans quelquesunes des ses provinces, une population surabondante; l'Amérique Centrale offre aux émigrants Belges des terres fertiles à une distance peu considérable de la mère patrie."

Agreez, etc.

No. 7.

LONDON, March 19, 1849.

MY LORD: A letter published in the *Globe* of the 14th instant, dated at San Juan de Nicaragua on the 27th of January last, has informed me, firstly, that Mr. Christiè, having been authorized by your excellency to fix the boundary of the Mosquito territory towards the interior of the country, has designed the Machuca rapids, thirty miles above the mouth of the river Sérapique, as the western limit of that territory; secondly, that arrangements are on the point of being made for the transportation of convicts from Jamaica, and also for sending a police force to San Juan; thirdly, that a Moravian mission was soon to arrive there, bound to the Mosquito shore, and exclusively dedicated to the education of those Indians. The author of the letter, who is not unknown to me, also says that he is very curious to hear what will be the result of my mission to her Britannic Majesty's government, after the refusal of that of Nicaragua to

treat with Mr. Christie in his character of consular agent on the Mosquito shore, supposing that this incident will affect the susceptibility of the ministry which your excellency so worthily serves.

If the *Globe* was an unauthorized paper, or void of credit, and the writer of the letter was not a person of importance, and well acquainted with the affairs that are alluded to in it; I would not take the least notice of it, or its contents: indifference and silence would be the line of conduct I would follow, fearless of any mistake. But the *Globe* is not a paper destitute of credit; its editors are not of those who indiscriminately lay their hands on anything to fill up the columns of their journal, without examination or criterion. They are men of sound judgment; and their circumspection offers a sufficient guaranty for what they publish, and therefore their authority enjoys a great reputation in the British public.

These are the motives which force me to call the attention of your excellency to the points above-mentioned, not only to demand an explanation, as convenient, but also to give in the name of the State of Nicaragua in all that concerns it; because, encharged as I am to maintain relations of friendship and good understanding with her Majesty's government, it would not be consistent with my duty, were I to remain silent under the present circumstances.

I will now pass to manifest to your excellency the object I have proposed to myself. In the first place, was Mr. Christie authorized, or not, by your excellency, to fix the boundary spoken of? On this point, though on the one hand I have well-founded motives to believe that your excellency has not given him such orders, being pending the arrangement of the question respecting Mosquito and its territorial limits, I find myself, on the other, in the necessity of knowing the final determination of her Majesty's government relatively to the same limits, which were never fixed in the *ultimatum* which the late Mr. Walker communicated to my government, nor in the armistice of the 7th of March of last year—Captain Loch having refused to do it, though it was proposed to him by the commission sent to treat with him by the aforesaid government. I am inclined to think that if Mr. Christie has taken such a step, it will be reproved by her Majesty's government as an attempt against the international laws, not only because it is a subject which must be left to be settled after the conclusion of the arrangement now pending, but because the fourth article of the said armistice of the 7th of March forbids the extension of the limits towards the interior of the country, as Nicaragua only obliged itself not to establish custom-houses in the vicinity of San Juan; proving by that that the precarious possession given to Great Britain was, in the estimation of the contracting parties, limited to the area of the port. Nor could it be otherwise, as the State of Nicaragua have never had the intention of abandoning the possession of the port; and if they have now done so, it is to put it provisionally under the keeping of her Majesty's government, trusting to their loyalty, and with the hope that justice would at last be made by respecting their rights to it. Thus it was explained to your excellency by the Minister for Foreign Affairs of Nicaragua in his despatch of the 13th of the same month of March, inserted in the collection of documents published by order of your excellency under the title of "Correspondence respecting the Mosquito territory."

As to the second point, if it is true that Mr. Christie is making arrangements with the governor of Jamaica for the transportation of convicts to San Juan, it seems to me that her Majesty's government should, by an act of justice, and on behalf of the friendly relations now existing between the two countries, forbid such a thing to take place until after the final termination of the question, as consistent with the *statu quo* adopted by Major Sparks at the time he was governor of San Juan, the observation of which I have demanded of your excellency in my letters of the 9th of February last and of the 5th instant, the last of which has not yet been answered. The transportation of convicts could not be made even after the conclusion of the question, without stipulating first with Nicaragua the basis on which the garrison shall be organized, because such an establishment would be prejudicial to the country, introducing within its confines, instead of industrious and useful men, as are required for a new society, vice and immorality, represented by the criminals who have by their crimes deserved punishment, and are expelled with ignominy from their mother country. The establishment of such men in San Juan would nowise be convenient to Nicaragua, nor could it be, in my opinion, ordered to be made before the termination of the arrangement, without offending the rights of that State, making appear her Majesty's government as judge and party in the question after having proposed friendly means to arrange it.

The same must I say to your excellency respecting the police force. The territory of San Juan is a part of Nicaragua until now, by the reasons I have before manifested; that territory is not known yet to whom it will definitely appertain; and the introduction of a foreign force when it ought to remain neutral, no matter what its object may be, would be considered as a violation of the armistice of the 7th of March, and as an act of hostility towards a friendly State, and above all against the intentions of her Majesty's government, which are pacific and friendly towards Nicaragua, as your excellency has deigned to assure me.

The agents of her Majesty's government, on whose reports they have rested to sustain that the Mosquito tribes are apt to form a nation, and the proceedings that are now going on at San Juan, afford the most incontestable arguments against their own assertions; because if those tribes and their chief are really capable of governing themselves, and of administrating their own affairs, with what right has Mr. Christie, in his character of consul general, interfered in the delineation of the limits in question, and in making arrangements with the governor of Jamaica for the transportation of convicts to San Juan, and in sending religious missions, (to San Juan,) which are only sent to catechise men who in a savage state wander in the woods and deserts, flying from social life, and plunged in the errors and vices of idolatry? If her Majesty's government fix a proper attention to these facts, they will find, I doubt not, that the government of Nicaragua have had reasons to sustain that the Mosquito Indians not only are incapable of forming a nation, but that they cannot even form a people, because they have no authorities, no customs, and no religion—indispensable circumstances, according to the law of nations, to admit in the great society of nations the people that aspire to occupy a place therein.

With relation to the Moravian mission which is soon to arrive at San Juan, solicited by the late Mr. Walker, I will only say that the govern-

ment of Nicaragua will readily consent to the importation of this mission in the State, provided its object is not religious propaganda against the one professed by the State, which they are obliged to protect—I say consent, if its aim is to civilize those tribes, to educate and reduce them to social life, and so make of every individual a useful member of the State, doing which they will fulfil the wishes of that government always entertained; and for the attainment of this important object they have done all in their power to put those Indians in immediate contact with the civilized people, flattering them with the idea of independence, which they have entertained ever since the Spaniards, in their mistaken system of conquest, separated them from the community they were part of. Your excellency will see in the copy I have the honor of enclosing, the treaties which have been made between the government of Nicaragua and some of the chiefs of the tribes that wander betwixt the rivers Limon and Punta Gorda, after those Honduras had concluded in 1843 with the tribes under the government of Lowry Robinson, on the cap of Gracias á Dios, which I suppose have come to the knowledge of your excellency. These treaties, and the declaration of Mr. George Hodgson, ex-counsel-lor of his Mosquitian Majesty, in which he says that the Mosquitos do not approve or wish the occupation of San Juan, but, on the contrary, they fled, not to be forced to take part in the operations which were prepared with false pretences by the counsel, Mr. Walker, show plainly that the government of Nicaragua did not make a mistake when they said that it was not the Mosquitos, but some adventurers living on the coast, who had moved these questions, and they have obtained by surreptitious reports that her Majesty's government should take an active part in them.

After having expressed all I have to say relatively to the points of the letter I refer to, which might affect the rights of my country, and demanding of your excellency the proper explanation, I have only to give an account of what has passed between my government and Mr. Christie, on his return from Costa Rica.

Mr. Christie, who, it appears, has been appointed by her Majesty's government consul-general at Mosquito, addressed to his excellency the Minister for Foreign Relations of Nicaragua a letter, in which he says that he is instructed to communicate directly with that minister, with the object of cultivating the friendly relations now existing between that State and Great Britain. So unexpected a manifestation made him say, in reply to Mr. Christie, that the government of Nicaragua would feel pleasure in receiving him with all the consideration due to a distinguished subject of her Majesty, but that the government could not recognise his character of consul-general near the Mosquito tribes, whose independence had not been recognised. His answer is simple enough, and being examined by the light of reason, it will be found that the government of Nicaragua did nought but to choose the medium between two extremes; by which means he thought to conciliate the honor and dignity of the State with the respect and consideration he has always shown towards the government of a nation with which they wish to cultivate the best relations, and produce the same result Mr. Christie proposed to himself. In fact, if he had thoroughly understood the terms in which the said minister's note was couched, he might have avoided promoting a question which, under other circumstances, and with any other nation not Nicaragua,

would have produced serious consequences for both countries. I doubt not, nay I am sure, that he would be well satisfied not only with the dispositions of my government respecting the present question, but also with relation to his person, because it is clear, that, in a verbal conference with the minister, it would have been manifested to him, firstly, that the government of Nicaragua had given the most positive assurance that, far from seeking differences that only serve as obstacles to the cordial intelligence of two countries, they had removed those that arose from the conduct which the other subaltern agents of her Majesty had observed in Central America, as I manifested to his Grace, Lord Aberdeen, when he was minister, in 1844. Secondly, that there being consuls of her Majesty accredited to the government of Nicaragua, and a minister of this State near her Britannic Majesty, with full powers and instructions to maintain the said relations, there was no necessity to communicate with another sent to the Mosquitos, whose independence is not acknowledged; but that the government of Nicaragua trusted in the good dispositions of Mr. Christie, as a person of influence in the Mosquito coast, to prevent any motives of complaint being made against the English subjects established at Bluefields and at San Juan, whose conduct might in some way hinder the arrangements now pending at this court.

The government of Nicaragua has given a strong proof of moderation and prudence in saying to Mr. Christie that it would not receive him in his character of consul-general at Mosquito, but as a distinguished subject of her Majesty, when they might have entirely denied reception; the pretension of Mr. Christie being very strange, to extend his consular function at Mosquito beyond the limits prescribed to consuls duly accredited to the other governments of Central America. In truth, I cannot conceive on what right Mr. Christie founded his pretensions, knowing how limited are the functions of a consul, particularly in those countries with which nothing has been stipulated on this subject.

The moderation of the government of Nicaragua is still more manifest, when a comparison is made between the answer of the ministry and Mr. Christie's second note, in which, instead of trying to inspire confidence to my government, dispel the fears that, founded or not, might exist, and avoid giving motives for discontent, he has done nothing but renew the acts that naturally have excited feeling of displeasure, and has brought things to a crisis little favorable to commerce.

I do sincerely hope that her Majesty's government will do justice to the sentiments of Nicaragua, of whose loyalty and good faith proofs will be found daily, which will leave no doubt that his friendship will much forward the views and interests of this cabinet, when they are not opposed to those of Nicaragua.

Neither must I pass in silence, when speaking of Mr. Christie's answer, the mistakes he has made in trying to persuade my government of the rights and the necessity there is for his reception.

In the first place, he says that the government of Nicaragua could not deny to Great Britain the right of naming him consul. But from the minister's note no such answer can be deduced, because that government is not opposed to the appointment her Majesty has given him, but only refused to admit him in that character for the reasons already expressed; and because this recognition, far from being obligatory, is a

right that every State enjoys, by which they can even prescribe the conditions on which they consent to the reception.

Talking of the independence of the Mosquitos, Mr. Christie says that this has been tacitly acknowledged in the treaty concluded with Captain Loch. Such reasoning is inexact, (I am pained to say so,) because by the said treaty, which is no more than an armistice, no right whatever has been acknowledged to the Indians, and all the stipulations made in it were in consideration of the armed intervention of her Majesty's government, and as a preparatory arrangement, as it was specified in the 6th article, and in the ratification sent to Captain Loch, as well as in the despatch addressed to your excellency on the 13th of the same month and year.

Less force still has the argument deduced from a note said to have been written by Mr. Quijaro to the Mosquito King, on the 11th August, 1838; not only because it is the act of a subaltern destitute of authority, and cannot affect the rights of the State, but because, in the despatches exchanged with Mr. Foster in the month of September of the same year, that government expressly denied the Mosquitos the capacities required to form a nation, as it is constant in the documents published by order of your excellency. The government of Nicaragua not only did not authorize Quijaro to enter into relations with the Mosquitos, recognising the sovereignty of their chief, but was even ignorant of the existence of such letter, as well as of the document which he was forced to sign by the superintendent McDonald, for which he was recompensed with a shameful imprisonment on board the Tweed, and for which a respectful complaint was raised to her Majesty's government by the States of Nicaragua, Honduras, and Costa Rica.

If acts of this kind were to be quoted as proof that my government has recognised the Mosquito King, and their right to the possession of San Juan, Mr. Christie might also mention another document, dated on the 8th of October, 1842, which will one day be published, in which the said superintendent of Belize made Don José de la Figera, successor of Quijaro in the administration of that port, declare, by *certain means*, that the port of San Juan belonged to Mosquitos. But the dignity of her Majesty's government and the honor of Great Britain would resent at such reference—authorizing attempts that merit an exemplary punishment—not only because they are executed with manifest infringement of the laws of nations, but because they create discredit, and overcast the splendor of the British Crown, for the very simple reason that, to support a cause that has justice on its side, those means must not be employed which are disapproved of by public morals, and condemned by sound policy.

Lastly, I hope it will be permitted to me to observe, that though, in the armistice of the 7th of March of last year, it was said, by way of explanation, that the Nicaraguan government did not know that the Mosquitos flag was so closely connected with that of England, that an insult made to it would be considered as inferred to the British flag, that was not recognising the independence of Mosquitos, as Mr. Christie pretends: such explanation has no other meaning but its literal expression, in the second article of the aforesaid armistice, consigned there only to show H. M. government that Nicaragua only wished for the cessation of hostilities commenced by the armed force of H. M. B. in the midst of peace,

and without a previous declaration of war; that the explanation was not given of consideration to the Mosquitos, but for the government of H. M.; and thus must be understood any arrangement that may be made respecting this question, until the independence of those tribes be duly recognised by the other republics of America, and some of the principal nations of Europe, as I have already told your excellency in my despatch of the 20th of January last.

By the reasons already expressed, the armistice does not give England the right to retain the port of San Juan definitively, nor to exercise acts of ownership in that territory; because, having interfered with armed force, it would appear that this, and not justice, had decided the question which cannot even be considered doubtful.

Convinced of this, I have proposed to your excellency, with pleasure and confidence, the amicable means of deciding it by arbiters, offering at the same time to accept any other means your excellency may find capable of conciliating the dignity of both governments and the interests of the two countries.

After all that I have said, I am persuaded that H. M. government will deign, firstly, to declare null, and of no strength or effect, all that has been practised by Mr. Christie about the demarcation of territorial limits in San Juan de Nicaragua, in the same manner they annulled, in 1840, the commission given to certain individuals by the superintendent of Belize to govern in the territory of Mosquito; reserving the approbation of H. M., because Mr. Christie, acting in his character of consul general, would appear authorized by his government to execute a demarcation against the resolution taken at that time by the said government, which then declared that the proceedings executed in virtue of the said * * * * ought not to be considered as having any force or validity; secondly, to desire the authorities of Jamaica not to send any convicts nor police force to San Juan until the question be definitively settled; thirdly, to disapprove of the conduct of Mr. Christie towards the government of Nicaragua, as contrary to the views and interests of H. M. government; fourthly, to propose, with the object of terminating soon the present question, the arbitrator or arbitrators they may think proper to decide as to the restitution of San Juan, as it has been solicited.

This is an honorable way for both governments, and I doubt not it will be accepted by her Majesty for the sake of peace, and as a worthy homage to justice, by whose light will be examined the rights and works of every one.

My love for peace, and the desire to contribute, with my small efforts, to the preservation of the relations between Great Britain and Nicaragua, have induced me to address your excellency this despatch, which is in all conformed to the instructions of my government. And I would feel happy indeed, if, with your excellency's co-operation, my hopes are realized, terminating a question which might, in course of time, debilitate those sentiments of sympathy and friendship which the conduct of George IV, and his worthy minister, Canning, inspired in the heart of all the Central Americans.

I beg of your excellency to raise to the knowledge of H. M., the Queen of Great Britain, all I have expressed, and to honor me with a reply as early as possible; admitting the assurances of friendship and respect

with which I have the honor to repeat myself the very honorable Lord Palmerston's obedient and humble servant,

FRANCISCO CASTELLON.

To His Excellency Lord PALMERSTON.

No. 8.

Tratado de amistad, de comercio y de navegacion, entre la República de Costarrica y la Belgica.

En el nombre de la Santisima Trinidad:

Su Excelencia el Señor Presidente de la República de Costarrica por una parte, y por otra su Majestad el Rey de los Belgas, deseando arreglar, estender y consolidar las relaciones de amistad, de comercio y de navegacion entre la República de Costarrica y la Belgica, han convenido de entrar en negociaciones con el objeto de ajustar un tratado al efecto de obtener este fin, y han nombrado plenipotenciarios, á saber: Su Excelencia el Señor Presidente de la República de Costarrica, el Señor José de Marcoleta, encargado de negocios; y su Majestad el Rey de los Belgas, el Señor Constant d'Hoffschmidt de Resteigne, su Ministro de Negocios Estrangeros, Miembro de la Camara de Representantes, Caballero de la Orden de Leopoldo, Grand Cruz de la Orden de San Mauricio y de San Lazaro, condecorado con el Nichun de 1^{ra} clase en brillantes; los cuales han convenido en los articulos siguientes:

ARTICULO I.

Habrá paz perpetua y amistad constante entre la República de Costarrica y el Reyno de Belgica, y entre los ciudadanos de ambas paizes sin excepcion de personas ni lugares.

ARTICULO II.

Habrá entre la Republica de Costarrica y la Belgica libertad reciproca

Au nom de la très-sainte Trinité!

Son Excellence la Suprême Directeur de Costa Rica d'une part, et sa Majesté le Roi des Belges d'autre part, voulant régler, étendre et consolider les relations d'amitié, de commerce, et de navigation entre l'Etat de Costa Rica et la Belgique, sont convenus d'entrer en negociation pour conclure un traité propre à atteindre ce but, et ont nommé à cet effet, pour leur plenipotentiaires, savoir: Son Excellence le Suprême Directeur de l'Etat de Costa Rica, le Sieur Joseph de Marcoleta, chargé d'affaires; et sa Majesté le Roi des Belges, le Sieur Constant d'Hoffschmidt de Resteigne, son Ministre des Affaires Etrangères, Membre de la Chambre des Représentantes, Chevalier de l'Ordre de Leopold, Grand Croix de l'Ordre des SS. Maurice et Lazare, décoré du Nichun de 1^{re} classe en brillantes; lesquels ont arrêté les articles suivans:

ARTICLE I.

Il y aura paix perpétuelle et amitié constante entre l'Etat de Costa Rica et le Royaume de Belgique, et entre les citoyens des deux pays, sans exception de personnes ni de lieux.

ARTICLE II.

Il y aura entre l'Etat de Costa Rica et la Belgique une liberté

de comercio. Los ciudadanos de la Republica de Costarrica en Belgique, y los ciudadanos Belgas en la Republica de Costarrica podran entrar reciprocamente con entera libertad y seguridad con sus buques y cargamentos en todos los lugares, puerlos y rios que esten, ó que en lo sucesivo estuvieren abiertos al comercio extranjero, sometendose á los reglamentos de policia ó que estan sujetas las naciones mas privilegiadas.

ARTICULO III.

Los ciudadanos de cada una de las partes contratantes podran viajar y permanecer libremente en los territorios respectivos, comerciar por mayor y menos, alquiler y ocupar las casas, almacenes y tiendas que les fuesen necesarios, trasportar mercancias y dinero, recibir consignaciones tanto del interior que de los paises estrangeros sin que por ninguno ó todos estos actos, dichos ciudadanos queden sujetos á otras cargas, obligaciones ó restricciones que los que gravitan sobre los ciudadanos de la nacion mas privilegiada.

Unos y otros permaneceran sobre el pie de perfecta igualdad, y seran libres en todos sus compras y ventas de establecer y fijar el precio de sus efectos, mercancias y objetos que cualquiera naturaleza que sean ya importados ya nacionales sea, que quieran venderlo en el interior del pais, ó ya que sean destinados á la exportacion, conformandose expresamente á las leyes y reglamentos del pais. Gozaran de igual libertad para manejar por si-mismo los negocios, para presentar en las aduanas sus propias declaraciones y para hacerse representar por quienes les conviniese ya sean apoderado, factores, agentes, consignatarios ó interpretes, tanto para la compra como para la venta de sus bienes, efectos, mer-

reciproque de commerce. Les citoyens de l'Etat de Costa Rica en Belgique, et les citoyens Belges dans l'Etat de Costa Rica, pourront reciprocement et en toute liberté et sécurité entrer avec leurs navires et cargaisons dans tous les lieux, portes et rivières qui sont ou seront ouvertes au commerce étranger, sauf les précautions de police qui sont employées envers les nations les plus favorisées.

ARTICLE III.

Les citoyens de chacune des deux parties contractantes pourront librement, sur les territoires respectifs, voyager ou sejourner, commercer tant en gros qu'en détail, louer et occuper les maisons, magasins, et boutiques qui leur seront nécessaires, effectuer des transports de marchandises et d'argent, et recevoir des consignations tant de l'intérieur que des pays étrangers, sans que pour toutes ou quelques unes de ces opérations les dits citoyens soient assujettis à d'autres obligations, charges, ou restrictions que celles qui sont sur les citoyens de la nation la plus favorisée.

Ils seront les uns et les autres sur un pied de parfaite égalité, libres dans tous leurs achats comme dans toutes leurs ventes d'établir et de fixer le prix des effets, marchandises et objets quelconques tant importés que nationaux, qu'ils les vendent à l'intérieur ou qu'ils les destinent à l'exportation, suff à se conformer expressément aux lois et réglements du pays. Ils jouiront de la même liberté pour faire leurs affaires eux-mêmes, présenter en douane leur propres déclarations ou de faire supplier par qui bon leur semblera, fondés de pouvoirs, facteurs, agentes, consignataires ou interprètes, soit dans l'achat soit dans la vente de leurs biens, de leurs effets ou marchandises, soit dans le chargement,

cancelas, carga, descarga y expedicion de sus buques. Tendran igualmente derecho de llenar todas las funciones que les fuesen confiadas por sus propias compatriotas, ó por extranjeros ó nacionales en calidad de apoderados, agentes, factores, consignatarios, ó interpretes.

le déchargeement, ou l'expédition de leurs navires. Ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leur propres compatriotes, par des étrangers ou par des nationaux, en qualité de fondés de pouvoirs, agents, facteurs, consignataires ou interprètes.

ARTICULO IV.

Los ciudadanos de ambas partes contratantes gozaran en los dos estados la mas amplia y constante protección en sus personas y propiedades. Por consiguiente tendran libre y facil acceso en los tribunales de justicia para sus recursos judiciales y para la defensa de sus derechos en toda instancia y gradas de jurisdicción establecidos por las leyes. Podran valerse en todas circunstancias de abogados, procuradores ó agentes de todo clase que mas conveniente juzgaren para que actuar en su nombre. Enfin, bajo este respecto gozaran iguales prerrogativas y derechos que los que fuesen concedidos a los ciudadanos de la nacion mas favorecida, y estaran sometidos a iguales condiciones que estos ultimos.

ARTICULO V.

Los ciudadanos de la republica de Costarrica en Belgica, y los Belgas en la república de Costarrica, estaran exentos de toda clase de servicio personal en los ejercitos de mar y tierra, y en todos los demás casos no podra obligarseles ni en sus personas ni propiedades muebles ó inmuebles a mayores cargas, restricciones ó impuestos que los que gravitan sobre los mismos nacionales.

ARTICULO VI.

Los ciudadanos de las altas partes contratantes gozaran reciprocamente

ARTICLE IV.

Les citoyens de l'une et de l'autre partie contractante jouiront dans les deux états de la plus constante et complète protection pour leurs personnes et leur propriétés. Ils auront, en conséquence, un libre et facile accès auprès des tribunaux de justice pour la poursuite et la défense de leurs droits en toute instance, et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer dans toutes les circonstances les avocats, avoués ou agentes de toute classe qu'ils jugeraient à propos de faire agir en leur nom. Enfin, ils jouiront, sous ce rapport, des mêmes droits et priviléges que ceux qui seront accordés aux citoyens de la nation la plus favorisée, et seront soumis aux mêmes conditions imposées à ces derniers.

ARTICLE V.

Les citoyens de l'Etat de Costa Rica en Belgique, et les Belges dans l'Etat de Costa Rica, seront exempts de tout service personnel dans les armées de terre ou de mer, et dans tous les autres cas ils ne pourront être assujettis pour leur propriétés, mobilières ou immobilières, à d'autres charges, restrictions, taxes, ou impôts, que ceux auxquels seraient soumis les nationaux eux-mêmes.

ARTICLE VI.

Les citoyens des hautes parties contractantes jouiront réciproque-

en los territorios respectivos la mas perfecta y entera libertad de conciencia sin que esten espuestos jamas á ser inquietados ni molestados por su creencia religiosa siempre.

ARTICULO VII.

Los ciudadanos de cada una de los partes contratantes tendran el derecho, en los respectivos territorios, de poseer bienes de toda especie y de disponer de ellos con igual latitud que los naturales del pais. Los ciudadanos de la república de Costarrica gozaran en el territorio del Reyno de Belgica del derecho de heredar y de remitir las herencias, y á sea por testamento ó ab intestato, del mismo modo que los Belgas, y sin estar sujetas por su calidad de extranjeros á ninguna larga ó impuesto sino á las que gravitan sobre los nacionales.

Recíprocamente los Belgas gozaran en el territorio de la república de Costarrica del derecho de heredar y remitir las herencias ab intestato ó testamentario, del mismo modo que los ciudadanos de la república de Costarrica, y sin estar sujetos por su calidad de extranjeros á otras cargas ó impuestos que los que gravitan sobre los nacionales.

Igual reciprocidad se observará entre los subditos de ambos países en cuanto ó las donaciones entre vivos. Relativamente á la exportación de los bienes heredados ó adquiridos bajo cualquier título que sea por ciudadanos de la república de Costarrica en Belgica, ó por Belgas en la república de Costarrica, no se les impondrá otros derechos de detraction ó de emigración ni otro ninguno a que no estuviesen sujetos los indígenas.

Estas estipulaciones no solo comprenden los derechos de detraction que deberian ser percibidas por el tesoro público, sino tambien todos

ment dans les territoires respectifs, de la plus parfaite, de la plus entière liberté de conscience, et ne seront jamais inquiétés à raison de leur croyance religieuse, pourvu qu'ils se conforment aux lois établies.

ARTICLE VII.

Les citoyens de chacune des parties contractantes auront le droit sur les territoires respectifs de posséder des biens de toute espèce et d'en disposer de la même manière que les nationaux. Les citoyens de l'Etat de Costa Rica jouiront dans tout le territoire de la Belgique du droit de recueillir et de transmettre les successions ab intestat ou testamentaire à l'égal des Belges, et sans être assujettis, à raison de leur qualité d'étrangers, à aucun prélevement ou impôt qui ne serait pas dû par les nationaux.

Réciproquement les Belges jouiront dans tout le territoire de l'Etat de Costa Rica du droit de recueillir et de transmettre les successions ab intestat ou testamentaires à l'égal des citoyens de l'Etat de Costa Rica, et sans être assujettis à raison de leur qualité d'étrangers, à aucune prélevement ou impôt qui ne serait pas dû par les nationaux.

La même reciprocidad entre les sujets des deux pays existera pour les donations entre vivs. Lors de l'exportation des biens recueillis ou acquis, à quelque titre que ce soit, par des citoyens de l'Etat de Costa Rica en Belgique, ou par les Belges dans l'Etat de Costa Rica, il ne sera prélevé sur ces biens aucun droit quelconque auquel les indigènes ne seraient pas assujettis.

Les stipulations comprennent non seulement les droits de détraction qui devraient être perçus par le trésor public, mais également tous les droits

los derechos de detraction ó emigracion cuya percepcion sea del resorte de individuos, ciudades, fundaciones públicas, distritos ó corporaciones, á las cuales no esten sujetos los mismos indigenos. Las disposiciones que preceden son aplicables á toda clase de translacion de bienes en general cuya exportacion no haya tenido lugar hasta el dia.

ARTICULO VIII.

Seran considerados como buques de la república de Costarrica en Belgica, y como buques Belgas en la república de Costarrica, todos los buques que naveguen con las banderas respectivas y que lleven á bordo los papeles y documentos que exigen las leyes de cada una de las dos naciones que justifiquen la nacionalidad de los buques de comercio.

ARTICULO IX.

Los buques de la república de Costarrica que entraran en lastro ó cargados en los puertos de Belgica ó que saliesen de ellos, y reciprocamente los buques Belgas que entren en lastro ó cargados en los puertos de la república de Costarrica ó que saldran de ellos, sea por rios, canales ó mar, qualquiera que sea el punto de donde salgan ó el destino que lleven, no estaran sujetos á su entrada, salida y paso, á derechos de tonelada, puerto, embalage, pilotage, anclage, remolque, fanal, esclusas de canales, cuarentena, salvamento, deposito patente, navegacion, peage, enfin á derechos ó cargas de qualquiera clase ó denominacion que sea que pesen sobre el casco de los buques que se prescriben á establecidos en nombre y beneficio del gobierno, de los funcionarios publicos, de los pueblos ó de establecimiento alguno, sino las actualmente estan

de détraction ou d'émigration dont la perception serait du ressort d'individus, de communes, de foundations publiques, de districts ou de corporations, et auxquels les indigènes euxmêmes ne serait pas assujettis. Les dispositions qui précèdent sont applicable à toutes les translations de biens en général dont l'exportation n'a point encore été effectuée.

ARTICLE VIII.

Seront considérés comme navires de l'Etat de Costa Rica en Belgique, et comme navires Belges dans l'Etat de Costa Rica, tous les navires qui navigueront sous les pavillons respectifs et qui seront porteurs des papiers de bord et des documens exigés par les lois de chacun des deux Etats pour la justification de la nationalité des bâtimens de commerce.

ARTICLE IX.

Les navires de l'Etat de Costa Rica qui entreront sur lest ou chargés dans les ports de Belgique, ou qui en sortiront, et reciprocement, les navires Belges qui entreront sur lest ou chargés dans les ports de l'Etat de Costa Rica, ou qui en sortiront, soit par mer, soit par rivières ou canaux, quelque soit le lieu de leur départ ou celui de leur destination, ne seront assujettis, tant à l'entrée qu'à la sortie et au passage, à des droits de tonnage, de port, de balivage, de pilotage, d'ancrage, de remorque, de fanal, d'écluse, de canaux, de quarantaine, de sauvetage, d'entrepôt, de patente, de navigation, de péage, enfin à des droits ou charges de quelque nature ou dénomination que se soit pesant sur la coque des navires, perçus ou établis au nom et au profit du government, des fonctionnaires publics, de communes ou d'établisse-

impuestos ó que en lo sucesivo se impongan á los buques nacionales á la entrada, durante su permanencia en el puerto ó su salida ó en el curso de su navegacion.

mens quelconques, autres que ceux qui sont actuellement ou pourront, par la suite, être imposés aux bâtimens nationaux à l'entrée pendant leur séjour dans les portes, à leur sortie ou dans le cours de leur navigation.

ARTICULO X.

Relativamente á la colocacion de los buques, su carga y descarga en los puertos, rodas, bahías, hâvres y generalmente á las formalidades y disposiciones de cualquier geniero á que esten sometidos los buques mercantiles, sus tripulaciones y cargamentos; queda convenido que no se concedera á los buques nacionales ningun privilegio, ningun favor, que no sea igualmente extensivo á los de la otra parte; pues que la voluntad de las altas partes contratantes es que bajo este respecto sus buques sean tratados bajo el pie de una perfecta igualdad.

ARTICLE X.

En ce que concerne le placement des navires, leur chargement ou déchargement dans les portes, rades, havres et basins, et généralement pour toutes les formalités et dispositions quelconques auxquelles peuvent être soumis les navires de commerce, leur équipage et leur chargement, il est convenu qu'il ne sera accordé aux navires nationaux aucun privilège, ni aucune faveur, qui ne le soit également à ceux de l'autre partie, la volonté des hautes parties contractantes étant que, sous ce rapport aussi, leurs bâtimens soient traités sur le pied d'une parfaite égalité.

ARTICULO XI.

Los buques de guerra de una de las dos potencias podran entrar, permanecer, carenarse, y componerse en los puertos de la otra potencia cuyo acceso esta permitido á la nacion mas privilegiada, y quedaran sometidos á iguales reglas y á iguales goces.

ARTICLE XI.

Les bâtimens de guerre de l'une des deux puissances pourront entrer, séjourner et se radouber dans ceux des portes de l'autre puissance dont l'accès est accordé à la nation la plus favorisée, ils y seront soumis aux-mêmes règles et y jouiront des mêmes avantages.

ARTICULO XII.

Los objetos de cualquiera naturaleza provenientes del suelo, de la industria ó de los depositos de la Republica de Costarrica importados directamente bajo pabellon de este pais en Belgica, no pagaran otros ni mayores derechos que los que paguen siendo directamente importados bajo el pabellon Belga.

Y reciprocamente los objetos de cualquiera naturaleza provenientes

ARTICLE XII.

Les objets de toute nature importés en droitire en Belgique de l'Etat de Costa Rica sous pavillon de ce pays n'acquitteront d'autres, ni de plus forts droits que s'ils étaient importés en droitire sous pavillon Belge.

Et reciprocamente les objets de toute nature provenant soit du sol,

del suelo; de la industria ó de los depositos de la Belgica importados directamente por buques de Belgica en los puertos de la Republica de Costarrica, no pagaran otros ni mayores derechos de entrada que los que paguen siendo importados directamente bajo pabellon de la Republica de Costarrica.

Queda bien entendido:

1. Que las mercancias deberan haber sido realmente cargadas en los puertos de donde se declarasen provenir respectivamente.

2. Que la arrivada forzada en los puertos intermedios por causas de fuerza mayor, justificada por los medios prescriptos por la legislacion del pais donde se verifique la importacion no hace perder el beneficio de la importacion directa.

ARTICULO XIII.

Los objetos de cualquiera naturaleza importados bajo pabellon de la Republica de Costarrica en Belgica, desde un punto diferente del dicho estado, no pagaran otros ni mayores derechos de cualquiera clase que sean que los que paguen los que se importan bajo pabellon de la nacion extranjera mas favorecida, diferente del pabellon del pais mismo de donde tenga lugar la importacion. Y reciprocamente los objetos de cualquiera naturaleza importados en la Republica de Costarrica desde un punto diferente de Belgica bajo pabellon Belga no pagaran otros ni mayores derechos de cualquiera clase que sean que si la importacion fuese hecha bajo pabellon de la nacion extranjera mas favorecida, diferente del pabellon de este pais mismo de donde tenga lugar la importacion.

ARTICULO XIV.

Los objetos de toda naturaleza exportados por buques de la Republica de Costarrica ó por buques Belgas desde los puertos del uno ó del

soit de l'industrie, soit des entrepôts de la Belgique importés en droiture de Belgique par navires Belges dans les portes de l'Etat de Costa Rica, ne payeront d'autres ni de plus forts droits d'entrée que s'ils étaient importés en droiture sous pavillon de l'Etat de Costa Rica.

Il est bien entendu:

1. Que les marchandises devront avoir été réellement chargées dans les portes d'où elles auront été déclarées respectivement provenir.

2. Que la relache forcée dans les portes intermédiaires pour cause de force majeure, justifiée d'après la mode prescrit par la législation du pays où l'importation a lieu, ne fait pas perdre le bénéfice de l'importation en droiture.

ARTICLE XIII.

Les objets de toute nature importés sous pavillon de l'Etat de Costa Rica en Belgique, d'ailleurs que du dit Etat, ne payeront d'autres ni de plus forts droits quelconques que si l'importation était effectuée sous le pavillon de la nation étrangère la plus favorisée, autre que celui du pays même d'où l'importation a lieu. Et réciproquement les objets de toute nature importés dans l'Etat de Costa Rica d'ailleurs que de Belgique sous pavillon Belge, ne payeront d'autres ni de plus forts droits quelconques que si l'importation était effectuée sous le pavillon de la nation étrangère la plus favorisée, autre que le pavillon du pays même d'où l'importation a lieu.

ARTICLE XIV.

Les objets de toute nature quelconque exportés par navires de l'Etat de Costa Rica ou par navires Belges des portes de l'un ou de l'autre de

otro de estos estados con dirección á cualquier otro país, no estarán sujetos á derechos ni formalidades otras que las que se exigen por la exportación bajo pabellón nacional.

ARTICULO XV.

Los premios, restituciones ó otros favores de igual naturaleza que pueden concederse en los estados de ambos países contratantes á las mercancías que se importan ó exportan en buques nacionales, serán del mismo modo concedidos á las mercancías que se importen directamente del uno de los dos países por los buques del otro, ó que se exporten de uno de los dos países por los buques del otro, cualquiera que sea el destino.

ARTICULO XVI.

Sin embargo, quedan derogados las disposiciones precedentes en cuanto á la importación de la sal y de los productos de la pesca nacional, ambos países se reservan la facultad de conceder á la importación de estos objetos en pabellón nacional privilegios especiales. Quedan, así mismo, derogados las disposiciones que preceden en cuanto á los favores especiales que las partes contratantes se reservan concedir á los buques construidos en sus territorios respectivos á la primera salida y en la primera vuelta de dichos buques.

ARTICULO XVII.

Los buques de la República Costarricense en Belgica, y los buques Belgas en la República de Costarrica, tendrán facultad de descargar una parte de su cargamento en los puertos de su primera arribada, y de continuar en seguida con el resto de este cargamento á otros puertos del mismo estado, sea para acabar de desembarcar en ellos su cargamento,

ces Etats, vers quelque pays que ce soit, ni seront pas assujettis à des droits où à des formalités autre que ceux exigés pour l'exportation par pavillon national.

ARTICLE XV.

Les primes, restitutions, ou autres faveurs de cette nature qui pourraient être accordées dans les Etats des deux parties contractantes sur des marchandises importées ou exportées par des navires nationaux, seront aussi et de la même manière accordées aux marchandises importées directement de l'un des deux pays sur les navires dans l'autre, où exportées de l'un des deux pays par les navires de l'autre, vers quelque destination que ce soit..

ARTICLE XVI.

Il est néanmoins dérogé aux dispositions qui précédent pour l'importation du sel et des produits de la pêche nationale, les deux pays se réservant la faculté d'accorder aux importations de ces articles par pavillon national des priviléges spéciaux. Il est également dérogé aux dispositions qui précédent pour les faveurs spéciales que les parties contractantes se réservent d'accorder à la première sortie et à la première rentrée des navires construits sur leurs territoires respectifs.

ARTICLE XVII.

Les bâtimens de l'Etat de Costa Rica en Belgique et les bâtimens Belges dans l'Etat de Costa Rica pourront d'écharger une partie de leur cargo dans le port de prime abord, et se rendre ensuite avec le reste de cette cargaison dans d'autres ports du même état, soit pour y achever de débarquer leur chargement, soit pour y compléter

sea para completar la carga de retorno, sin que por esto esten obligados á pagar en cada puerto otros ni mayores derechos que los que pagan los buques nacionales en circunstancias semejantes.

Por lo concerniente en lo ejercicio del cabotage, los buques de las dos naciones seran reciprocamente tratados bajo el mismo pie que los buques de las naciones mas privilegiadas.

ARTICULO XVIII.

Durante el tiempo fijado por las leyes de ambos países respectivamente por el deposito de las mercancías no se exigieran mas derechos que los de custodia y almacenamiento de los objetos importados del uno de los dos países en el otro, interin se verifique su transito, su re-expartición ó el despacho para el consumo: En ningun caso estos objetos pagaran mayores derechos de deposito, ni quedaran sujetos á otros formalidades que los que pesan sobre los efectos importados bajo pabellon nacional.

ARTICULO XIX.

Los objetos de cualquiera naturaleza que vengan de la república de Costarrica ó expedidos á este país gozaran á su paso por el territorio de la Belgica, del trado aplicable en iguales circunstancias á los objetos que vengan de él, ó que vayan destinados al país mas favorecido. Recíprocamente los objetos de cualquiera naturaleza que vengan de Belgica ó expedidos á este país gozaran á su paso por el territorio de la república de Costarrica del trato aplicable, en iguales circunstancias, á los objetos que vengan de él, ó que vayan destinados al país mas favorecido. Queda especialmente entendido, que en el caso en que se estableciese una vía cualquiera de comunicación entre los dos oceanos por el

leur chargement de retour, et ne payant, dans chaque port, d'autres ou de plus forts droits que ceux que payent les bâtimens nationaux dans des circonstances semblables.

En ce qui concerne l'exercice du cabotage, les navires des deux nations seront traité, de part et d'autres, sur le même pied que les navires des nations les plus favorisées.

ARTICLE XVIII.

Pendant le temps fixé par les lois des deux pays respectivement pour l'entrepotage des marchandises, il ne sera perçu aucun droit autres que ceux de garde et d'emmagasinage sur les objets importés de l'un des pays dans l'autre, en attendant leur transit, leur réexportation ou leur mise en consommation. Les objets, dans aucun cas, ne payeront de plus forts droits d'entrepot et ne seront assujettis à d'autres formalités que s'ils avaient été importés par pavillon national.

ARTICLE XIX.

Les objets de toute nature venant de l'Etat de Costa Rica ou expédiés vers ce pays jourront, à leur passage par le territoire de la Belgique, du traitement applicable, dans les mêmes circonstances aux objets venant de, ou en destination du pays le plus favorisé. Reciproquement les objets de toute nature venant de Belgique ou expédiés vers la Belgique jourront à leur passage par le territoire de l'Etat de Costa Rica du traitement applicable, dans les mêmes circonstances, aux objets venant de, ou en destination du pays le plus favorisé. Il est spécialement entendu, que dans le cas où une voie de communication quelconque entre les deux océans viendrait à être établie à travers le terri-

territorio de la republica de Costarica; los Belgas, sus buques, sus mercancias, su correspondencia, no quedaran sujetos á derechos, peages, cargas ni formalidades que ó los que queden obligados los ciudadanos, los buques, las mercancias, y la correspondencia de cualquiera otro pais.

ARTICULO XX.

La Belgica garantiza á los buques de la república de Costarrica el reembolso del derecho que el gobierno de los Paises-Bajos percibe en la navegacion del Escalda en virtud del sección 3 del articulo 9 del tratado del 19 de Abril de 1839.

ARTICULO XXI.

En todo lo concerniente á los derechos de aduana y de navegacion, las dos altas partes contratantes se prometen reciprocamente no conceder ningun favor, privilegio ó inmunidad á otro estado que no sea igualmente y al instante estensivo á los ciudadanos respectivos, gratuitamente si la concession ó favor del otro estado es gratuita, y dando igual compensacion ó el equivalente si la concession es condicional.

Ninguna de las dos partes contratantes impondra sobre las mercancias provenientes del suelo ó de la industria de la otra, que se impuesten en sus puertos, otros ni mayores derechos ó de importacion ó de re-exportacion de mercancias que los que se impusiesen á la importacion ó á la re-exportacion de mercancias semejantes provenientes de cualquiera otro pais extranjero.

En el comercio reciproco de las partes contratantes no se impondra ninguna restriccion, ninguna prohibicion de importacion ó de exportacion sin que esto sea igualmente estensivo á todas las demas naciones.

toire des Costa Rica, les Belges, leurs navires, leur marchandise, et leur correspondances ne pourront être assujettis à des droits, péages, charges ou formalités autre que ceux auxquels seront assujettis les citoyens, les navires, les marchandises, et les correspondances de tout autre pays quelqu'il soit.

ARTICLE XX.

Le remboursement par la Belgique du droit perçu sur la navigation de l'Escout par le gouvernement des Pays-Bas en vertu du section 3 de l'article 9 du traité du 19 Avril 1839, est garanti aux navires de l'Etat de Costa Rica.

ARTICLE XXI.

En tout ce qui concerne les droits de douane et de navigation, les deux hautes parties contractantes se promettent réciproquement de n'accorder aucune faveur, privilège ou inmunité à un autre état, qui ne soit aussi et à l'instant étendu à leurs citoyens respectifs, gratuitement si la concession en faveur de l'autre état est gratuite, et en donnant la même compensation ou l'équivalent si la concession est conditionnelle.

Ni l'une ni l'autre des parties contractantes n'imposera sur les marchandises provenant du sol ou de l'industrie de l'autre partie, qui seront importées dans ses ports, d'autres ni de plus forts droits d'importation ou de réexportation que ceux qui seront imposés sur l'importation ou la réexportation de marchandises similaires provenant de tout autre pays étranger.

Aucune restriction, aucune prohibition d'importation ou d'exportation n'aura lieu dans le commerce réciproque des parties contractantes, qu'elle ne soit également étendue à toutes les autres nations.

ARTICULO XXII.

Cada una de las partes contratantes tendra facultad de establecer consules, vice-consules, ó agentes consulares, para proteger su respectivo comercio. Estos agentes no empezaran á ejercer sus funciones, ni á gozar de los derechos, privilegios e inmunidades que les competen; sino despues de haber obtenido la autorizacion del gobierno territorial, el cual conservare el derecho de determinar las residencias donde los convenga admitir los consules; bien entendido que, bajo este aspecto, los dos gobiernos no se impondran respectivamente ninguna restriccion que no sea comun en su pais á todas las naciones.

ARTICULO XXIII.

Los consules, vice-consules, y agentes consulares de la republica de Costa Rica en Belgica, sus cauilleres y secretarios, gozaran de todos los privilegios, exenciones ó inmunidades que gozan los agentes de igual clase de la nacion mas favorecida. Esto mismo se estiende en la republica de Costa Rica relativamente a los consules, vice-consules, y agentes consulares de Belgica, sus cauilleres y secretarios.

ARTICULO XXIV.

Los consules, vice-consules, ó agentes consulares respectivos tendran facultad de hacer arrestar y de enviar, sea á borde ó á su pais, á los marineros que hubiesen desertado los buques de su nacion. A este efecto, podran dirigirse por escrito á los autoridades locales competentes y justificaran por los registros del buque, rol de tripulacion, ó por otros documentos oficiales ya originales, ó legalmente justificados que los individuos que reclaman formaban parte de dicha tripulacion. Probada de

Il pourra étre établi des consuls, des vice-consuls, et des agents consulaires de chacun des deux pays dans l'autre pour la protection du commerce. Les agents n'entreront en fonctions et en jouissance des droits, priviléges et immunités qui leur reviendront, qu'après en avoir obtenu l'autorization du gouvernement territorial, celui-ci conservera d'ailleurs le droit de déterminer les résidences où il lui conviendra d'admettre les consuls; bien entendu que sous ce rapport les deux gouvernemens ne s'opposeront respectivement aucune restriction qui ne soit commune dans leur pays à toutes les nations.

ARTICLE XXII.

Les consuls, vice consuls, et agents consulaires de l'Etat de Costa Rica en Belgique, leur chanceliers et secrétaires jouiront de tous les priviléges, exemptions, et immunités dont jouissent les agents de même qualité de la nation la plus favorisée. Il en sera de même dans l'Etat de Costa Rica pour les consuls, vice-consuls, et agents consulaires de Belgique, leurs chanceliers et secrétaires.

ARTICLE XXIII.

Les consuls, vice-consuls, ou agents consulaires respectifs pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les matelots qui auraient déserté des bâtiments de leur nation. A cet effet, ils s'adresseront par écrit aux autorités locales compétentes, et justifieront, par l'exhibition en original ou en copie duement certifiée, des registres du bâtiment ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils reclament faisaient partie du dit

este modo, la demanda, no se los rehusara la entrega, antes bien se le prestaran los auxilios necesarios para buzar y arrestar a dichos desertores, los cuales seran aun de tenidos y custodiados en las prisiones del pais á solicitud y expensas de los consules, hasta que estos agentes encuentren ocasion de hacer los partir. Pero si esta ocasion no se presentare dentro del termino de tres meses contado desde el dia del arresto, los presos quedaran en libertad y no volveran á ser perseguidos por la misma causa.

Queda entendido que los marineros que sean subditos de la otra parte seran exemptados de la presente disposicion, á menos que esten naturalizados en el pais de la otra.

Si el desertor hubiese cometido algun delito, su estradiccion quedara deferida hasta que el tribunal competente haya pronunciado la sentencia y que esta haya tenido su efecto.

ARTICULO XXV.

Cuando un buque perteniente á los ciudadanos del pais de la una ó de la otra parte contratante haya naufragado, envallado ó sufrido alguna averia en las costas ó dominios de la otra parte contratante, esta le dara todo auxilio y proteccion en iguales terminos que á los buques de su propio nacion, prometiendole en caso necesario descargar sus mercancias, sin exigir ningun derecho, impuesto ó contribucion alguna, hasta que estas mercancias puedan ser esportados, á menos que no se destinan al consumo interior, este buque, ó todas sus partes ó restos, y todos los objetos pertenecientes á el, del mismo modo, que todos los efectos y mercancias que se hubiesen salvado, ó el producto de su venta si hubiesen sido vendidos, seran fielmente restituidas á sus proprietarios

equipage. Sur cette demande aussi justifiee, la remise ne pourra leur étre refusée. Il leur sera donné toute aide pour la recherche et l'arrestation des dits deserteurs, qui seront même détenus et gardés dans les maisons d'arrêt du pays, à la réquisition et aux prix des consuls, jusqu'à ce que ces agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de trois mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus étre arrêtés pour la même cause.

Il est entendu que les marins sujets de l'autre partie seront exceptés de la presente disposition, à moins qu'ils ne soient naturalisés citoyens de l'autre pays.

Si le deserteur avait commis quelque délit, son extradition sera différée jusqu'à ce que le tribunal qui a droit d'en connaître ait rendu son jugement et que celui-ci ait rendu son effet.

ARTICLE XXV.

Lors qu'un navire appartenant aux citoyens du pays de l'une ou de l'autre des parties contractantes fera naufrage, échonera ou suffira quelque avarie sur les côtes ou dans les domaines de l'autre partie contractante, celle-ci lui donnera toute assistance et protection comme aux navires de sa propre nation, lui permettant de décharger en cas de besoin ses marchandises sans exiger aucun droit ni impôt, ni contribution quelconque, jusqu'à ce que ces marchandises puissent étre exportées, à moins qu'elles ne soient livrées à la consommation intérieure, ce navire ou toutes ses parties ou débris, et tous les objets qui y appartiendront, ainsi que tous les effets et marchandises qui en auront éte sauvés, ou le produit de leur vente s'ils sont vendus, seront fidèlement

mediante reclamacion hecha perellos ó por sus agentes debidamente autorisados; y en el caso que no hubiese proprietario ó agente en los mismos lugares dichos efectos y mercancías, ó el producto de la venta que hubiese sido hecha, igualmente que los papeles encontrados á bordo del buque naufragado seran entregados al consul de la República de Costarrica ó al consul Belga en el distrito en que el naufragio hubiese tenido lugar, y el consul, los proprietarios ó agentes susadichos no estaran obligados á pagar mas gastos que los originados por la conservacion de estos objetos.

ARTICULO XXVI.

Los buques, mercancías y efectos pertenecientes á los ciudadanos y subditos respectivos que hubiesen caídos en poder de piratas en los limites de la jurisdiccion de una de las partes contratantes, ó en alta mar, y que hubiesen sido conducidos ó encontrados en los puertos, radas, rios ó bahias de la dominacion de la otra parte contratante, seran entregados á sus proprietarios, pagando si ha lugar los gastos de recobro que fuese determinados por los tribunales competentes, siempre que este derecho de propiedad haya sido demostrado ante estos tribunales y por reclamacion, que deberá hacerse dentro del termino de un año, por las partes interesadas por sus apoderados, ó por los agentes de los gobiernos respectivos.

ARTICULO XXVII.

Si, por un concurso de circunstancias desgraciadas, llegase á suceder que se sus citazem algunas diferencias entre las altas partes contratantes y que estas diferencias fueseen un motivo para interrumpir sus relaciones de amistad, y si, despues de haber agotado los medios de una

vendus aux propriétaires sur leur réclamation ou sur celle de leurs agents à ce deulement autorisés; et dans le cas où il n'y aurait pas de propriétaire ou d'agent sur les lieux, les dits effets ou marchandises, ou le produit de la vente qui en serait faite, ainsi que tous les papiers trouvés à bord du vaisseau naufragé seront remis au consul de l'Etat de Costa Rica ou au consul Belge dans l'arrondissement duquel le naufrage aura lieu, et le consul, les propriétaires ou les agents précités n'auront à payer que les dépenses faites pour la conservation de ces objets.

ARTICLE XXVI.

Les navires, marchandises et effets appartenant aux citoyens et sujets respectifs qui auraient été pris par des pirates dans les limites de la jurisdiccion de l'une des parties contractantes ou en haute mer, et qui seraient conduits ou trouvés dans les ports, rades, rivières, ou baies de la domination de l'autre partie contractante, seront remis à leurs propriétaires en payant, s'il y a lieu, les prix de reprise qui seront déterminés par les tribunaux compétents lors que ce droit de propriété aura été prouvé devant ces tribunaux et sur la réclamation, qui devra en être faite dans le délai d'un an par les parties intéressées, par leur fondes de pouvoirs ou par les agents des gouvernemens respectifs.

ARTICLE XXVII.

Si, par un concours de circonstances malheureuses, des différences entre les hautes parties contractantes pourraient devenir le motif d'une interruption de relations d'amitié entr'elles, et qu'après avoir épuisé les moyens d'une discussion amicale et conciliante, le but de leur

discusion amistosa y conciliadora, no se obtuviese el objeto de su mutuo deseo, se invocara de comun acuerdo el arbitrage de una tercera potencia igualmente amiga de las partes, con el objeto de evitar por este medio una ruptura definitiva.

Queda convenido que en el caso de una interrupcion de las relaciones comerciales ó de una ruptura completa, los ciudadanos del pais de la una de las partes contratantes, establecidos ó residentes en los estados de la otra, y que ejerciesen un comercio ó una profesion privada de cualquier especie, tendran facultad de permanecer ejerciendo sus negocios y su profesion sin quedar expuestos á molestia ni á desagrado ninguno en el pleno goce de su libertad y propiedades, con tal que se conducan pacificamente y que no infringan las leyes, y sus bienes y efectos no podran ser embargados, sequestrados ni sujetos á carga ni retencion sino á aquellas á que estuviesen obligados los nacionales.

A los comerciantes y demas personas que residiesen en las costas se concedera el termino de cuatro meses para arreglar sus cuentos y disponer de sus propiedades, si su intencion fuese salir del pais, y ocho meses si su residencia se hallase radicada en el interior.

En este caso, ninguno de los gobiernos rehusara la salida del territorio á los ciudadanos de aquel con quien se halla en guerra, siempre que ellos lo soliciten sin que puedan ser detenidos en calidad de rehenes ni por cualquier motivo que sea, excepto en el caso de responsabilidad personal conforme á las leyes del pais; si esta responsabilidad fuese pecunaria, bastara queden fianza ó satisfaccion del acreedor ó que por cualquiera otro medio asegure el cumplimiento de sus empeños.

désir mutuel n'eut pas été complètement atteint, l'arbitrage d'une troisième puissance également amie des parties sera invoqué d'un commun accord pour éviter, par ce moyen, une rupture définitive.

Il est convenu que dans le cas d'une interruption de relations commerciales ou d'une rupture complète, les citoyens du pays de l'une des hautes parties contractantes établis ou résidants dans les états de l'autre et qui exercent un commerce ou une profession privée de toute espèce, auront la faculté de rester dans leur profession ou de continuer leurs affaires sans avoir à supporter de trouble ni de désagrément dans la pleine jouissance de leur liberté et de leur propriétés tant qu'ils se conduiront pacifiquement et n'inféodiront pas les lois, et leur biens et effets ne seront pas plus sujets à saisie, séquestration, ou toute autre charge et retenue que ceux de la même nature appartenant aux nationaux.

Les négociants et les autres personnes résidants sur les côtes auraient quatre mois pour régler leurs comptes et disposer de leurs propriétés, s'ils se trouvaient dans l'intention de quitter le pays, et huit mois si leur résidence était dans l'intérieur.

Dans ce cas, aucun des gouvernemens ne refusera la sortie de son territoire aux citoyens de celui avec lequel il se trouvera en guerre, toutes les fois que ceux-ci en feront la demande, sans qu'ils puissent être retenus en qualité d'otages, ni pour quelqu'autre motif que ce soit, excepté dans le cas où leur responsabilité personnelle serait engagée conformément aux lois du pays; si cette responsabilité était pécuniaire, il suffira qu'ils donnent cautions à la satisfaction du créancier, ou qu'il assure par quelque autre moyen l'accomplissement de ses obligations.

Se les concedera un salvo conducto para embarcarse en el puerto que eligan. En ningun caso sus decedas entre particulares, sus fondos publicos, sus acciones de compaňia podran ser confiscados.

ARTICULO XXVIII.

Si sucediese que la una de las altas partes contratantes se hallase en guerra con alguna otra potencia, nacion ó Estado, los subditos de la otra podran continuar su comercio y su navegacion con estos mismos Estados, excepto con las ciudades ó puertos que estuvieren bloqueados por tierra ó por mar. Sin embargo, teniendo en consideracion la distancia que separa los paises de las partes contratantes y la incertidumbre que resulta de esto sobre los varios acontecimientos que pueden ocurrir, queda convenido que un buque mercante que intentase penetrar en uno de los puertos sitiados ó bloqueados sin tener conocimiento del sitio ó bloqueo, podra salir libremente de este puerto con su cargamento y dirigirse ó cualquiera otro puerto que creyese oportuno á menos que dicho buque persiste en entrar, á pesar de la intimacion legal, conocido en tiempo oportuno del comandante de los fuerzas militares del bloqueo ó sitio.

Queda bien entendido, que en ningun caso se autorisara el comercio de objetos reputados como contrabando de guerra, tales cuales estaran especificados en tratados analogos. Si sucediese que un buque perteneciente al pais de una de las partes contratantes se hallase en un puerto sitiado ó bloqueado por las fuerzas militares de la otra parte, antes del establecimiento del bloqueo ó sitio, podra salir libremente con su cargamento sin quedar sujeto á confiscacion ni veajamen de ninguna especie, aun en el

Un sauf conduit leur sera délivré pour s'embarquer dans un port de leur choix. Dans aucun cas les dettes entre particuliers, les fonds publics, les actions de compagnie, ne seront confisqués, s'questrés ni retenus.

ARTICLE XXVIII.

S'il arrivait que l'une des hautes parties contractantes fut en guerre avec quelque autre puissance, nation ou état, les sujets de l'autre pourront continuer leur commerce et leur navigation avec ces mêmes Etats, excepté avec les villes ou ports qui seraient bloqués ou assiégés par terre ou par mer. Prenant en considération cependant l'éloignement des pays des parties contractantes, et l'incertitude qui en résulte sur les divers événements qui peuvent avoir lieu, il est convenu qu'un bâtiment marchand qui tentera d'entrer dans un de ces ports assiégés ou bloqués sans avoir connaissance du siège ou du blocus, pourra quitter librement ce port avec sa cargaison et se diriger vers toute autre port ou lieu qu'il jugera convenable, à moins que le dit bâtiment ne persiste à vouloir entrer, malgré la sommation légale, connue en temps opportun, du commandant des forces militaires du blocus ou du siège.

Il est bien entendu, que dans aucun cas, on n'autorisera le commerce des articles réputés de contrebande de guerre, tel qu'ils sont spécifiés dans les traités analogues. S'il arrivait qu'un bâtiment appartenant au pays de l'une des parties contractantes se trouvait dans un port assiégé ou bloqué par les forces militaires de l'autre partie, avant l'ouverture du blocus ou du siège, il pourra librement en sortir avec son chargement, comme aussi il ne sera pas sujet à confiscation ni à un trouble quelconque, s'il était trouvé

caso de hallarse en el puerto después de la toma ó de la rendicion de la plaza. Si un buque entrado en el puerto antes de la intimacion del bloques, tomase á bordo un cargamento posteriormente á este acto, las fuerzas que constituyen el bloques podran mandarle volver á este puerto y desembarcar su cargamento. A falta de acumplimiento de esta orden quedara espuesto á iguales consecuencias que un buque que persistase en querer entrar en un puerto bloqueado á pesar la intimacion que se le hubiese hecho para que se retire.

ARTICULO XXIX.

Queda formalmente convenido entre la dos partes contratantes independientamente de los estipulaciones que preceden, los agentes diplomaticos, los ciudadanos de todo clase, los buques y los mercancias del uno de los Estados gozaran de derecho pleno en el otro, de franchise, reducciones de derechos, privilegios ó inmunidades de cualquiera clase que fuesen concedidas ó que se concediesen á la nacion mas privilegiada, gratuitamente si la concesiones gratuita, y con igual compensacion si la concesiones condicional.

ARTICULO XXX.

La república de Costarrica y su Majestad el Rey de los Belgas deseando hacer tan durables y solidas como las circunstancias lo permitan las relaciones que se establecen entre los dos Estados, en virtud del presente tratado de amistad, de comercio y de navegacion han declarado solemnemente convenir en los puntos siguientes:

1. El presente tratado estara en vigor por especio de dies años contados desde el dia del cange de las

dans le port après la prise ou la rendition de la place. Si un navire entré dans le port avant la signification du blocus, prenait à son bord une cargaison postérieurement à cet acte, les forces faisant le blocus pourraient lui ordonner de rentrer dans ce port et de débarquer son chargement. Faute d'obéir à cette injunction, il se trouverait exposé aux mêmes conséquences que le bâtiment qui persisterait à vouloir entrer dans un port bloqué malgré la sommation qu'il aurait reçu de se retirer.

ARTICLE XXIX.

Il est formellement convenu entre les deux parties contractantes qu'indépendamment des stipulations qui précèdent, les agents diplomatiques, les citoyens de toute classe, les navires et les marchandises de l'un des deux Etats jouiront de plein droit dans l'autre, des franchise, reductions de droit, privilège et immunités quelconques consentis ou à consentir en faveur de la nation la plus favorisée, et ce, gratuitement si la concession est gratuite, ou avec la même compensation si la concession est conditionnelle.

ARTICLE XXX.

L'Etat de Costa Rica et sa Majesté le Roi des Belges, désirant rendre aussi durables et solides que les circonstances le permettront les relations qui s'établiront entre les deux Etats en vertu du présent traité d'amitié, de navigation et de commerce, ont déclaré solennellement convenir des points suivantes:

1. Le present traité sera en vigueur pendant dix années à compter de jour de l'échange des ratifica-

ratificaciones; y si doce meses antes de la expiracion de este termino, ni la una, ni la otra de las dos altas partes contratantes anunciasse, por una declaracion oficial, su intencion de hacer cesar los efectos, dicho tratado sera aun obligatorio durante un año, y asi sucesivamente hasta la expiracion de los doce meses que siguiesen la declaracion oficial en cuestion, en cualquier epoca que esta tuviese lugar.

Queda bien entendido, que en el caso en que esta declaracion haya sido hecha por la una de los partes contratantes, las disposiciones del tratado relativas al comercio y ó la navegacion seran las unicas que se consideren como abrogadas y anuladas, pero relativamente á los articulos concernientes á las relaciones de paz y amistad, el tratado quedara perpetuamente obligatorio para los dos Estados.

2. Si uno ó varios ciudadanos de la una ó de la otra parte llegase á infringir alguno de los articulos contenido en el presente tratado, los dichos ciudadanos quedaran personalmente responsables, sin que por esto la buena armonia y la reciprocidad entre los dos naciones lleguen á ser interrumpidos. Si, desgraciadamente, uno de los articulos contenidos en el presente tratado fuesen de cualquier modo que sea violado ó infringido, queda espresamente convenido que la parte que haya permanecido ó fiel deberá primieramente presentar á la otra una esposicion de los hechos, y una demanda de reparacion acompañada de los documentos y de las pruebas necesarias para establecer la legitimitar de su queja, y no podra provocar represalias ni cometer por si mismo hostilidades sino hasta despues que la reparacion pedida por ella haya sido negada ó arbitrariamente deferido, y despues de haber agotado los medios de conciliacion indicados en el articulo 27,

tions; et si, douze mois avant l'expiration de ce terme, ni l'une ni l'autre des deux hautes parties contractantes n'annonce, par une declaration officielle, son intention d'en faire cesser les effets, le dit traité restera encore obligatoire pendant une année, et ainsi de suite jusqu'à l'expiration des douze mois qui suivront la déclaration officielle en question, à quelqu'époque qu'elle est lieu.

Il est bien entendu, que dans le cas où cette déclaration viendrait à être faite par l'une des parties contractantes, les dispositions du traité relatives au commerce et à la navigation seraient seules considérées comme abrogées et annulées, mais qu'à l'égard des articles qui concernent les relations de paix et d'amitié, le traité n'en restera pas moins perpétuellement obligatoire pour les deux Etats.

2. Si un ou plusieurs citoyens de l'une ou de l'autre partie venait à enfreindre quelqu'un des articles contenus dans le présent traité, les dits citoyens en seront personnellement responsables, sans que, pour cela, la bonne harmonie et la reciprocité soient interrompues entre les deux nations. Si, malheureusement un des articles contenus dans le présent traité venait en quelque manière que ce soit, à être violé ou enfreint, il est expressément convenu que la partie qui y sera restée fidèle devra d'abord présenter à l'autre partie un exposé des faits, ainsi qu'une demande en réparation accompagnée des documents et des preuves nécessaires pour établir la légitimité de sa plainte, en qu'elle ne pourra autoriser des représailles, ni se porter elle-même à des hostilités qu'autant que la réparation demandée par elle aura été refusée ou arbitrairement différée, et après avoir épuisé les voies de conciliation indiquées à l'article 27.

ARTICULO XXXI.

Y en el caso en que fuese conveniente y útil, y con el objeto de facilitar más la buena inteligencia y armonía entre ambos partes contratantes, y para evitar á lo sucesivo toda especie de dificultades, de proponer y de añadir algunos artículos al presente tratado, queda convenido que ambos Estados se allanaran, sin el menor retardo, á tratar y á estipular los artículos que pudieren faltar á dicho tratado, si se juzgasen mutuamente ventajosos; y que los dichos artículos, después de haber sido convenidos y debidamente ratificados, harán parte del presente tratado de amistad, de comercio, y de navegación.

ARTICULO XXXII.

El presente tratado será ratificado por el Exmo. Señor Presidente de la república de Costarrica y por su Majestad el Rey de los Belgas, ó por la persona ó personas encargados del poder ejecutivo después de la aprobación de las camaras, y las ratificaciones serán canjeados lo más pronto posible.

En fe de lo cual, los plenipotenciarios le han firmado y sellado con sus armas.

Hecho en doble original, Bruseles el dia _____ de _____ de mil ochocientos cuarenta y nueve.

Signé le 27 Mars, 1849, seulement par les Etats de Nicaragua, Honduras, et Salvador.

No. 9.

FOREIGN OFFICE, April 26, 1849.

The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, has the honor to inform Don Francisco Castellon, charged with a special mission from the State of Nicaragua, that he has received from Sir Robert Campbell, the chairman of the committee of British subjects who are holders of the bonds of Central America, copies of a letter which

Et, dans le cas où il serait convenable et utile pour faciliter davantage la bonne harmonie entre les deux hautes parties contractantes, et pour éviter à l'avenir toute espèce de difficultés de proposer et d'ajouter quelques articles au présent traité, il est convenu que les deux Etats se préteront, sans le moindre retard, à traiter et à stipuler les articles qui pourraient manquer au dit traité, s'ils étaient jugés mutuellement avantageux, et que les dits articles, après avoir été convenus et dûment ratifiés, feront partie du présent traité d'amitié, de commerce, et de navigation.

ARTICLE XXXII.

Le présent traité sera ratifié par le Suprême Directeur de l'Etat de Costa Rica et par sa Majesté le Roi des Belges, ou par la personne ou les personnes chargées du pouvoir exécutif après l'approbation des chambres, et les ratifications en seront échangées le plus-tôt que faire se pourra.

En foi de quoi, les plenipotentiaires l'ont signé et y ont apposé leurs sceaux.

Fait en double original à _____ le _____.

Mr. Castellon addressed to the committee on the 28th of February last, and of their reply of the 12th of March; and the undersigned regrets to learn from these letters that this important part of the mission, intrusted to Mr. Castellon by the government of Nicaragua, has not yet been satisfactorily concluded.

It appears from this correspondence that Mr. Castellon has abandoned some preliminary objections which had been raised by him calling in question the validity of a notice which was published in the London newspapers in March, 1828, by Mr. Zebadua, then minister of the Central American republic at this court, and it appears that Mr. Castellon has now informed the bondholders that he cannot make arrangements for the payment of the arrears of interest due to them, until they furnish him with evidence showing that their bonds tally with those mentioned in Mr. Zebadua's notice; Mr. Castellon has also required the committee to support him in maintaining the claim which he has addressed to the undersigned relative to the Mosquito port of Greytown, the revenues of which port he says formed part of the security assigned for the payment of the debt.

The undersigned begs leave to observe, that it appears to him that Mr. Castellon has not alleged, in support of these demands, any reasons sufficient to justify him in further postponing an arrangement which ought to have been made twenty years ago, for surely the bondholders are borne out in stating, as they have done, that all they can be reasonably expected to do in order to prove that their bonds are genuine, is, to exhibit them at the time when the interest becomes payable, as the bondholders did five years ago when the republic of Costa Rica paid its proportion of the debt. And with regard to the question respecting Greytown, Mr. Castellon will recollect that the undersigned stated to him, in a letter dated 17th February last, that her Majesty's government, however desirous they were of cultivating the most friendly relations with the State of Nicaragua, could not do anything which could be interpreted as admitting any doubt that Greytown belongs exclusively to the Mosquito territory. This, therefore, is a matter in regard to which the bondholders cannot exercise any influence over the determination of her Majesty's government; and the undersigned has to state to Mr. Castellon that it cannot be deemed just that the payment of the arrears which have been long due to the British bondholders should now be made to depend upon the issue of a question which the government of Nicaragua has raised in opposition to the rights of the Mosquito King. And moreover, with reference to Mr. Castellon's statement that the revenues of San Juan were pledged as security to the loan contractors, the undersigned has to observe that the loan was raised in 1825, and that it was not until the year 1836 that the government of Central America attempted to effect their usurpation of this Mosquito harbor of Greytown and establish a custom-house there.

The undersigned has the honor to renew to Mr. Castellon the assurances of his high consideration.

PALMERSTON.

Mr. CASTELLON, &c., &c.

It is a true copy.

LONDON, June 28, 1849.

FRANCISCO CASTELLON. [SEAL.]

LONDON, June 23, 1849.

MY LORD: On my return from Gaeta, I have received at this court your excellency's communication dated the 26th of April last, by which I am informed that Sir Robert Campbell, the chairman of the committee of bondholders of Central America, has applied to your excellency to support them in obtaining the conclusion of an arrangement for the payment of the proportion allotted to the State of Nicaragua of the debt contracted with the house of Barclay and Company, by the government of Central America, and which arrangement, according your excellency, ought to have been done twenty years ago; though I have explained to the creditors the motives I have had to retard it.

Before I received your excellency's much esteemed communication, I had addressed to the committee of bondholders the basis of an arrangement for the payment of the part appertaining to Nicaragua, without, however, desisting from the demand for the exhibition of the documents which I have solicited, and which I believe are necessary for the legalization of the acknowledgment made by Mr. Zebadua, minister from Central America at this court, in favor of the bondholders.

This act, my lord, shows that this affair is in course of arrangement; and if there have arisen any differences, it is for the interested parties to settle them amicably as is usual amongst civilized people, and in conformity with the rules of universal justice, especially when your excellency knows it is only in case of an absolute refusal of justice, or of a notorious injustice, when the subjects of a nation can claim the protection of their government.

Her Britannic Majesty's government, who acknowledge those principles, will do an act of justice to Nicaragua by declining the intervention in the present case, as the question only rests on the presentation of documents whose presence would very much forward its conclusion. If, from the time this formality was solicited, it had been acceded to by her Majesty's agents who have been encharged to make the claim to Nicaragua, this affair might have been concluded and the bondholders reimbursed, as other creditors have been whose debts have originated from claims which force, and not justice, has made to prevail. I am sorry to have to say so, and do it against my inclination.

As to the question, if it is just or not to require the British creditors to support the rights of the State and solicit the restitution of the port of San Juan, the honorable Lord Palmerston knows as well as I that the law of nations approves of it; firstly, because it is one of the revenues pledged by the government of Central America for the payment of the debt; and secondly, because Nicaragua, though small and weak, can, in its capacity of a political being, employ all those means which the same laws have established to obtain a reparation for an offence, in case his complaints against it have not been duly attended to.

Respecting these two points, your excellency says that the port of San Juan could not be comprised in the hypothec, because the loan was raised in 1825; and that it was not till 1836 that the government of Central America took possession of it, in opposition to the rights of the so-called King of Mosquitos. On this particular, I have said to your excellency all that is convenient in my despatches of the 20th of January and 5th and 19th of March last, which have not yet been answered. Nevertheless, I have to observe to your excellency—

First. That the port of San Juan de Nicaragua has been open to the commerce of import and export ever since 1796, when the government of her Britannic Majesty, by a solemn convention celebrated with the King of Spain, renounced the protectorate which they were disposed to lend to the Mosquito tribes; that since then these Indians remained under the dominion of that monarch.

Secondly. That after the independence of Central America, not only was it declared to be within the limits of this republic, but also it was rehabilitated by a decree of the federal government in 1824, ratified by the national Congress in 1825.

Thirdly. That in 1826 the prospectus of the history of Guatemala, by Don José de Valle, was published at this court; and it was there said to all the world, without ever being contradicted, that the limits of that republic were, on the west and northwest, New Spain; on the southeast the province of Veraguas; on the south the Pacific ocean, and on the north the Atlantic; in an area of 26,152 leagues square, and of the shape of a triangular polygon, whose base is in the line that separates it from New Spain, and its vertice at Panama.

Fourthly. That the argument deduced from the assertion that Nicaragua has not had any formal establishment at San Juan until the year 1836, is not admissible to prove that it does not belong to Nicaragua, because, if it was admitted as a principle, it would necessarily follow that any one might occupy lands belonging to other persons, but found vacant by negligence or impotence of the right owner; and that, reasoning in this manner, England herself could not be sure of many of her territories where she only holds a legal possession.

Fifthly. That even admitting the argument, it cannot prove that the Mosquitos are the owners of the port: firstly, because they have not had political existence until the year 1848, when the arms of her Britannic Majesty put them under her protection—a protection against which I have protested, inasmuch as it is prejudicial to the rights of Nicaragua. Secondly, because, even if they had existed independently *de facto*, they never possessed the port of San Juan before or after the year 1836, and in this case Nicaragua has the right of the first occupant; a right that, as I have before said to your excellency, must be respected, until she shall have been convinced by reason, and not with arms, that her right is null and unfounded.

Sixthly. That it cannot be said, without offending Nicaragua, that her government has committed an usurpation, at the very time when, supported by justice, she comes to exclaim against the violence with which she has been deprived of her best possessions. And lastly, that in the differences now existing between Great Britain and Nicaragua, this State will never consent, however great be the confidence she has in the moderation and equity of her Majesty's government, that they should definitively resolve the question. For that reason I have proposed to your excellency, in my despatches of the 5th and 19th of March, to settle it by arbiters, if no other means are found to settle it amicably.

It results, then, from what I have said in the preceding paragraphs—

First. That the port of San Juan is, and has always been, the property of the State of Nicaragua since the declaration of independence of Central America.

Secondly. That as such, it is comprised in the hypothec as security to the loan contractors.

Thirdly. That for this reason the creditors must co-operate with Nicaragua in supporting the claim, or resign themselves to wait for the payment of the part allotted to that State, until by an act of justice the said port shall have been returned to her with an equitable compensation for the damages sustained since its occupation.

Fourthly. That the declaration of her Majesty's government alluded to in your excellency's communication cannot be considered as definitive, having protested as I did, and again do protest, against it and its consequences, as prejudicial to the rights of Nicaragua, humiliating and depressive to her government, and contrary to the practices used amongst nations that owe each other mutual considerations.

This language, which your excellency might use, situated as I am, cannot but prove the frankness and loyalty that have been the basis of the relations established between the two countries, and cannot alter the good intelligence and friendship I wish to cultivate for the benefit of both countries.

And persuaded, as I wish your excellency to be, of the rightfulness of my intentions and the sincerity of my wishes, do not doubt, my lord, of the sentiments of friendship and esteem with which I have the honor to be your excellency's humble servant,

FRANCO. CASTELLON.

His Excellency LORD PALMERSTON, &c., &c., &c.

LONDON, June 28, 1849.

It is a literal translation.

FRANCO. GAVERETTE, [L. S.]
Private Secretary of the Legation.

No. 10.

Mr. Cobden wanted to know what we had to do with the President of Liberia, that the country was to give him £100. Secondly, he wanted to know what was the meaning of the sum put down as expenses of the King of Mosquito and suite on a visit to Jamaica?

Lord Palmerston said that the King of Mosquito's business at Jamaica was to be crowned there, as the previous King of Mosquito had been. It had been considered proper and politic to convey him to and from Jamaica in a ship of war; and the item of which the honorable gentleman complained, was the charge always admitted on the occasions of personages being so conveyed in Queens' ships. As to the President of Liberia, after a visit to this country last year, connected with his office, he had requested to be conveyed to Liberia in a ship of war, and it had been in like manner deemed politic to comply with the request.

Mr. Cobden said, that as to the King of Mosquito, the United States regarded with jealousy any setting up of monarchical States on the coast of North America; and he considered it extremely injudicious on our part to be putting ourselves forward in such prominent connexion with this aboriginal savage, as to fetch him over to Jamaica, crown him there, and then carry him back again and instal him in his kingdom. There was another item for the charge of maintaining certain Mosquito Indians. Were we to keep the subjects of the King of Mosquito as well as the King himself? There was an item for the payment of some advances or other to

Moorish chiefs at Portendic, and another for arms, &c., given to the Sultan of Johanna. It appeared to him most improper to be expending the public money in arming these obscure savages

Lord Palmerston said, that the Mosquito State had been under the protection of England for more than two hundred years. The United States, therefore, whose antiquity as such was scarcely so great, could not very well complain that England was setting up a State in the Mosquito territory. As to Portendic, there was a large corn trade carried on by England in that quarter; and it was considered expedient, and indeed necessary, to make, now and then, small presents to the local chieftains. As to the Sultan of Johanna, he did not, at the present moment, call to mind what the exact circumstances were, but they were probably of the same character.

No. 11.

Report on the state of the affairs of Nicaragua.

In my despatches of the 20th of January last, I laid before Lord Palmerston the right which Nicaragua has over the port of San Juan and Mosquito territory, stating, 1stly, that from the time of the Spanish government, both have been considered as dependants of the ancient kingdom of Guatemala; 2dly, that as such, they were comprised within the limits which the constitution of 1824 fixed for the republic of Central America; 3dly, that neither the Spanish government, nor that of Central America confederation, have recognised as a nation the wandering tribes which the government of her Britannic Majesty, it is asserted, took under its protection more than two hundred years ago; 4thly, that this protection has not existed, especially after they renounced it on the celebration of the treaty of 1783, and the convention of 1786, which left the said tribes of Mosquitos wholly under the Spanish dominion; 5thly, that if the British government has now decided to lend them its protection, they have not thereby acquired the right to constitute themselves an independent State, and much less to appropriate to themselves a port which Nicaragua has, without any contradiction, possessed ever since it was qualified, in 1796, by his Catholic Majesty, for the imports and exports of that province; 6thly, that even were the sovereignty of the aforesaid tribes recognised, out of deference to her Britannic Majesty, it is still unquestionable that the port of San Juan is without the limits of that territory, which, from the remotest times, has borne the name of Mosquitos, and which is situated between Bluefields and Cape Gracias á Dios; 7thly, that not only the opinions of the geographers and impartial travellers who have laid down the said limits are in favor of Nicaragua, but also the possession which she has ever since held in the presence of the whole world; 8thly, that although it is true that until a not very remote epoch she did not establish a custom-house there, still it is no less so that during all this period she has made use of it, and by other acts proved her possession, by which Nicaragua has preserved a kind of ownership, in virtue whereof it was requalified by a decree of the general government in 1825, and a custom-house was then established; 9thly, that while Nicaragua has, at least, the right of first occupant, even supposing that she did not establish a custom-house there until the year 1836, as the British agents assert, the Mosquitos have not even this right, as they have never possessed it, nor

have had, either before or after that time, any public or private establishment there, but, far from it, have always kept away from that point, and wandered only about Cape Gracias a Dios to the north of San Juan; 10thly, that this right gives her an indisputable title to keep such possession until reasons shall be given, according to international custom, to prove the contrary; and that the having deprived Nicaragua of it by force, continuing the amicable and conciliatory measures which were proposed, is an offence which demands a just reparation, according to international law; 11thly, but notwithstanding all, the government of Nicaragua was disposed to leave the Mosquito question in the state it was in on the 1st of January, 1848, and to recognise their independence as soon as the principal nations of Europe and America should do so, provided the port of San Juan was returned to her. Lord Palmerston has hitherto given no answer to my despatch; but, provoked by a communication which I addressed to his lordship on the 9th of February last, demanding the observance of the *status quo* of the first of January, 1848, until the decision of the question, with the object of preventing the distribution of land at San Juan, and the execution of other projects intended by the British commandant of that port against the rights of Nicaragua, he answered me on the 17th of the same month, "that however desirous her Britannic Majesty's government might be to cultivate the most friendly relations with Nicaragua, they could not do anything that could be interpreted as admitting a doubt that Greytown belonged to Mosquitos." I hereupon again addressed his lordship on the 5th of March following, reminding him that my despatch of the 9th of February referred to San Juan, and *not* to Greytown, which name, according to information I had privately received, was given to the establishment of Bluefields, against which I had protested, in the name of Nicaragua, on the 25th of September, 1844, at which time they showed intentions of occupying that coast; but that if Lord Palmerston gave that name to San Juan de Nicaragua, I was obliged to declare that I could not consent to this modification, and still less that the port of San Juan should belong exclusively to the pretended King of the Mosquitos, unless an impartial arbiter, thoroughly acquainted with the affair, should decide so. In proposing this measure, I offered to Lord Palmerston to accept any other that, without affecting the honor and dignity of my country, might lead to a satisfactory termination. In the meanwhile a letter appeared in the Globe of the 14th of May last, written from San Juan de Nicaragua, and dated the 27th January, in which it was said, 1stly, that thenceforward that port was to be called Greytown, a name more proper for it since the British arms had recognised it for the King of the Mosquitos; 2dly, that the British consul, Mr. Christie, acting under the authority of the Minister for Foreign Affairs, had designated the Machuca rapids (thirty miles above the junction of the Serapique) as the limits between the territories of Nicaragua and Mosquitos; 3dly, that the said Mr. Christie had arranged with the governor of Jamaica for the transportation of convicts to San Juan for the works to be there soon commenced, as likewise a police force for its security; 4thly, that a Moravian mission was soon to arrive there, exclusively dedicated to the education of the Indians; and concluded by manifesting a desire to know what might be the result of my mission, after the refusal of the Nicaraguan government to treat with Mr. Christie in his character of consular agent at Mosquitos. This publication induced me to address to his lordship

another communication on the 19th of the same month of March, in which, after making some observations relative to the armistice of the 7th March to demand the observance of the *status quo* solicited in my last communication, and defending the conduct of the Nicaraguan government with respect to Mr. Christie, I asked, first, that her Britannic Majesty's government should annul what had been done by the said consul in the demarcation, in the same way that they had annulled the commission conferred by the superintendent of Belize on certain individuals to legislate at Mosquitos, declaring that the proceedings gone through in virtue of the said commission ought not to be considered as having more value or force than they might have had without being authorized by her Britannic Majesty; 2dly, that in the same manner they should give orders to the governor of Jamaica not to send any convicts, or other kind of force, until the question shall have been definitively settled, protesting, besides, against the Moravian mission, if its object were the propagation of a religion contrary to that professed by the State of Nicaragua; 3dly, that they should disapprove of the conduct of Mr. Christie towards the government of Nicaragua, as contrary to the views and interests of her Majesty's government; and 4thly, that they should name arbiters to decide the question relative to San Juan and Mosquitos as soon as possible. I did not obtain any written answer until the 6th of April, the day on which I left for the continent, and his lordship had only told me verbally that the means I had proposed to decide the question were dishonoring to her Britannic Majesty's government, which had already declared, after viewing the documents, that San Juan belonged to Mosquitos, and consequently they could not be expected, though he reiterated the protestations he had before made me in favor of Nicaragua. My answer was, that I was waiting to have that declaration made to me in writing, in order to deliberate and resolve as to what might be more convenient for the interests of my country, and which he offered to do very soon. Such was the state of this affair up to the 6th of April. On the 26th, under pretext of a reclamation from the committee of bondholders of Central America, relative to the part appertaining to Nicaragua of the debt contracted by the republic of Central America in 1825, his lordship persists in the declaration of the 17th of February, that the port of San Juan (which Lord Palmerston already calls Greytown in all his communications) belongs exclusively to Mosquitos, and that I ought not, for this reason, to have invited the creditors to support the claim to such a port, as I have done, founded on the reason that it was one of the revenues affected to the payment of the loan; which affair will be the subject of the following remarks:

Foreign debt.

This proceeds from a loan raised in virtue of a decree of the federal Congress dated the 6th of December, 1824, by the President of the republic, with the house of Messrs. Barclay & Co., for the nominal sum of \$7,142,857. The loan contractors engaged to lend \$200,000 within two months, and \$150,000 after seven and nine months respectively. The first sum was punctually paid, but the second only in part, and thus it was that only the sum of \$329,316 on account of the loan entered the treasury of the federation. Nevertheless, the shares were put into

circulation, and ought to have been sold at seventy or upwards, the surplus for the republic and the loss for the house; they were only sold at sixty-eight, it was said, and the private obligations circulated at seventy. The same house spoke to the government about the sale and the loss of two per cent., offering to discount from the commission in case it was declared to be on account of the republic. In the mean time the house of Barclay & Co. became bankrupt, and Mr. Zebadua, minister there of the republic, put the affair, on his authority, in the hands of Messrs. Reid, Irving, & Co., who, in virtue of it, supplied the money for the payment of the dividends of the first of August, 1827 and 1828, taking as collateral security the mortgage of the bonds that were deposited in their house, to the amount of £44,000. It was then that Messrs. Barclay presented their account to Mr. Garcia Grenados, especially commissioned for this business, which was not approved of by the government of the republic, because it was not in conformity with the one made out by the Minister of Finance, from the entries made. Thus the affair remained till 1838, when Mr. Chatfield, British consul, who has always been hostile to Nicaragua, addressed a claim in the name of the creditors, authorized, as he said, by the Minister for Foreign Affairs. The republic was then unfortunately in the most terrible crisis of the transition which was just taking place. The federal pact had been declared broken by the States, to reform the constitution of 1824, defended by the President, Morazan, who resided at San Salvador, a short time before elected into a federal district. There existed no longer any bond of union between the States, and each one remained as a free and independent State, without any restrictions beyond those established in the pact they engaged to celebrate. Costa Rica, which had always been the most pacific, experienced several revolutions, which gave rise to the dictatorship of Castello, who constituted that State, separating it from the others of the Union, but always endeavoring to preserve with them relations of friendship and good understanding. Nicaragua and Honduras declared war to San Salvador, and Guatemala and the Altos (which formed already a State) were troubled by the Carrera faction. These were the circumstances Mr. Chatfield had waited for, to establish his relations. The States answered Mr. Chatfield that the affair concerned them all, and that they would come to an agreement to settle it. For this purpose they determined to organize a convention of States, whose meeting was to take place at Santa Rosa, in the territory of Honduras. The war in San Salvador prevented this meeting until the 19th of March, 1840, when the President, Morazan, was defeated at Guatemala, which action decided the political question: thus the Carrera faction triumphed forever, and found sympathy with the governments of the other States. After the re establishment of peace, they again thought of the convention to meet at Sonsonate, but this again was frustrated by some differences arising among the States. At last, by an agreement come to between the States of Honduras, San Salvador and Nicaragua, the city of Chinandega (in the latter State) was fixed upon. The meeting took place in 1842, and the governments of Guatemala and Costa Rica were invited to send their representatives; but this could not take place on account of some difficulties which the first opposed to sending its delegates, and a revolution made by Morazan in the second, which created an alarm in the others. The convention, nevertheless, formed on the 19th of July of the same year, already called a confederation, in which was stipulated

the organization of a general government for the maintenance of the foreign relations, conferring upon it the faculty of liquidating the foreign debt and making arrangements for its payment. Guatemala did not adhere to this treaty, but offered, however, to maintain good intelligence with the confederation; and Costa Rica, which continued separate, arranged the payment of its part in the general debt with the consul Chatfield, who still insisted on the claim, and profited by the confusion to lay down the law to the States. Before proceeding any further, I must relate some incidents that occurred about that time. The State of Nicaragua, wishing to give a proof of its loyalty and good faith with respect to the foreign debt, published a declaration on the 30th of April, 1838, recognising the part allotted to it, of the obligations and compromises of the government of the republic, and to inspire the creditors with more confidence, not only acknowledged by a decree of the 17th of September, 1839, six fortieths of the debt, taking as a basis the representation it had held in the federal Congress, but also destined for their payment the tobacco duty, and the income arising from the sale of lands and woods. This decree was sent to the consul in answer to one of his communications in which he demanded an arrangement, but it was not enough to satisfy him; and carrying his pretensions further, he apportioned to every State the part it had to pay individually. To Nicaragua one-sixth part was assigned instead of six-fortieths, which had been acknowledged; for that reason it has refused to pay the part assigned by the said consul, protesting against an act attempting against the independence and sovereignty of the State, which alone possessed the right to arrange this affair either by itself or with reference to the others of the extinguished confederation.

The treaty of 1842 could not be put in force until 1844, on account of some differences existing between Honduras and San Salvador, respecting the reception this latter State had given to the partisans of Morazan after the revolution of Costa Rica, where he perished; this served the consul, Chatfield, as a pretext to give to his demands a character of justice. Costa Rica had already arranged, as I said before, the part assigned to her, without objecting to the distribution; and the others, considering themselves weak, showed themselves willing to make an arrangement. Nicaragua alone, guided by a sentiment of honor and dignity, has openly sustained the question, answering the consul in language full of moderation and respect, that this affair was not comprised in the functions of a consul, as they are laid down in the laws of nations; that Nicaragua wished to make the arrangement with an agent of the creditors, duly authorized for this purpose; that if he merited the confidence of the creditors, he would show his powers, as is requisite in such cases; that Nicaragua would not refuse to pay the $\frac{6}{10}$ ths she has acknowledged, because she believes herself not bound to pay any more, and that to ascertain the amount of the $\frac{6}{10}$ ths it was necessary to make a liquidation of the debt, because, according to the account kept in the ministry of finance, the States of Central America were not responsible for the whole sum demanded, which was never received in the treasury of the confederation, as was proved to Mr. Bailey, agent for the house of Barclay, against which the republic had the claim for the prejudice and damage suffered for the non-fulfilment of the original contract. The consul has answered that he holds the powers from the bondholders; but, setting aside the rest, he has carried his demands to the degree of threatening Nicaragua with force

if the arrangement was further postponed, alleging, in support of his pretensions, the conduct of Nicaragua, and the acquiescence of the other States not only to the parts assigned to them, but also to the amount of the general debt, which, according to him, is \$816,300, and interest thereon since 1828, belonging to the bondholders, and \$158,950, and interest thereon since the same year, to the house of Reid, Irving, & Co.; making, altogether, a total of \$975,450—the share of Nicaragua being \$162,576 5 reals. The government of Nicaragua—seeing the obstinacy of the consul, and the difficulty of coming to a satisfactory conclusion, especially after the events of the 1st of January, 1848, when by real force she was deprived of the port of San Juan de Nicaragua—determined to include in the objects of my mission the affair of the debt, to see if, by treating with the creditors themselves, I might come to an equitable arrangement. In fact, on my arrival at this coast, I communicated to the bondholders the object of my mission, inviting them to name a commissioner, if they found it convenient, to treat with me for the liquidation and other final arrangements I was empowered to conclude, with the conditions I have before stated, relative to the responsibility of Messrs. Barclay & Co., for their not having complied with the articles of the contract. The committee answered me, on —, that the bondholders had nothing to do with the question of responsibility, because they had only bought the said bonds without investigating if the sale was made according to the conditions laid down in the contract with loan contractors; and as for the liquidation, they considered it unnecessary, because Mr. Zebadua, by a notice which appeared in the *Times* on the 6th of March, 1828, had made a formal recognition of the debt, to the sum of £163,000 sterling, (£300 less than the sum claimed by the consul,) to which was to be added the interest up to the present time. The observation to the first point I thought just, and I expressed myself ready for the liquidation and final arrangement, reserving the rights of Nicaragua against the said house of Messrs. Barclay & Co. But as for the acknowledgment made by Mr. Zebadua, I was not of the same opinion, and I answered the committee that the article of the *Times*, though I did not doubt of its authenticity, or the good faith of its editors, was not sufficient without the signature of that minister; that, besides, I judged indispensable the exhibition of the public act by which the bonds were found good and according to the said notice, the tenor of which is as follows:

“The undersigned, minister of the republic of Central America, is instructed to make known to whom it may concern, that his government some time since negotiated a loan through the agency of the late house of Messrs. Barclay, Herring, Richardson, & Co., of this city, for the nominal amount of one million four hundred and twenty-one thousand pounds; and that the contractors with the said house did not fulfil their engagements touching the said loan, by which his government has suffered great inconvenience and injury. Considering, however, that there was a portion of the bonds put into circulation, and that the holders of them ought not to suffer from the non-fulfilment of the contractors, the said government, therefore, wishing to give a proof of their good faith towards them, has authorized the undersigned to recognise as national debt the sum of one hundred and sixty-three thousand three hundred pounds, being the amount of bonds in circulation, which bonds are as follows: 698 marked A, 298 marked B, and 38 marked C; and in order to authenticate and

verify the same, the holders are hereby required to present them at the house of the undersigned, 31 Manchester street, Manchester square, any day before the 20th of this month, between the hours of 12 and 4, in order that the said bonds may be stamped, authorised, and recognised as legitimate and valid for the future.

“M. ZEBADUA.

“LONDON, March 5, 1828.”

So that, by this notification, the bonds that have not the requisites cannot, in my opinion, be admitted on account against the State, though Mr. Zebadua said that he was authorized to recognise as national debt the sum of £163,000; and to know if they have the above mentioned requisites, it is absolutely necessary to exhibit the public act of the operation practised by Mr. Zebadua, or else the bonds themselves with the said legalization. I added, too, that in case of an arrangement the creditors ought to support the claim of Nicaragua to the port of San Juan, because it was one of the revenues pledged in the original contract for the payment of the debt; and that its occupation not only ought to be considered as a direct attack against that State, but also as prejudicial to the creditors whose claim was older than the Mosquito question. I did not even imagine that the committee would refuse the exhibition, because I thought that, dealing fairly and without other views, to forward the arrangement satisfactorily for both parties they would accede to a solicitude founded in the simplest principles of justice, and not at all contrary to their rights. I could not, then, read without surprise the answer I received from Mr. Hammond, secretary of the committee, dated the 12th of March last, in which he only manifests to me, that if they had sent me the notification published in the *Times*, it was only to acquaint me with the formal recognition, made in the name of the republic, of the sum of £163,000; (according to the translation of the article of the *Times*, published by Mr. Klee, the agent of Messrs. Reid, Irving, & Co. in 1836, it was only £160,000;) that the formalities required in the notice were not necessary for the validity of the bonds, because they were valid since their emission, and as such were negotiated in the public markets; that the committee could not, even if they were disposed, propose to the bondholders to exhibit them as a preliminary for the arrangement; that they would be exhibited at the time of the payment, as it was done when Costa Rica paid; that the committee, as a duty towards the bondholders, urged a prompt arrangement for the payment of the part of Nicaragua; and that if, before the 23d of March, I did not present a proposition, they felt it their duty to put the correspondence in the hands of Lord Palmerston, and to ask his intervention to procure the desired arrangement.

In consequence of this answer, I again addressed to the committee a communication on the 31st of March, expressing the sentiment that their despatch of the 12th had given me, because they not only refuse a just and amicable demand, but threatened me with the intervention of the ministry, which I thought unnecessary in the present case; but if the committee were determined to recur to Lord Palmerston, it would be satisfactory to me to treat with him, persuaded that his illustration would duly appreciate the motives I had to delay the conclusion. I announced at the same time that I was going to absent myself for a month from this court, and that I hoped on my return to find them ready to continue our

labors. I absented myself on the 6th of April, and up to that date I did not receive any answer. Nevertheless, I sent from Gaeta on the 22d of May the basis for an arrangement, with the condition that before signing any convention they would satisfy the demands I had made in my former despatches. But the committee, in the meanwhile, had sent the affair in question to the ministry; and Lord Palmerston, in consequence, addressed me on the 26th of the same month (April) a communication, in which he tells me that he has read the documents presented to him by the committee, imploring the interference of his ministry, and that he was sorry to see that this important part of the mission intrusted to me was not yet satisfactorily concluded; that it appears to him that I have not alleged in support of my demands sufficient reasons to justify me in further postponing an arrangement which ought to have been made twenty years ago; that the creditors were already borne out in stating that all that could be reasonably expected from them to prove that their bonds were authentic, was to exhibit them when the interest becomes due; and that respecting *Greytown*, (name given to San Juan de Nicaragua,) he had to refer me to his despatch of the 17th of February, in which he had informed me that her Majesty's government, however desirous they were to cultivate with Nicaragua the most friendly relations, could do nothing that might be interpreted as admitting a doubt that Greytown belonged exclusively to the Mosquito territory, and that for this reason it was a matter in regard to which the bondholders could not exercise any influence in the determination of her Majesty's government, adding that it could not be deemed just that the payment of interest due to the British subjects should be made to depend on the conclusion of a question that the Nicaraguan government had raised in opposition to the right of the King of the Mosquitos; that as for the hypothec, he had to observe that the loan was raised in 1825, and it was not till 1836 that the government of Central America attempted the usurpation of that harbor, and established a custom-house there. The answer I gave on the 23d of June to this unexpected communication, was to say—

First. That I decline his intervention in this question with the creditors, as they were the only proper persons to propose and adopt any means for its termination; expressing, at the same time, that if the creditors had complied with the just demand of Nicaragua since the commencement of the question, they might have been reimbursed of their money, as other creditors have been whose debts have originated from claims supported by the British arms, and not by justice.

Secondly. I reproduced all I had alleged, to prove that San Juan de Nicaragua (not Greytown) has belonged to this State since it was opened in 1796, when the government of her Britannic Majesty renounced the pretension of protecting the Mosquitos in the article of the treaty in 1783, and in the _____ of the convention of 1786; that it was rehabilitated in 1824 by a decree of the general government, ratified by the Congress in 1825, and comprised in the hypothec made to the house of Messrs. Barclay and Company for the security of the loan raised in 1826, at which time the republic had accredited a minister to this coast, not only to solicit the recognizance of it and the territorial limits designed by its constitution, but also to claim Belize as being part of Central America, which was soon accorded by King George, with the condi-

tion that the privilege conceded to British subjects in the article* of the convention of 1786, should be prorogued; and that for this reason I protested against the declaration of the 17th of February, in my despatches of the 5th and 19th of March, (in which I proposed to name arbiters to decide the question,) and I newly protested against it as being prejudicial to the rights of Nicaragua, humiliating to its government, and contrary to the practices usual amongst nations that owe each other mutual consideration.

Thirdly. To show, in conclusion, the hypothecary right of the creditors to the revenues of the said port, and their duty to support the claim of Nicaragua against the usurpation that has been made in the name of the Mosquito tribes, unless they will wait until the State, by itself, shall have obtained the proper reparation of the offence.

This is the state of affairs.

“Question between Nicaragua and Costa Rica.”

This is an event that, by a fatality which has befallen to the lot of Central America, has originated from the spirit of independence that animates that people. This spirit has been carried to a degree of exaggeration, and is the source of all our discords, the civil war that has produced the dissolution of the union which nature, religion, and our common origin, had formed of the States of Central America—a union that the institutions adopted after the emancipation from Spain ought to have fortified and perpetuated, by means of a federal pact. Thus it is not strange that when this tie was broken, those States fell to ruin. The weakness consequent to their isolated situation in which they found themselves, created discredit and want of consideration in their relations with foreign nations. Let it be said as a simple digression, without inculpating anybody, or attributing to any person the causes of our misfortunes. I will pass now to explain the question between Nicaragua and Costa Rica, which verges on the designation of the territorial limits. The province of Costa Rica, which, under the colonial régime of Spain, was subordinated in some parts to Nicaragua, became after the independence a sovereign and free State, and as such a member of the union called “Central American Confederation,” according to the constitution of 1824. The people, enervated by the joy of their sudden transition to which they owed their political being; flattered by the idea of a happier future under the beneficial influence of the institutions they had adopted; little experienced in matters of government and administration of public affairs, the men who were called to organize the country under the new form, without any other thought but that of fraternity and union to strengthen the nation against a reaction of the metropolis, did not care to fix with due exactness the limits of every State, thinking it sufficient to fix those that separated the republic from Mexico and Colombia.

Thus it is, that, though it does not appear in the constitution of each State, the demarcation of its own limits, it was always considered that the boundary between Nicaragua and Costa Rica was the same that divided

*Mr. De Marcoleta has this document, and can answer any questions put to him on the subject of this report.

those provinces when they were dependants of Spain. So certain is this, that the constituent assembly of Costa Rica, respecting the ancient demarcation, fixed, in the 2d article of the constitution of the 21st of January, 1825, the *Salto* river as the line separating it from Nicaragua ever since both were provinces of the ancient kingdom of Guatemala; and Nicaragua was so conforming to this, that in the constitution of the 22d of April, 1826, it was said her limits extended to the State of Costa Rica, which were the *Salto* river, as I have said. Within these limits it comprised the district of Nicoya, the object of the question between Nicaragua and Costa Rica. If this question was to be treated simply as at the time when both States were provinces of Guatemala, the solution ought to be sought in the laws and the official and historical documents relative to those countries, amongst which should be quoted the dictionary of Don Antonio Alcedo, published 1788; the History of Guatemala, by Don Domingo Juarros, edited in 1823; and the political and statistical sketch made in 1824, by Don Miguel Gonzalez Saravia, last governor of Nicaragua, during the Spanish domination. The first, speaking of Nicoya, says: "Nicoya is a province and alcaldia of the kingdom of Guatemala, in Central America; its limits are, on the east Costa Rica, on the north the lake of Nicaragua, on the west and south the Pacific ocean; its extension is small, and is considered as a part of the province of Nicaragua, whose governor appoints the alcalde as his lieutenant." Mr. Juarros, in describing Nicaragua, says: "The intendancy of Nicaragua includes five districts: of those Leon, which is the first, was formerly considered a government; the others, Realejo, Matagalpa, Subtiava, and Nicoya, were corregidorships: but now all these are under the jurisdiction of the intendant of the province, who has six deputies, one resident at the city of Segovia, one in the town of Realejo, and one in each of the villages of Subtiava, Matagalpa, Mesaya, and Nicoya." The 3d, in relation to Nicaragua, says: "The area of this province has the figure of a triangle, almost *isosceles*, whose sides, in angles a little obtuse, run in the north from east to west, from the gulf of Amapala, commonly called Conchagua, on the Pacific, to the Pearl river on the Atlantic; from there it runs to the south on the coast and confines of the province of Veraguas, thence to Burnea point on the Pacific, and from this in a diagonal line to Amapala gulf. It is situated (including the part of Costa Rica which is in the southern angle) between 10° and $30^{\circ} 30'$ latitude north, and $70^{\circ} 30'$ and $81^{\circ} 15'$ longitude, from the meridian of Cadiz. It confines on the north with the gulf of Amapala, which washes its coasts and receives its largest rivers, with the province of Honduras and the mountains and territories occupied by the Indians, not reduced, down to the Mosquito country; on the east with the Caribbean sea; on the south with the province of Costa Rica, from which it is divided by the river *Salto*, in the gulf of Nicoya; and on the west with the Pacific ocean." But the difficulty is not here; because, though the ancient limits of these two provinces are unquestionable; though Costa Rica, in her constitution of 1825, respected those limits, fixing hers to the *Salto* river, as I have said; and though in the elections for deputies of Nicaragua Nicoya took part, and was represented in the constituent assembly of the State in 1826, Costa Rica now claims not only the district of Nicoya towards the Pacific, but also the territory on the south of the river San Juan, down to its embouchure in the Atlantic. She alleges in favor of this pretension a decree passed

the federal Congress on the 9th of December, 1825, which says, in the article 1st: "For the present, and until the limits of each State shall have been fixed, ordered by the article 7th of the constitution, the district of Nicoya shall continue separated from the State of Nicaragua, and annexed to that of Costa Rica." As regards this decree there are four observations to make: The first is, that the State of Nicaragua addressed to the Congress a very energetic protest, demanding the revocation of the decree and showing the title she had to keep the possession of Nicoya, and the injustice of depriving it of one of its districts. Secondly, that the people of Nicoya also petitioned against its annexation to Costa Rica, demanding to be reincorporated to Nicaragua, as it is to be seen in the municipal archives of that epoch; and especially an act passed on the 15th of August, 1826, in which they refused to utter the oath of obedience to the constitution of Costa Rica, because its annexation was provisional, and was at the time the object of the high deliberations of the Congress. Thirdly, that the government of Costa Rica, itself convinced that the annexation was only provisional, ordered, by a decree of the 29th of July, 1825, the suspension of the sale of vacant lands in that territory, considering the prejudices that might be caused to the buyer in case it was returned to Nicaragua. Fourthly, that the Congress having not fixed the limits by a law, before the dissolution of the Union, the annexation of the said district of Nicaragua was considered in the estimation of all the other States as provisional; and therefore Costa Rica cannot claim any right to the said district.

These incidents did not, however, alter the friendly relations between the two States during the federal Union; the question depended on the national Congress, and both waited in calm the solution that was to insure forever the peace and repose of these two important sections of the confederation. But it was not till 1838, a year fatal for Central America for more than one cause, that the pretensions began to be shown which, developed to an inconceivable degree of exaggeration, have been, and will be, the cause of our misfortunes; and have exposed us to the fatal influence of the stranger which threatens what is most dear to the Spanish American States, their liberty and independence. In 1838 all the States, except San Salvador, that did it out of necessity, disowned the national powers that existed in virtue of the celebrated constitution of 1824, with the object of proceeding to make the reforms that experience proved necessary, and which could not have been made for the intrigues of the party called "federal." This is the only motive that justifies that ill-fated revolution. Since then every State has begun to reform its own particular constitution, thinking to be working for the general, which was to decide the form of government that was to be adopted. Nicaragua, the first to promote the reforms, was also the first to convoke a constitutional assembly, with the object of reviewing the constitution of 1826. Costa Rica followed the example, though in a different way, and with another object, as it will be seen. The constitution of Nicaragua, whose project had been made public, designating, in the article second, the limits of the State, marked, on the southeast, the river Salto for the boundary; and did so in consideration to the petitions made by the municipalities of the city of Rivas (chief town of the department of Nicaragua) and of the district of Nicoya, who demanded to be reincorporated into the State of Nicaragua. The Costa Rica government foresaw the transcend-

ence of this declaration, and sent Don Francisco Maria Oreamnos as plenipotentiary to the government of Nicaragua, to settle the question of limits, and to procure a modification in the constitutional article. Señor Oreamnos proposed several amendments, and also the basis of a treaty, on this and other subjects of mutual interest, but all with the condition that Nicaragua should recognise the annexation of Nicoya to Costa Rica *ad perpetuum*. The minister was the first who, to urge an arrangement, announced the determination of Costa Rica to fix her limits from the mouth of the river San Juan on the Atlantic, to that of the river Flor on the Pacific, in case the basis he proposed was not adopted. The constituent assembly of Nicaragua refused to treat on such basis; but, out of deference to Costa Rica, added to the article second a clause as follows: "The limits of the two neighboring States will be marked by a law which will make part of the constitution," which shows plainly that they were disposed to come to an amicable convention, and to prevent difficulties which might destroy the friendly relations between the two States.

This clause to the article second settled the difficulties of the moment, and the affair remained to be arranged at a more favorable occasion. Nicaragua had her attention entirely occupied in the war against San Salvador, which lasted until 1840. Costa Rica began also to suffer from internal revolutions which terminated with the dictatorship of Carillo, who made that State the *paragua* of Central America, as it was said by several contemporary writers, until 1842, when the Ex-President Morazan, who was at Chirigin, invaded the State, and snatched the power from the hands of the dictator. This event, and the appearance of Morazan, alarmed the other States, and caused the legislative chambers of Nicaragua to authorize the Director of the State, by a decree of the 4th of June, 1842, "to proceed to the reannexation in the shortest possible time." This was rather a mode of justifying a war against the *conqueror* of Costa Rica (as Morazan was called) than of solving the question between the two States. Consequently, though the government of Nicaragua was invested with this faculty, it did not make use of it, not even in the propitious circumstances that presented themselves afterwards, (in September of the same year,) the rebellion against Morazan. This proves the good faith which the Nicaraguans pursued towards the people of Costa Rica, though this State has abused its power to oppress its weaker neighbors. After the rebellion of Costa Rica against Morazan, which ended in the death of this * * , the Nicaraguan government sent to the *provisional* one of that State, Señor Don Zoribio Figerinio, authorized to treat on this and other subjects of mutual concern. The minister from Nicaragua arrived in Costa Rica on the 5th of January, 1843, and immediately opened the negotiations; but these had no better success than those of Señor Oreamnos in Nicaragua; and at last the commissioner retired after a month, protesting against Costa Rica for the undue detention of the district of Nicoya, and against the means used by that government to recover it. It is necessary to say that Costa Rica, during the conferences, did not propose any other adequate means to solve the question than to refer it to the legislatures of the two States to decide, founded in the decree of the 9th of December, 1825, drawing, therefrom not very logical conclusions, in my opinion. The government of Nicaragua did not say any more on the subject until the 14th of July, 1843, when that of Costa Rica was again invited to proceed to an amicable arrangement.

At that very time, the *Mentor Castaricense*, No. 34, published the basis of the new constitution to be decreed by the assembly of the State; in which they definitively fixed the boundary line between Nicaragua and Costa Rica from the Flor river, on the Pacific side, to that of San Juan, on the Atlantic, which line cuts the southern extremity of the famous lake of Grenada, and the southern shores of the river San Juan. In consequence of this a reclamation was addressed on the 18th of the same month of July, in which the frank and loyal conduct of Nicaragua in relation to this question is manifested, inviting the provisional chief of Costa Rica to intercede with the assembly "to abstain in their constitutional chart from fixing those limits, reserving to do it (these are the words of the note) when the question shall have been friendly decided by the means already proposed, which were worthy of consideration." The chief of the State answered this communication by an edict of the assembly, emitted on the 5th of August, in which they approved of the conduct of the executive power in order to this question, charging him to sustain it with prudence, and to manifest to Nicaragua "that the intentions of Costa Rica were to maintain their relations as if they were but one family." To prove this assertion, an additional article was added to the constitution, viz; "But the boundary line that separates this State from that of Nicaragua shall be definitively fixed when Costa Rica shall have been heard in the national representation, or when this affair shall have been submitted to the impartial judgment of one or more of the States of the republic."

It must be observed in the communication from the ministry of Costa Rica, and to it I call the attention of the impartial reader, "that to satisfy Nicaragua (it says) that they do not possess any other right to retain the territory in question than that of its being a *deposite* which was intrusted to them by the federal Congress, by the decree of the 9th of December, 1825, already quoted, because if they returned it, they say, without an order from the depositor, it would highly compromise the depositary;" to which it was answered, that their quality of depositing denoted their obligation to return it to the legitimate owner; that Nicaragua, being now independent from the other States, had a right to recover it, for the same reasons that a man when he becomes of age recovers his property that, till then, had been in the hands of his tutor. In fact, if the district of Nicoya was, before the decree of the 9th of December, 1825, a part of Nicaragua; if the Congress of the republic, which administrated the affairs of the nation, had made Costa Rica *depositary*, without depriving Nicaragua of its lawful rights; and if, before giving the property definitively to Costa Rica, both consented to the dissolution of the Union, in virtue of which the Congress existed, it is unquestionable that Nicaragua, after the dissolution, is apt to recover the deposite, and the depositary, who knows to whom it belongs, has no excuse to retain it when the *depositor* does not exist. To sustain other opinions, would be to introduce a principle ruinous to society; it would be to sow the seed of discord amongst the people; to expose the sacredness of property to the caprices of passions, introducing disorder and confusion among the citizens.

At that time I was unfortunately in the ministry when these affairs were being dissenting; and I confess, that if I hesitated in adopting the arbitrament, it was not only on account of the States then which did not inspire sufficient confidence to settle a question of so much interest to

Nicaragua, but also because the national representation was more conforming to my wishes, to which Costa Rica might assist to procure a reunion; therefore I endeavored to organize a federal government, which created the pact of the 27th July, 1842, and was to resolve on the reforms then in need, and to which Costa Rica proposed to adhere on the 6th December, 1844.

The affair then was still pending when I quitted the ministry to take charge of a mission that had been intrusted to me to the courts of France, Belgium, Holland, Spain, England, and the United States. But while I was in Paris a war broke out between Honduras, San Salvador, and Nicaragua, changing altogether the aspect of affairs in this last State; and Costa Rica, profiting of this change, sent persons of confidence to the new government, with the object of settling the differences respecting Nicoya, and to celebrate a treaty for navigation of the river San Juan. This commission was cordially received by Nicaragua; and the individuals named to treat with them were persons who inspired great confidence to the government of Costa Rica; they were Señores Don Juan J. Zabada and Don Laureano Pineda. But in spite of these happy circumstances the affair did not change of aspect. The commission from Costa Rica tenaciously sustained the old pretensions without alleging any substantial reasons for it. (Nota.) Nevertheless, considering the difficult circumstances of the time, three treaties were signed on the 12th and 14th of December, 1846, which were to the following purpose: The first was a treaty of friendship, fraternity, and alliance between the two States, for the mutual defence in case the integrity of the territory of Nicaragua was attacked on the side of the Atlantic, and to endeavor to re-establish the national union of Central America by means of a general government that would watch over the security and respectability in and out of the country: the second, to arrange the navigation of the San Juan river. In this treaty it was stipulated, firstly, that the commerce of Costa Rica should be made by that river, under the guarantee of the laws of Nicaragua, paying at the port the tonnage duty and storage established by the tariff; secondly, two reals per quintal of coffee, or any other produce shipped for foreign markets, and four per cent. for the transit of goods for the consumption of that State; and that Costa Rica could establish a custom-house at the place called San Alfonso, on the river Scapique, for the entrance of those goods under certain conditions expressed in the articles 4th, 5th, and 6th; thirdly, to arrange the tariffs of each State with more conformity and better principles of economy, until both shall be equal in all its parts; fourthly, in an additional article they agree to exempt from duty all kind of provisions that may be imported in San Alfonso, which town it is in the interest of both governments to promote, and make it attractive to the settlers: to name the judges for a court of justice to be established there. The object of the third treaty was to settle the differences relative to the limits of both States; and therefore it was stipulated "that the question respecting the boundary on the side of San Juan should remain undecided (thus the treaty says) until the said States shall have chosen a pacific arbiter to solve it amicably; that until the said differences shall have been legally arranged, either of the two States might occupy the point or points that she might require on the side of the Atlantic and the neighboring country, giving previous notice to the other government, which, as a friend and sister State, could not oppose

it, unless she possessed just and powerful reasons to do so, engaging to submit to an arbiter any disputes that might arise on this particular, which arbiter was to be chosen of common accord, and expressly renouncing a resort to arms, under pain of being responsible for the consequences, the first to break the engagements of this contract; that respecting the question about Nicoya, both agreed to refer it to an arbitrament composed of the government of Honduras on the part of Nicaragua, and of the government of Guatemala on that of Costa Rica, which were authorized to appoint a third, totally impartial, although it might be of any foreign nation; the said district should never appertain to any other but the republic of Central America, and that on no account should it ever pass to the possession of any foreign nation, under pain, that if it was ever done with the consent of the State to which the arbiters had adjudicated it, it should by this act forfeit the right acquired in virtue of the arbiter's decision. The Legislative Assembly of Nicaragua fully approved of these treaties, proroguing to six months the term for the ratification, and authorizing the government to accept the modification or modifications that might be proposed by Costa Rica, specially in the treaty about the navigation, which was of more interest to both parties. Costa Rica, however, did not act in the same way, though she was repeatedly invited to come to a resolution, reminding her of the obligations that bound her to terminate the question. In the meanwhile the States of San Salvador, Honduras and Nicaragua had agreed to send delegates to a diet which met at Nacaome on the 6th of June, 1847; with this motive Costa Rica was also invited, not only by Nicaragua, but by the diet itself, to send her delegates. That State did not accede to the invitation, and Nicaragua was obliged to declare that if she did not send a representative to the diet, which might terminate the question as the government had proposed, the time was come to name an arbiter, as she had engaged to do in the article 25th of her new constitution. The answers were always evasive, on purpose to gain time; thus it was that the question remained as it is now. What is truly inconceivable, is how Costa Rica, after so many protestations of friendship towards Nicaragua, and of peaceful intentions to arrange the differences amicably, has refused to accept the means that lead to this desired end. This can only be explained by the fatal intervention that the British consul has exercised in the affairs of Central America: he suggested to Guatemala and Costa Rica the idea of proclaiming themselves independent republics under the protection of Great Britain; and, with the pretext of conciliating the States, has (and without any authority to do it) interfered in the affairs of the country. The consul knows very well that what a State gains in strength by the union, she loses by division. Subsequently to the date to which I refer, the affair was not again spoken of until the 20th of May, 1848, when the ministry of Costa Rica addressed to the ministry of Nicaragua a communication setting forth the authority given to the director of roads in preference to all else, to open a communication with the Atlantic by the Serapique, in order to obtain its consent to the execution of that undertaking, *it being understood that no injury was implied to the rights of Nicaragua*, as there was no intention of entering into the question which England had raised with regard to San Juan; and that, upon the settlement of this question with the British cabinet, as was to be expected, new treaties should be made between the two States, with regard to the

use to be made of the rivers for the traffic of their people. This mode of expressing itself was, in those unfortunate circumstances for Nicaragua, a most scandalous mystification, because the government of Costa Rica could not conceal its intention of binding the question of limits to the result of the question which the former State sustains against Great Britain, on account of the occupation of the port of San Juan ; from which event it has proposed to itself to derive all possible advantage, without being deterred by the considerations due, in misfortune, to its neighbor, its friend, its brother, from whom it has received so many proofs of loyalty and kindness. The journal styled the "*Paz y el Progreso*" of the said State (No. 6, of the 8th of January, 1848,) had already given out the designs, upon this point, of some few merchants of San José of great reputation and influence with the ministry, when, in speaking of the occupation of San Juan, it said : "*This occupation, which we consider as a deed consummated and irremediable, and the consequent establishment of an opulent mercantile colony at that port, opens a new era to the commerce of Costa Rica. When (it continued) the liberty of transit is insured, we may undertake the opening of the Serapique road for the exportation of our produce by the Atlantic. We may even think of the practicability of the junction of one sea with the other across our territory until the Nicaraguan canal is opened, and we shall finally be able to aspire to a rapid aggrandizement and prosperity,*" &c. The government of Nicaragua naturally resented this conduct, observing the abjuration which Costa Rica made of the relations of Nicaragua, when circumstances called the two States to closer ties by the bonds of union and of friendship. If Costa Rica had, in good faith, tried for its relations ; if its object was to protect its commerce and industry by facilitating the means of communication, why did it not accept the treaty of the 12th of December, 1846 ? Why did it refuse to propose the modifications which it had a right to demand, and Nicaragua was disposed to accept ?

Notwithstanding all this, the reply of the ministry of Nicaragua, dated the 7th of June, 1847, was full of moderation and dignity. It stated therein to the government of Costa Rica, that the government of Nicaragua would agree to the opening of the road which Costa Rica proposed, provided an arrangement was previously made upon the subject, for which purpose it was disposed to receive any commissioner whom the said government might think fit to accredit with such charge, requesting it to abstain in the mean time from any works in order to avoid the consequent discussions. The government of Costa Rica showed itself agreeable to sending the commissioner, promising to do so as soon as it should, from the examinations or surveys then making by the travelling committee, turn out to be practicable to make a road for carts, for the exportation of the produce of the country by the river Sarapique. (Communication of the 5th of July, 1848.) Whilst it gave this reply, the works for the road towards Serapique were in full activity, and the government of Costa Rica placed itself in communication with the British consul, Mr. Frederick Chaifield, for arranging the navigation of the San Juan with the greatest possible advantage, and to insure itself a support with the government of Her Majesty for appropriating to itself the south bank of that river, the principal object of the question of limits.

On the other hand, the government of Nicaragua was treating of sending to this court the commissioner for arranging the question with regard

to the port of San Juan, in fulfilment of the 6th article of the armistice of the 7th of March, 1848; and, full of the most flattering hopes with respect to this negotiation, also trusted that those of Costa Rica would not be any longer deferred, and that an equitable arrangement would at length take place between the States. The appointment of the commissioner who was to come to Nicaragua was already announced, and everything foretold a happy future when I left Nicaragua; but all has changed aspect since that period, and, unfortunately, the state of the affair is now more difficult than ever.

The commissioner from Costa Rica arrived at Nicaragua; Mr. Felipe Molina was the gentleman appointed to execute it; and this still further increased the confidence of that State, where Mr. Molina was no less known from his talents than from his ideas with regard to nationality, he having been one of those who have labored for the re-establishment of the federal union of the five districts of Central America. But Mr. Molina had instructions to uphold the rights of Costa Rica, and in the event of an arrangement becoming difficult upon this basis, to pass to this court to execute a treaty with the British government, wherein the integrity of the territory which Costa Rica acknowledges as its own in its new charter and government decrees should be guarantied. Therefore, although, in point of fact, he proposed to the government of Nicaragua various means of settling the question, one being to pay one hundred thousand dollars by instalments, they were not accepted, as was also the case with those which were with the same object proposed to the said minister by the Nicaragua commission on the 23d of September last year, and which were as follows: 1st. To stipulate for the absolute liberty and rights of traffic for Costa Rica by the rivers Serapique and San Juan. 2d. To declare that Nicaragua would consent to Costa Rica being perpetually a surface occupier of such land as it might require for roads of communication, even when such roads should cross through the territory of Nicaragua within the limits which it contends for, and which ought to be definitively assigned to it. 3d. To submit the decision of these questions to an arbitration. Mr. Molina refusing these means, the Nicaraguan commission placed in his hands a protest: 1stly, against all the occupation of the territory in question; 2dly, against the use of the waters of the rivers Serapique and San Juan, blocking them and giving them a course different to their natural one, it being understood that any occupation put into effect without the consent of Nicaragua would be considered as a violent one; 3dly, against the retention of the district of Nicoya; 4thly, against foreign intervention, by which Costa Rica may propose to itself the dismemberment of the territory of Central America, uniting it to its own as a "republic," independent and separate from the other States, to which union it had belonged and still ought to belong. This, however, being no impediment to Nicaragua's listening to the proposals which may hereafter be made on the part of Costa Rica to come to a satisfactory arrangement, Mr. Molina replied with a *counter protest* to the contrary effect, for the purpose of preserving the rights which his State deems that it possesses over the said territory and rivers, and left for this court, where he is at present. For my part, I have invited him to come to an arrangement *sub sperate*; and he has refused, alleging my want of powers. I have invited him to inform me whether he was instructed to support the claims of Nicaragua to the territory which has been usurped to it, under

the certainty that our questions may be settled without any foreign intervention; and he has not replied to me, (communications dated 22d of January last, 9th of February last,) although he has verbally stated to me that he would not answer, because *I do not give the title of republic to the State of Costa Rica; and that with regard to arrangements, he would only accept my proposal in the event of our submitting to the decision of the government of her Britannic Majesty.*

At the same time, I forwarded to Lord Palmerston, on the —— of January, a copy of the protest which the commissioner for Nicaragua made on the 23d of September, informing him that its object was to prevent *the rights of Nicaragua being in any way affected in the arrangements which might be made with Mr. Molina.*

I have obtained no answer; and although I have not been able to ascertain the actual state of the relations between Mr. Molina and Lord Palmerston, I am of opinion that they are closer every day, for various reasons: the first is, that when Mr. Christie announced from San Juan, that the government of Nicaragua had declared war against Costa Rica, Lord Palmerston asked for explanations from me, through the medium of Mr. Foster, with respect to this event, stating that the government of her Britannic Majesty would not look with indifference upon such an act after the relations it had established in the new republic. I hereupon replied to him, "that I had no official information of the event which he spoke of, and that I was sure that the questions between the two States would be settled amicably." The second reason is, that Mr. Christie, under instructions from the same ministry, has fixed as the boundary line with Mosquito the "*Machuca torrent,*" thirty miles above the junction of the Serapique; *and which limitation tacitly involves the question of Costa Rica,* (attention!) because the very fact of so doing cuts off Nicaragua from the possessions which lie within those limits on both sides of the river San Juan. Third, the solemn reception given to Mr. Christie, in his character of British consul at Mosquitos, notwithstanding the opposition of Nicaragua; a reception which Lord Palmerston has availed of for his interference in the case related in the first of the reasons which I * * *

The fourth is, that the minister Molina has accepted the new denomination of "*Greytown,*" which Lord Palmerston has given to port of San Juan de Nicaragua. The fifth is, that a treaty of friendship and alliance is actually under discussion; and I, on my part, having invited him not to conclude anything prior to the arrangements which are to be made with the intervention of the republic of the United States, he informed me (confidentially) that I had three months to act in, in this matter, as his labors were so far advanced that it was impossible for him to draw back or delay the conclusion any longer time. The sixth and last is, that the road from San José de Costa Rica to Serapique, and from the latter place to San Juan, is already treated of, with all activity, by some British subjects who are under the protection of Mr. Christie, pledging their private interests. All these reasons appear to prove clearly that the relations between the Ministry for Foreign Affairs of her Britannic Majesty and the State of Costa Rica are already established in a manner threatening to Nicaragua and dangerous to the other States of Central America; notwithstanding it is the province of the government of the American Union, which on its side is intimately bound up with New Grenada and Nicaragua, to prevent Costa Rica from thus compromising the rights of both

countries. The desert territory of the bank of the San Juan, if it does not belong to Nicaragua, must to New Grenada, which has for its support the royal order issued by his Catholic Majesty on the 30th of November, 1803, commanding the aggregation to the viceroyship of Santa Fe all the coast of the Atlantic from *Cape Gracias a Dios to the river Chagres*, which previously belonged to the viceroyship of Guatemala; upon which subject a question is pending between the two republics, which, in the treaty executed on the 15th of May, 1825, bound themselves to arrange in an amicable manner as soon as circumstances should allow. This arrangement has never taken place; and, consequently, the demarcation of limits between Central America and New Grenada remains in the provisional character given to it by the 7th article of the said treaty, which is binding on all the States that formerly composed the federation of Central America.

Conclusion.

I have related the facts, with all their circumstances, as they happened, confining myself in the account to the limits of a mere historian, without adding more than those observations which the very nature of the affair has given room for, but preserving to the persons whom * * * all the consideration which I owe them, not only from the social position which they occupy, but also from the relations of friendship which unite me to them.

In drawing up my account, I have availed myself not only of my memory, but also of the documents which exist in the archives of the respective governments, or which have been published at various periods. I have not thought fit to blame any one, because I am sure that such means are only fit to excite hatred and resentment injurious to all society, and because, I not being the party who is to judge this affair, I should usurp the attributes of the government and the public, whom I consider to be the only judges in these questions.

I dearly hope that my country may obtain a just recompence for all the evils which it has received, if the cause has a sufficient merit for it; but I am also of opinion that peace, that inestimable gift of Heaven, is worthy of any sacrifice, and that if it is necessary to make any to preserve it, such sacrifice ought not to be omitted, saving only the national honor and dignity, without which Nicaragua could not exist as a political being, nor be respected by other nations in the manner which its prosperity and welfare require.

FRAN. CASTELLON.

LONDON, July 7, 1849.

No. 12.

LONDON, July 9, 1849.

An act of violence perpetrated by British officers in the month of January, 1848, has put in the possession of Great Britain the magnificent port of San Juan de Nicaragua, which is destined to be one day the key of the inter-oceanic canal through the isthmus of that State. This aggression, against which my government have solemnly protested before the world, was executed in the name of the savage tribes of Mosquitos that her Britannic Majesty's government wish to raise, under their protection, to the

rank of an independent State. Now, by an effect of weakness, and of a mist-ken policy of the government of Costa Rica, Great Britain will acquire by cession the lands situated to the south of the river San Juan, between the Serapique river, a tributary of the former, and the Atlantic coast; though a question is pending between the two States relative to the boundary line that must separate their respective territories and jurisdictions. Having been informed of this fact, which threatens the independence of my country and its territorial integrity, and in fulfilment of the duties imposed on me as a representative of Nicaragua at this court, I have addressed to his excellency the honorable Lord Palmerston the following communication:

“LONDON, July 9, 1849.

“MY LORD: In my communication of the 22d of January last, I had the honor of enclosing to your excellency the protest that Don Gregorio Juarez, commissioned by the government of Nicaragua to treat with Don Felipe Molina, minister from Costa Rica, put in the hands of the latter on the 23d of September of last year, respecting the rights of Nicaragua to the territory lying between the southern shore of the Lake of Nicaragua and the mouth of the river San Juan, which territory is claimed by the aforesaid State of Costa Rica. But it having after that date come to my knowledge that the said minister from Costa Rica is making with your excellency a treaty by which he cedes to Great Britain the territory in question, disregarding the amicable means that have been offered to arrange the differences existing between the two States respecting it, I find myself under the painful but indispensable duty of protesting, as I do protest, against the said treaty, not only because it tends to the dismemberment of the Nicaraguan territory, but also because it is a manifest usurpation of the rights of that State, and a flagrant violation of the precepts of justice which the law of nations commands to be observed for the preservation of peace and order, so necessary for the common welfare.

“It is not for Costa Rica, my lord, not even for Nicaragua, to dispose by a treaty with her Majesty’s government of any part of that territory, whichever it may be—it is for the nation, for the Central American States only, to do it; and this is the reason why Honduras and San Salvador have protested against the occupation of San Juan, though it was granted provisionally by the armistice of the 7th of March of last year between the said State of Nicaragua and Captain Granville Loch, in spite of the circumstances in which Nicaragua was at the time of the aggression. And if it was considered so in the case of a State disposing of a territory which is indisputably her own, what will be said when Costa Rica cedes a thing that does not belong to her, or is at least an object of dispute? If she has rights to make valid before an impartial tribunal, let her do it; Nicaragua has no fear, because reason and justice are on her side.

“This act, my lord, is not opposed to the high and unalterable consideration in which Nicaragua has held and will always hold the two high contracting parties; and I confess that it is only my imperative duty that has dictated it, and this duty is of such a nature that any State would do the same if placed in the same circumstances of being deprived of a part of its territory to be given to one more powerful, contemning the friendly means proposed to decide the question.

"I have the honor of repeating to your excellency the assurances of the high considerations with which I am your excellency's humble servant."

The manifest design of Costa Rica to insure her political and commercial relations with her Majesty's government, by ceding a territory which is claimed by Nicaragua, and the resolution of Great Britain to take possession of that important point, ever since America was a colony of Spain, have obliged me to protest solemnly against that measure in the terms expressed in the foregoing note; and, therefore, I declare before the great nation so worthily represented by your excellency, in the name of my government, that Nicaragua will never consent to the cession of any portion of its territory, the integrity of which, as well as the universal cause of justice and the honor of the country, she will defend, as far as her small strength will permit, in case the aforesaid cession takes place, in virtue of a treaty surreptitiously celebrated, with the only intention of defrauding Nicaragua.

I hope your excellency will deign to raise this protest to the knowledge of your excellency's government, which being interested in the support of justice and peace, will accept it for the most convenient purposes.

I have the honor of making your excellency the assurances of the high consideration with which I am your excellency's humble servant,

FRAN. CASTELLON.

To his Excellency the MINISTER PLENIPOTENTIARY
of the United States of America.

No. 13.

LONDON, July 12, 1849.

Your excellency knows as well as I do the difficulties now existing between Nicaragua and Great Britain respecting the port of San Juan and Mosquito territory, occupied by force on the 1st of January, 1848. Your excellency knows, too, that the State of Costa Rica having also a question with Nicaragua as to the limits of the two States, has accredited a minister plenipotentiary to her Britannic Majesty's government with the object of making certain political and commercial arrangements; and that, by way of inducement, it has offered to cede, as he has really ceded, by a treaty, the territory in question, which extends along the southern banks of the San Juan river, from its mouth in the Atlantic to the great lake of Nicaragua; a cession which, it appears, is made as a compensation for the advantages that Great Britain will grant to the Costa Rica trade through the aforesaid port of San Juan, which, of course, is recognised by that State as belonging to Mosquito. By this act that port will remain in the possession of England, as well as a great part of that important territory which the hand of Providence designated as the fit point for the junction of the two oceans by a canal or railway.

Lastly, your excellency has seen the obstinacy with which his excellency Lord Palmerston disregards the friendly measures I have proposed to settle the differences, and his constant disposition to trouble and hostile to Nicaragua, not only by refusing to do justice to her claims, but also by being always making scandalous advances, without respecting the rights of the State and the rules established by nature to preserve order

and peace amongst nations. This is done so because the British government knows the weakness of Nicaragua, and the difficulty she has to ally herself with the other States, where the intrigues of the British agents exercise such a fatal influence, and have suggested to them the idea of converting into republics States that cannot exist without union and mutual support. This situation, which unfortunately is too manifest not to confess it frankly, has induced me to adopt the project of annexation of the States of Nicaragua, San Salvador, and Honduras to the United States confederation, and we wish to work for its realization; therefore, I take the liberty of putting confidentially to your excellency the following questions:

1st. Will the States of Honduras, San Salvador and Nicaragua, or this last one only, be admitted into the North American Union?

2d. In case they are admitted, what steps must be taken, and upon what conditions?

3d. In case they are not admitted, can they at least count on the support of your excellency's government to defend the integrity of their territory, and to oppose the cession the Mosquitos and Costa Rica wish to make to England? What are the auxiliaries they can offer to Nicaragua, and upon what conditions?

Being at the point of departing for Nicaragua, I wish to take these questions solved with me, to serve as a rule to my government for the instructions to be given to the minister who is to be sent near the government of the United States; it is for that reason that I beg of your excellency an answer, which, being confidential, will remain strictly reserved.

I have the honor to renew to your excellency the assurances of the high considerations with which I am your excellency's humble servant,

FRANCISCO CASTELLON.

To his Excellency the MINISTER
of the United States of America.

—
No. 14.

1st. That it is convenient to Nicaragua to recover the port of San Juan, though the other question respecting the Mosquito territory remained to be settled afterwards.

2d. That if Lord Palmerston refuses to give up the port immediately, he must at least engage not to make any alteration in it, neither allow any convicts or police force to be sent there from Jamaica, by the consul, Christie, until the question shall have been resolved by an arbiter, as I have proposed.

3d. That if he refuses the arrangement by arbiters, some other means must be found to decide the question, and to engage him not to prevent or in any way impede the opening of the canal.

4th. That in the question with Costa Rica Lord Palmerston should engage not to interfere but as a conciliator, counselling and proposing amicable means to settle it, without taking any part in it, though the two States should not be able to agree at present; that justice is on the side of Nicaragua—she has protested against the British intervention. Costa Rica cannot dispose of the territory in question, because Nicaragua has very sure rights to it. New Grenada has also claims on this territory.

No. 15.

UNITED STATES LEGATION,
London, July 14, 1849.

Sir: I have had the honor of receiving your note of the 12th of July, proposing to me questions of very grave import. In reply, I beg leave to say that the United States, in their policy towards Central America, have no selfish purpose, and no reserved ambition of territorial aggrandizement. We seek to promote, by our friendship, the independence, prosperity, union, and territorial rights of the several States of Central America. We wish for ourselves, from friendly and commercial intercourse with you, no benefits but what may be shared on equal terms by all the maritime nations in the world. We share your desire to see the port San Juan de Nicaragua restored to Nicaragua, of which State it forms a part; and to see your harbors, rivers and lakes formed into a safe channel of commerce between the two oceans. To this end we are using, and shall use, what influence we may possess with other powers.

The recovery of the port of San Juan de Nicaragua can be best promoted by the policy to be pursued by Central America itself. The intervention of the United States in your behalf has been delayed by the unhappy dissensions which have existed among the States of Central America itself. Compared with the great maritime powers of the world, you are weak. The security of your rights rests, therefore, more on the principles of justice than on physical strength. You need the sympathy and esteem of the civilized world.

Two things become, in consequence, of the utmost importance, in order that you may win that sympathy and enjoy the security that will spring from the possession of it. The one relates to differences with other States of Central America about territory. I cannot but exhort you to settle among yourselves, if it be possible, the disputes about boundaries which still exist among you. These disputes tend to foment discord, perpetuate disunion, and invite foreign interference. I cannot but urge you, if possible, to adjust these difficulties among yourselves at once by negotiation, if it be possible, if not by arbitration.

The next point relates to the use of the river and port of San Juan de Nicaragua, if restored to you. It is plain that Costa Rica must then conduct its foreign commerce, both of imports and exports, in a great measure, through the ports of Nicaragua. The United States allow Canada to conduct its imports and exports through New York, or any other United States port, without paying any duty whatever. I cannot but think that the position of Costa Rica, which now operates so much to the detriment of Nicaragua, would be materially changed, if that State could see itself assured of the enjoyment of this privilege.

The good will of the nations of Europe and America would also be attracted to you, if they could receive the assurance that in all time to come the great inter-oceanic highway through Nicaragua will be open to the transit commerce of all the world, free from all impost for the benefit of the treasury of Nicaragua.

I repeat to you, the United States wish to see the States of Central America independent and prosperous. If you can be in a state of concord among yourselves, and can be free from foreign intervention, you will,

by self-reliance and the development of your own resources, attain to an enviable position among the nations of the earth:

I have the honor to be, sir, sincerely yours,
GEORGE BANCROFT.

Don FRANCISCO CASTELLON,
Minister of Nicaragua, &c., &c., &c.

No. 16.

FOREIGN OFFICE, July 16, 1849.

SIR: I have the honor to acknowledge the receipt of the letter which you addressed to me on the 23d ultimo, in reply to my letter of the 27th of April relative to the debt due by the State of Nicaragua to certain British subjects holders of bonds of that State.

As the question whether the State of Nicaragua has a right to include amongst those branches of net revenue which are pledged for the payment of that debt custom duties to be levied at the port of Greytown, or, in other words, the question as to the validity of the alleged right of Nicaragua to the port of Greytown, forms the essential point in your letter now under consideration, as well as in your preceding letters of the 20th of Januáry and of the 5th and 19th of March last, I will address myself at once to that question.

In your letter of the 23d ultimo you say that, by the arguments therein employed, you have shown—1st. That the port of Greytown is now *de jure* the property of the State of Nicaragua, and has been so ever since Central America declared itself independent of Spain; 2dly, that therefore the revenue of customs levied at that port is justly to be included in the revenues of the State of Nicaragua, which are pledged for the redemption of the loan which was contracted for in 1826 by the republic of Central America with the house of Barclay & Co.; and 3dly, that the British creditors are bound to assist the government of Nicaragua in establishing its claim to Greytown; and that if they do not do so, they must submit to the loss which may result from their own *laches*, until the port which you say is unjustly withheld by Great Britain shall have been restored to Nicaragua.

Upon these propositions I am prepared to join issue with you, and will proceed to show that the port of Greytown does not belong, and never has rightfully belonged, to the State of Nicaragua. This point once demonstrated, the second and third propositions which you deduce from the alleged rights of Nicaragua to Greytown must, of course and necessarily, fall to the ground.

Now, in the first place, I have to remark, that since the people of Nicaragua have never occupied any part of the territory of Mosquito, except Greytown, which they forcibly took possession of early in 1836, the sole pretence upon which the State of Nicaragua can claim a right to Greytown, or to any other part of the Mosquito territory, is the allegation that the Mosquito territory belonged to them, and that Nicaragua has inherited the rights of Spain over that territory. But assuming, for the present, for the sake of argument, that Spain has rights over the Mosquito territory; how can it be shown that those rights have devolved to

Nicaragua? Has Spain ever conveyed such rights to Nicaragua by treaty? Certainly not. Has Nicaragua obtained them by conquest? Equally not. The people of Nicaragua revolted, indeed, against the King of Spain, and established by force of arms and *de facto* their practical independence, which, however, I believe, has not up to this day been formally and diplomatically acknowledged by Spain. But the successful revolt of the people of Nicaragua could give them no right, with reference to Spain, except the right of self-government. The very principle upon which their revolt was founded, and which the success of that revolt established, goes to forbid them from practising towards other nations that kind of oppression from which they had forced themselves. The fact of their having thrown off the yoke of Spain could give them no right to impose their yoke upon the people of Mosquito. The circumstance that they had succeeded in asserting their own freedom from foreign rule could give them no right to impose their rule upon a people who had always been free; and it is a well-known historical fact that the Mosquito nation had from time immemorial and up to the period of the revolt of Nicaragua been as free as they have continued to be from that period to the present day. But even supposing that this had not been so, and that the Crown of Spain had possessed rights of sovereignty over the Mosquito territory; the people of Nicaragua might just as well claim a derivative right from Spain to govern and be masters of Mexico, New Grenada, or any of the neighboring States of Central America, as to govern and possess by such derivative right the Mosquito territory, which was never possessed or occupied by the people of Nicaragua. The people of each of the revolted districts of the Spanish American provinces established their own independence and their own right of self-government within the territory which they actually occupied, but nothing more. If these revolted provinces had imagined that they acquired by their revolt all the rights of Spain, besides determining among each other in what manner those rights were to be apportioned between them, they must also, by necessity, have considered themselves bound by all the obligations of Spain. But they neither acknowledged these obligations, nor were called upon by other countries to adopt them. On the contrary, when their political existence as independent States was acknowledged by foreign countries, they contracted severally with those foreign countries such new treaties as were applicable to their own respective geographical limits and political condition; and neither they nor the foreign power with which they treated ever thought of considering them as inheritors of any rights or obligations arising out of the treaty engagements of the Spanish Crown.

Moreover, if Spain possessed any rights over the Mosquito territory, and if these rights have descended by inheritance to any of the Spanish American republics, it would remain to be proved that such rights have devolved upon Nicaragua, rather than upon Honduras, Costa Rica, or New Grenada; and it is probable that each and all of those three States would establish just as good a claim as Nicaragua, and probably a better one, to the inheritance of any such rights, if such rights had existed.

But I deny totally and entirely that Spain had any right to the Mosquito territory; and I therefore contend that there is no inheritance whatever, in this respect, which can become the subject-matter of dispute. On the contrary, the King of the Mosquitos has from a very early period

in the history of America been an independent ruler of a separate territory, and he has invariably been acknowledged and upheld as such by the government of Great Britain. It is quite true that by the convention of 1786 between Great Britain and Spain, Great Britain agreed to withdraw British subjects from the Mosquito country; but Great Britain did not, by that treaty, either acknowledge that the Mosquitos were not an independent nation, or renounce her protectorship of that nation. On the contrary, the stipulations of the treaty of 1786 clearly mention the Mosquitos as a nation distinct from the people living within the Spanish dominions; and that treaty contains a stipulation which was an act of protectorship exercised by Great Britain in favor of the Mosquito nation.

In order to understand fully the treaty of 1786, it is necessary to revert to the treaty of 1783. It appears from the 6th article of the treaty of 1783 that several English settlements having been formed and extended upon the Spanish continent on the pretence of cutting logwood or dyeing-wood, and Great Britain and Spain being desirous of preventing as much as possible the causes of complaint and misunderstanding to which this intermixture of British and Spanish wood cutters gave rise, it was thought expedient that the Spanish government should assign to British subjects for the purpose of wood-cutting a separate and sufficiently extensive and convenient district on the coast of America, and that, in consideration of such an assignment, British subjects should be restricted from forming settlements in any other part of the Spanish territories in America, whether continental or insular, and that all British subjects dispersed in those Spanish possessions should, within eighteen months after the exchange of the ratifications of the treaty, retire within the district specially assigned for their occupation and use.

It seems, however, that the treaty of 1783 did not sufficiently accomplish the purpose of preventing complaints and misunderstandings. It was found by Great Britain, on the one hand, that the district on the coast of Honduras assigned to British subjects, by the 6th article of the treaty of 1783, was too limited in extent, and the enjoyment of it was too much narrowed by the restrictions contained in that article. It was found by Spain, on the other hand, that British subjects still lingered in parts of the Spanish American territories; and the Spanish government found, moreover, that there were many British subjects settled in the Mosquito territory, a territory to which the treaty of 1783 did not apply, as that treaty mentioned only the Spanish possessions in America, and said nothing about Mosquito, and did not require that British subjects should retire from Mosquito; and it seems that the revenues of Spain suffered from smuggling transactions carried on by British subjects so settled in the Spanish territory and in Mosquito.

To put an end to these mutual inconveniences, it was agreed, by the convention of 1786, that a larger extent of territory should be assigned to British subjects on the coast of Honduras, according to new boundaries described in that convention; and it was also agreed that the enlarged territory so granted should be occupied by British subjects, with a greater latitude of enjoyment than was allowed by the restrictions of the treaty of 1783; and, in return, in order to relieve the Spanish government from loss by smuggling, the British government again bound itself to recall British subjects from the Spanish possessions in America, and also took the new engagement of withdrawing British subjects from the Mosquito territory

as well as from the Spanish possessions; and the British government further engaged that British subjects so withdrawn and confined to the ceded district in Honduras should, in their communications from thence with the ceded territories, conform to *such regulations as to custom duties* as the Spanish government might think proper to establish among its own subjects.

The manner in which the Mosquito territory is, in the convention of 1786, contradistinguished from the possessions of Spain, which alone had been mentioned in the treaty of 1783, clearly proves that, by the understanding of both parties, the Mosquito territory and the possessions of Spain were separate and different things.

But any pretension of Spain to right over the Mosquito territory, of which she had no possession, could only be founded upon a general claim of sovereignty over the whole of that central part of the American continent; but if that claim existed, Spain could not have acknowledged that she had in that part of America any frontiers except the two oceans; and yet, by article 14 of the treaty of 1786, the British government engages not to allow British subjects to furnish arms or warlike stores to the Indians in general situated upon the frontiers of the Spanish possessions; and by the immediately preceding mention of the Mosquitos in the very same sentence, it is sufficiently clear that they were intended to be included among the number of Indians situated upon the frontiers of the Spanish possessions. But if Mosquito had belonged to Spain, the Spanish possessions in that quarter would have had no frontier except the tide line of the ocean, and upon such a frontier no Indians could dwell, to whom arms and warlike stores could be furnished.

It is plain, thererore, that the treaty of 1786 proves that the Mosquitos were considered by the contracting parties as a nation separate and independent, and were not acknowledged by Great Britain as belonging to Spain.

But that treaty also proves that Great Britain still shelterd the Mosquitos under her protection, for while the British government engaged, for fiscal reasons, to withdraw from Mosquito those British subjects whose presence therein, being a visible symbol of the protectorship of Great Britain, would secure the Mosquitos from any act of hostility on the part of the Spaniards, the British government exacted from the government of Spain, as an equivalent security for Mosquito, an engagement not to retaliate upon the people of Mosquito, on account of the co-operation and assistance which the Mosquitos had afforded to the British in the hostilities which had taken place between Great Britain and Spain before the peace of 1783. This stipulation was a substantial and effectual act of protectorship on the part of Great Britain, acquiesced in and subscribed to by Spain.

It is demonstrable, therefore, that the convention of 1786 did not invalidate either the independence of Mosquito or the protectorship of Great Britain; but if it had invalidated both, as between Great Britain and Spain, what would that have been to Nicaragua? or how could a convention which was *res inter alias acta* have had any bearing whatever upon the rights and pretensions of Nicaragua?

I might well content myself to close here my answer to your notes; and having proved a negative, I might abstain from going into a proof of the opposite affirmative. Having shown that Nicaragua has no claim whatever to the Mosquito territory, it would seem unnecessary for my

argument with you to show, by any other evidence than the documents which you yourself have quoted, that long before Nicaragua came into existence as a State, Great Britain exercised a protectorship over the Mosquitos as a separate nation. But, nevertheless, even at the risk of making this letter needlessly long, I will mention one or two facts which clearly demonstrate that it was so.

At what time and in what manner the connexion between Great Britain and the Mosquito nation first began is not well known; but it is certain and on record that, while the Duke of Albemarle was governor of Jamaica, to which office he was appointed in 1687, the Mosquito Indians made a formal cession of the sovereignty of their country to the King of England, and that in consequence of that cession the chief of the Mosquitos received his appointment as King by a commission given to him by the governor of Jamaica in the name and on behalf of the King of England.

Somewhat more than thirty years afterwards—namely, on the 25th of June, 1720, as appears by the journals of the House of Assembly of Jamaica—a convention about runaway slaves was concluded between Sir Nicholas Lawes, governor of Jamaica, and King Jeremy, of the Mosquitos. From that time downwards, during the reigns of George I, II, and III, the connexion between Great Britain and Mosquito continued uninterrupted and unimpaired; and at times during that period there were British settlers established in the Mosquito territory, with a British resident officer appointed by the governor and council of Jamaica on behalf of the British Crown to superintend those settlers; and the council of Jamaica, in a report to Governor Dallas, on the 16th of July, 1774, advertising to the inland boundary of the Mosquito territory, mentions it as running along “the distant mountains which bound the Spanish territory”—a clear proof that Mosquito was a separate State, and did not belong to Spain. But the colonial records of the British government abound with correspondence about the Mosquito nation, proving not only the strong and constant interest taken by the British government in their welfare, but the close and intimate connexion which has uninterruptedly subsisted between Great Britain and Mosquito.

If it be established, as it clearly is, that the Mosquito territory is, and for centuries has been, a separate State, distinct from the American possessions of Spain, there cannot be a moment's doubt that the port of Greytown, at the mouth of the river St. John, belongs to, and forms part of, that Mosquito territory. This can be shown by quotations from numerous authorities, public and private, official and literary; and so far from there being any just ground to doubt that the southern extremity of the Mosquito territory includes the port of Greytown, there are, on the contrary, good and substantial reasons which can be alleged to show that the rights of Mosquito extend southward as far as the Boca del Toro, at which place the King of Mosquito has at various times exercised rights of levying duties.

Such being the state of these matters, it can scarcely be necessary for me to say that her Majesty's government cannot allow the government of Nicaragua to mix up its unfounded pretension to the territory of Mosquito with the just claims of the British creditors upon Nicaragua; and any attempt on the part of the Nicaraguan government to do so, would constitute one of those cases of denial of justice and of notorious injustice which you yourself admit would entitle her Majesty's government to ex-

ercise an authoritative interference in the discussions between the British bondholders and the Nicaraguan government.

In saying this, however, I beg not to be misunderstood as admitting that such an authoritative interference would be proper and legitimate only in such an extreme case—a case which my respect for the Nicaraguan government forbids me from considering to be possible as between the British bondholders and that government. But as in a matter of this kind it is desirable that no mistake should be allowed to exist, I beg to say that it is quite certain and indisputable that according to international law the government of every country is at full liberty to take up, according to its own discretion, in such a manner and at such time as it may think fit, any just claim which any of its subjects may have against the government of any other country.

I am, &c.,

PALMERSTON.

Monsieur J. CASTELLON.

No. 17.

FOREIGN OFFICE, July 17, 1849.

SIR: I have the honor to acknowledge the receipt of your letter of last month, referring to a letter which appeared in the *Globe* newspaper of the 14th of that month, relative to the proceedings, at the port of Greytown, of Mr. Christie, her Majesty's consul general in the kingdom of Mosquito; your letter, also, complaining of the manner in which Mr. Christie conducted himself towards the government of Nicaragua upon the occasion of his visit to Leon, in November, 1848. I confine myself, in answering your letter, to the single point of the conduct of Mr. Christie, in his correspondence with the government of Nicaragua, and I have to inform you that Mr. Christie's conduct on that occasion has been entirely approved by her Majesty's government, and that he was perfectly right in quitting Leon as he did when he found that the government of Nicaragua refused to receive him in the character which his own government had conferred upon him.

I am, &c.,

PALMERSTON.

Note pour Mr. Bancroft.

D'après une lettre de San Juan de Nicaragua écrite par la personne qui y a été envoyée par la gouvernement de l'état, on apprend que de nouveaux réglements sont toujours publiés par les autorités Anglaises y établies. Les animaux domestiques n'y sont plus reçus; les vaux seront reçus à raison de la veaux (2½ francs) par tête; la correspondance de l'intérieur y est payée comme celle qui y arrive de l'Europe; on estime les maisons et les propriétés des citoyens de Nicaragua pour faire payer un revenu.

25 MAY DERNIER.

SAN JUAN DE NICARAGUA, December 16, 1847.

On my arrival at this port, I am informed that the English government will take possession of this place on the 1st proximo, in the name of the King of the Mosquito coast. As I have read the correspondence which has passed between the government of Nicaragua and the British consul general for Central America, Cyrus Chatfield, esq., there can be no doubt of the truth of the report. I have, as yet, been unable to obtain a copy of this correspondence, but shall endeavor to procure and forward one at the earliest possible moment. I know not to what extent this movement may interfere with my relations with the Nicaraguan government as United States consul, but shall, notwithstanding, proceed to the capital, to present my credentials, and apply for an exequatur. Should the circumstances which I have detailed above appear, in your opinion, to render necessary any further instructions than are contained in the documents I have already received from the government, I trust the department will forward these to me at this place.

With high respect, I am your obedient servant,
JOSEPH W. LIVINGSTON,
U. S. Consul for San Juan de Nicaragua.

HON. JAMES BUCHANAN,
Secretary of State.

LEON, April 8, 1848.

HON. SIR: I have embraced the earliest opportunity to inform the department that I have presented my commission to the government of Nicaragua, and requested the exequatur, which was immediately granted.

I have not been able to obtain the seal and archives belonging to the office, the former consul having taken them with him. For that reason, I cannot enter upon the duties of the office.

At the request of the government of Nicaragua, I have forwarded to your department a package of papers containing the correspondence relative to the occupation of the port of San Juan by British forces, in the name of the Mosquito nation.

I am, sir, respectfully, your obedient servant,
JOSEPH W. LIVINGSTON,
Consul for the port of San Juan de Nicaragua.

HON. JAMES BUCHANAN,
Secretary of State, Washington.

The President of the United States of America to all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the abilities and integrity of Christopher Hempstead, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him consul of the United States of America for the port of Belize, in Hondu-

ras, and such other parts as shall be nearer thereto than to the residence of any other consul or vice-consul of the United States within the same allegiance; and do authorize and empower him to have and to hold the said office, and to exercise and enjoy all the rights, pre-eminent, privileges, and authorities to the same of right appertaining, during the pleasure of the President of the United States, for the time being—he demanding and receiving no fees or perquisites of office whatever which shall not be expressly established by some law of the said United States. And I do hereby enjoin all captains, masters, and commanders of ships and other vessels, armed or unarmed, sailing under the flag of the said States, as well as all other of their citizens, to acknowledge and consider him, the said Christopher Hempstead, accordingly. And I do hereby pray and request her Britannic Majesty, her governors and officers, to permit the said Christopher Hempstead fully and peaceably to enjoy and exercise the said office, without giving or suffering to be given unto him any molestation or trouble, but, on the contrary, to afford him all proper countenance and assistance—I offering to do the same for all those who shall in like manner be recommended to me by her said Majesty.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, the third day of [L. S.] March, in the year of our Lord one thousand eight hundred and forty-seven, and of the independence of the United States of America the seventy-first.

JAMES K. POLK.

By the President:

JAMES BUCHANAN, *Secretary of State.*

BELIZE, February 12, 1848.

SIR: Permit me to inform you that my commission, together with her Britannic Majesty's "exequatur," has at length arrived, and I have commenced to act as United States consul for this port.

I am waiting the arrival of the seal, coat of arms, flag, &c.

Will you have the kindness to have letters for me come direct from New York, instead of via St. Thomas, as by the latter way they are subjected to expensive postage, at the same time they are from four to six weeks longer in reaching me.

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

C. HEMPSTEAD.

To the Hon. JAMES BUCHANAN,
Secretary of State.

DEPARTMENT OF STATE,

Washington, March 7, 1848.

SIR: Your letter of the 19th of January last, transmitting your official bond, has been received.

In reply to your inquiries, respecting your commission, I have to state that, as you were informed in your letter of appointment, it was trans-

mitted to the legation of the United States, with instructions to apply to the British government for your *exequatur*, which, when obtained, will be forwarded to you with your commission.

The agent of the department has been instructed to furnish a flag, press, seal, and the arms of the United States, for the use of your consulate.

I am, sir, &c.,

JAMES BUCHANAN.

CHRISTOPHER HEMPSTEAD, Esq.,

United States Consul, Belize, Honduras.

DEPARTMENT OF STATE,

Washington, August 29, 1848.

SIR: I have received your letter of the 29th ultimo, and have to thank you for the information it contains. You will please give your attention to all matters of interest transpiring at or near your consulate, and report them promptly to the department. I have to request that, in conformity with your general instructions, your despatches may be regularly numbered.

I am, sir, &c.,

JAMES BUCHANAN.

CHRISTOPHER HEMPSTEAD, Esq.,

United States Consul, Belize.

Mr. Carcache to Mr. Clayton.

[Translation.]

WASHINGTON, December 31, 1849.

SIR: I have the honor to inform you that the principal object of my mission, as chargé d'affaires of the government of Nicaragua near that of the United States of North America, is to solicit, on the part of the latter, the ratification of the treaty concluded between the two republics, by their respective ministers plenipotentiary, at Leon, on the 3d of September last.

Allow me, sir, on making this communication, to say that the special convention concluded at Guatemala by Mr. Hise, the chargé d'affaires of the United States, and Señor Selva, the commissioner of Nicaragua, has been, as publicly and universally known, disapproved by my government. My government desires the ratification of the treaty signed by Mr. Squier on the 3d of September last, which it considers sufficient to insure the execution of the work of the great canal through this isthmus, presenting the most practicable channel of communication between the two oceans. Under these circumstances, I trust that the government of the United States will ratify this latter treaty, so that the respective ratifications may be exchanged within the period fixed by its stipulations for that purpose.

I avail myself of this occasion to offer to you, sir, the assurances of my esteem, and distinguished consideration with which I have the honor to be your most humble servant,

EDUARDO CARCACHE.

To the Hon. J. M. CLAYTON,
Secretary of State of the United States.

Mr. Clayton to Mr. Carcache.

DEPARTMENT OF STATE,
Washington, January 2, 1850.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, stating that the principal object of your mission was to solicit the ratification, on the part of this government, of the treaty between the United States and Nicaragua, signed at Leon on the 3d of September last.

In regard to the special convention signed by Mr. Hise, to which you refer, it is to be remarked that, although he had no power or instructions from this government to conclude a treaty of any kind with the government of Nicaragua, the President would have deemed himself under an obligation to submit that convention to the consideration of the Senate of the United States, if, in his judgment, the public interests involved should have warranted and required him to adopt that course. If, however, as you state, that convention has not been approved by your government, there is no necessity for its further consideration by the government of the United States.

The President will communicate the treaty of the 3d of September last to the Senate, and will cheerfully ratify it if it shall be approved by that body, with the understanding that any supplementary articles which probable events may render necessary for more effectually securing the objects contemplated by the 35th article of the treaty shall be agreed upon between the two governments.

I avail myself of this occasion, sir, to offer to you the assurance of my high consideration.

JOHN M. CLAYTON.

[No. 13.]

DEPARTMENT OF STATE,
Washington, December 29, 1849.

SIR: Your despatches to No. 14 inclusive have been received. Despatches have also recently reached the department from E. George Squier, chargé d'affaires of the United States at Guatemala, giving information of the military occupation of the island of Tigre, in the gulf of Fonseca, on the 16th of October last, by the naval forces of her Britannic Majesty, under the order of her consul general and chargé d'affaires near the government of Guatemala, Mr. Chatfield.

It is now evident that the British flag has been hoisted in Honduras by order of Mr. Chatfield, and it is believed that other aggressions upon the territories of the Central American States have been made by the same authority. I transmit herewith a copy of Mr. Squier's despatches Nos. 7

and 8, dated October 25th and November 2d, from which you will see the extent of Mr. Chatfield's operations. Lord Palmerston's declaration in his note to you of the 13th ultimo, disavowing any intention to colonize, settle, or fortify any portion of Central America, is utterly inconsistent with Mr. Chatfield's official acts and declarations; and I assume it, until otherwise informed, that Mr. Chatfield has acted without instructions from his own government, and that his proceedings will be promptly disavowed. I shall not distrust the honor of the British government on account of the conduct of an inferior functionary, which merits, and ought to receive, the condemnation of his own government; but I must say that it is now due, not only to the cause of justice but to the honor of the American government, that immediate explanations should be required by you of the British government in regard to the late proceedings of Mr. Chatfield. It appears that the pretext he has employed for extending the British jurisdiction over a part of Honduras is the indebtedness of that State to British subjects. We are very much surprised at this, especially as the claims referred to are based, not upon torts, but upon contracts between British subjects and the late government of Central America.

Under date the 8th of June last Mr. Crampton, her Britannic Majesty's chargé d'affaires residing here, addressed a note to the department, stating that he had been informed by Mr. Chatfield, her Majesty's chargé d'affaires at Guatemala, that the revenues of Nicaragua, especially that arising from custom-house duties, had been mortgaged for the payment of the foreign debt of that State; that a company of citizens of the United States had entered into a contract with the government of Nicaragua for the navigation of the river San Juan, and for making a road across the isthmus, from lake Nicaragua to Realejo, with the privilege of maintaining four custom-houses; and suggesting that the company should pay off the bond-holders' claims, the principal of which was £27,216 13s. 4d., with arrears of interest thereon at six per cent. from the 1st of February, 1828, and a sum amounting to about £5,000, due to the house of Reid, Irving, and company, of London, for the payment of dividends upon the debt in 1826 and 1827.

In a note to Mr. Crampton, under date the 12th of June, the department stated that it was not aware of the existence of the contract between citizens of the United States and the Nicaraguan government referred to by him; that it could not be expected that such a contract would supersede or impair any vested rights of British subjects; and that Mr. Squier would be instructed to recommend, to any of our citizens who might be a party to it, the extinction of the claims of those subjects in the manner suggested. In a despatch to Mr. Squier, under date the 19th June, he was instructed accordingly.

Mr. Squier acknowledged the receipt of this instruction in a despatch under date the 8th of November last, and stated that as the contract referred to in Mr. Crampton's note was never perfected, Mr. Chatfield's complaints fall to the ground. The ratified contract with the "American Atlantic and Pacific Canal Company" is free from all objections of this kind.

The share of Nicaragua or Honduras of any debt due from the late government of Central America to the subjects of Great Britain was, at the period of the correspondence adverted to between the department and Mr. Crampton, evidently considered to be a small matter; and other cir-

cumstances lead us to believe that the seizure of the territory of Honduras on that ground is a pretext for aggression on the part of Mr. Chatfield. If Mr. Chatfield be indeed a proper exponent of the views of the British cabinet, which we will not believe until so informed from an authentic source, the sooner we are apprized of their intentions the better. You will, therefore, on the receipt of this, forthwith address a note to Lord Palmerston, setting forth the proceedings of the British naval and military expeditions, and the conduct of Mr. Chatfield mentioned by our chargé d'affaires; and you will ask him, in firm but respectful language, for a disavowal of all acts of interference by Mr. Chatfield or others, which have for their object to extend the British jurisdiction to any part of the Central American States. Should Lord Palmerston avow the seizure or intention to occupy any portion of Central America, under any pretext or for any purpose, you will immediately enter the protest of this government against it.

That part of the treaty with Honduras relating to the canal negotiated by Mr. Squier (of which I herewith send you a copy) was made by him without instructions from this department; but if the British aggression upon Honduras be not promptly disavowed, that treaty will be speedily submitted to the Senate for ratification, without awaiting further negotiation.

It is now palpable that our chargé d'affaires at Guatemala was right in his conjectures as to the intention of the British authorities in Guatemala to seize upon, and assert British jurisdiction over, other parts of Central America. We have not desired to annex or colonize any part of that country, but we shall not be restrained by any act of the British government from treating with Honduras or Nicaragua, and from the assertion and maintenance of any rights we may lawfully acquire by such treaties. We have frankly avowed to Great Britain, and she must have fully understood it, that our object is to protect a canal across the isthmus. She is fully aware that the lakes of Nicaragua and Leon furnish the most eligible route and means for feeding such a canal; and whether that canal should terminate in the Pacific, at Realejo, within the confines of Nicaragua, or at the gulf of Fonseca, within those of Honduras, we mean to protect it, with the consent of the States through which it may pass.

Sir Henry L. Bulwer has been most cordially received by the President; but I regret to learn from him that he has no instructions from Lord Palmerston in reference to this subject. As he has no authority to treat with us, we must submit to the delay of communicating with the British government across the Atlantic. I await your despatches by the next steamer, hoping you have brought the negotiation to a close.

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

JOHN M. CLAYTON.

ABBOTT LAWRENCE, Esq., &c., &c., &c.

Mr. Lawrence to Mr. Clayton.

[Extract.]

[PRIVATE AND CONFIDENTIAL.]

LONDON, February 8, 1850.

MY DEAR SIR: Since I wrote to you on the 25th ultimo, I have held an interview with Lord Palmerston, the particulars of which you will

receive together with a copy of my note to his lordship upon the subject of Mr. Chatfield's movements in Central America. Your instructions to me were of such a character that I felt it to be expedient to read them to his lordship. Every point taken in your instructions will *stand* before the world.

* * * * *

[Private.]

Memorandum of an interview between Mr. Lawrence and Lord Palmerston, on the 27th January, 1850.

Mr. Lawrence began by saying that he had anxiously waited for a reply to his communication of the 14th of December; but the principal object in asking for an interview at this time was to say that, after the very free and frank conversations they had held touching the subject of Central America, he felt it a matter of courtesy to inform him (Lord P.) of the new aspect of affairs before addressing him in writing on the proceedings of Mr. Chatfield. He then asked him what were the views of the government of Great Britain upon the question of the seizure and occupation of territory in the Central American States, particularly of Tigre island? To which Lord Palmerston replied, that representations of British subjects were made to the government with regard to claims of long standing against the Central American States, many of which were of a peculiar character, and also of abuses committed on British subjects by imprisonment and otherwise, and that he applied to the admiralty to send a naval force on both sides of the isthmus for the purpose of coercing those States to the payment of their honest debts, notice having been given more than a year since that such would be the case unless the debts were paid; that Mr. Squier was acquainted with the fact that Tigre island would be probably taken possession of by Great Britain, and that he (Squier) entered into the treaty with Honduras with that knowledge. He further stated, that the forcible seizure of Tigre island he deemed premature on the part of Mr. Chatfield under the circumstances; that it should have been left to the admiral in command on the Pacific, who was then expected to arrive there at an early day, to act as circumstances might call for. He said he thought Mr. Squier had probably been misinformed in many particulars in regard to the views of the British government; that there appeared to be a misunderstanding of the motives and wishes of her Majesty's government; "but so far as all that goes," said he, "we will not discuss it. We do not acknowledge the right of the United States to interfere with us in the course we have taken in Central America; yet I repeat what I addressed to you in the early part of this negotiation, that Great Britain has no intention of annexing, settling, colonizing, or fortifying any part of Central America." Mr. Lawrence then stated that it was a source of deep regret to him at this juncture in the negotiations, that anything should occur to disturb the fair prospect of a settlement; yet, under the circumstances, he was instructed to demand, before proceeding any further, a disavowal on the part of her Majesty's government of the act of Mr. Chatfield in the seizure of Tigre island; that the United

States did not recognise the right of the British government to blockade or to seize the premises or the property of these weak republics for the debts of private individuals; that these claims did not grow out of torts, but contracts, and illustrated it by the forcible seizure of a vessel, as showing his idea of a tort. To which Lord Palmerston replied, that before requesting the admiralty to furnish this naval force for the said purposes, he had consulted the law authorities of the Crown, who had given him the opinion that the government would be justified in taking such a course; but he added, that at the same time it was a question susceptible of argument. Mr. Lawrence then told him, that in order that he might understand fully the views of the United States, he would read to him his instructions on this subject in full, which he then took from the table and read through. He then told him (Lord Palmerston) that he should address him a communication on this subject, in which he should request from her Majesty's government a disavowal of the act of Mr. Chatfield in the seizure of Tigre island. To which he replied, that he had already sent orders to abandon Tigre island, and to leave it just where it was before it was taken possession of by Mr. Chatfield, placing it, however, within the discretion of the admiral to do what seemed to him right; and that he was ready to give an early answer, in time for the next steamer, to any communication that might be addressed to him.

Mr. Lawrence endeavored to press upon Lord Palmerston the necessity of an early settlement of this question; that it was very likely to be made a subject for discussion on both sides; and the sooner a conclusion was reached, the better for all parties concerned. He stated expressly that the government of the United States would not be prevented from making treaties with the Central American States in consequence of seizure of territory or claims set up by Great Britain, and from executing those treaties according to their tenor; that there was a feeling existing in the United States and in Central America that Great Britain desired to possess herself of territory not only for colonization, but also to command the keys of the great proposed canal; and that from the public newspapers, as well as from private sources of information, he had gathered that there was a body of men inclined to secure the canal in the hands of British subjects; and he asked Lord Palmerston whether this were really so. To this Lord Palmerston replied, that there was such a party; that he had been often spoken to on the subject; that he had given no encouragement to any such idea, but had said that, if accomplished at all, it must be done by Great Britain and the United States, and dedicated to the world at large; that in his declaration that her Majesty's government did not intend to settle, annex, colonize, or fortify any part of Central America, he was sincere, and the government would carry out those sentiments; that after all, it seemed a very small matter for two great nations to disagree about; that he fully appreciated the desire, often expressed by Mr. Lawrence, to maintain the most friendly relations between the two countries; and that he responded entirely to his desire, then and often before expressed, to settle all difficulties amicably.

Mr. Lawrence said, that since he had had the pleasure of meeting Lord Palmerston, he had seen the official agents of Costa Rica and of Nicaragua, and had put to them certain hypothetical propositions corresponding with his note of the 14th of December; to which the agent for Costa Rica, having full authority, responded most heartily, and, as he thought, thank-

fully, for the mediation that might be proffered in the settlement of their disputes. The Nicaraguan minister not having authority to enter into stipulations of the character indicated, said that he was not prepared to act, but that his own private opinion was favorable to the whole plan presented by Mr. Lawrence, if it could be carried out. * * *

[No. 1.]

DEPARTMENT OF STATE,

Washington, April 19, 1850.

SIR: I have now the honor to submit to you, in a shape in which I am authorized by the President to sign the same, the project of the convention which originated in our mutual conferences and consultations shortly after your arrival in this country.

I presume, from the information you recently gave me as to the instructions you had received from her Britannic Majesty's government, that you are duly authorized, and will be ready to concur in the said convention; in which case, a time can be at once fixed for our common signature.

I have further to observe, that at a period when, in consequence of circumstances not now necessary to be stated, it was supposed that no such arrangement would be entered into between our respective countries as that we are now about to conclude, the treaty negotiated by this government with the State of Nicaragua on the 3d day of September last, (a copy of which, so far as it relates to the proposed ship canal, was transmitted by Mr. Lawrence to Lord Palmerston on the 22d day of November last,) was submitted to the Senate for . . . in regard to its ratification.

This treaty is now in the possession of the senators, who, as the President's constitutional advisers in the exercise of the treaty-making power, form a co-ordinate branch of the government; and, as no treaty can be made without their advice and consent, that which you and I have originated must be submitted to them, in connexion with the treaty above referred to. Whatever the Senate may decide in reference to either of these treaties, the President will not, I am persuaded, have occasion to controvert. He does not doubt, should the Senate confirm the treaty with Great Britain, that it will take care that any other treaty also confirmed by it shall be in conformity therewith; and it is unnecessary for me to say that nothing in one of these treaties could be ratified which would be inconsistent with the spirit and intention of the stipulations contained in the other.

The friendly relations between the two greatest commercial nations of the world will, I trust, be strengthened by this new bond of union between them; and I anticipate the happiest results from their honorable and peaceful alliance for the purpose of diffusing the blessings of commerce and civilization.

It is exceedingly gratifying to me that a new treaty likely to be so important in its results should have been the consequence of our friendly intercourse; and I cannot terminate this negotiation without those mutual congratulations which the occasion warrants, and the sincere expression of that esteem and regard which has been created by the assistance you have given me in bringing our labors to a happy conclusion.

Accept the assurance of the high consideration with which I have the honor to be your most respectful and obedient servant,

JOHN M. CLAYTON.

Rt. Hon. Sir H. L. BULWER,
S^rc., S^rc., S^rc.

[No. 2.]

BRITISH LEGATION, April 19, 1850.

Sir: I have had the honor of receiving your communication of the 19th instant, enclosing the project of a convention between the two governments of Great Britain and the United States, which originated in our mutual conferences and consultations shortly after my arrival in this country, and which you now state to be in such shape as enables you to sign the same with the full approbation of the President.

I need not observe, after reading through the project in question, as now transmitted to me, that I have to remark therein some slight deviations from the original text of the project which I submitted to Viscount Palmerston's approval; but, as it is important that in the present situation of this affair no further time should be lost in bringing it to a conclusion, and as the alterations I thus allude to are either merely verbal or are in accordance with the general spirit of my instructions, and have been adopted by us conjointly for various reasons which have appeared expedient for the furtherance of those objects which our treaty specifies, I am prepared to sign the said treaty on behalf of her Britannic Majesty, and will do so at such time as you may appoint for that purpose.

In regard to the other portions of your communication, I might perhaps be justified in expressing some regret that any treaty connected with the subject engaging our attention should have occupied the consideration of the Senate before the convention we are about to sign had been submitted to it. But such is my profound conviction of the great judgment and ability which illustrate the distinguished body before which these treaties will be brought, as well as my confidence in the superintending wisdom of the President, in whom resides the power of ratification, that I do not in the least fear but that the convention which we sign will receive every due consideration, and that, if it should be finally approved by the one and ratified by the other, nothing will be approved of or ratified in any other treaty contrary to the spirit and intentions manifested in our engagements.

Permit me to add, that I entirely sympathize with you in the belief that the bonds of friendship which unite our two great and kindred nations will be honorably strengthened by a convention which has for its object the construction and protection of a great work which we intend should confer equal benefits on all the nations of the earth. Indeed, the whole treaty which we are now about to conclude manifests a spirit of conciliation and peace—of generous and unselfish zeal for the universal interests of commerce and civilization—that will, I am persuaded, do credit to our respective countries, and afford no unworthy example to the world.

It is, I can assure you, a subject of sincere gratification to me, that, in negotiating a measure which so completely represents the views of her Majesty's government, I had the great advantage of being associated with you; and, although I claim but a small share in the merit of bringing

this important business to a happy termination, I shall always remember with pride and pleasure the negotiation in which we have been engaged together, were it only on account of the expressions of esteem and regard with which you honor me, and which faithfully represent the sentiments of sincere friendship and high consideration which I avail myself of this opportunity to offer to you.

H. L. BULWER.

Hon. JOHN M. CLAYTON,
&c., &c., &c.

Convention between the United States of America and her Britannic Majesty.

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 way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port 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 minister of her Majesty's most honorable privy council, Knight Commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of her Britannic Majesty to the United States, for the aforesaid purpose ; and the said plenipotentiaries, having exchanged their full powers, which were found to be in proper form, have agreed to the following articles :

ARTICLE 1. 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 Mosquito 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 erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito 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 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 subjects of the other.

ART. 2. Vessels of the United States or Great Britain, traversing the said canal, shall, in case of war between the contracting parties, be ex-

empted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ART. 3. In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the 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.

ART. 4. 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, or which shall be near the waters applicable thereto, in order to induce such States or governments to facilitate the construction of the 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 most expedient, in order to procure the establishment of two free ports, one at each end of said canal.

ART. 5. 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 guaranty the neutrality thereof, so that the said canal may forever be 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 guarantying its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both governments or either government, if both governments or either government should deem that the persons or company 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, or with 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 guarantee without first giving six months' notice to the other.

ART. 6. The contracting parties in this convention engage to invite every State, with which both or either have friendly intercourse, to enter into stipulations with them, similar to those which they have entered into with each other, to the end that all other 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 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 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 the 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.

ART. 7. 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 ship 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 contracting parties in this convention have any just cause to object; and the said persons or company shall, moreover, have made preparations, and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company, to the protection of the governments 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 their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking: it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ART. 8. 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 stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint 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 same 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.

ART. 9. The ratifications 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.]

BRITISH LEGATION, April 29, 1850.

SIR: I have the honor to inform you that her Majesty's government have entirely approved of the language which I held to you with reference to your inquiry as to whether it was true that Mr. Chatfield had made a treaty with Costa Rica taking that republic under British protection, and of the assurance I then gave you that I did not believe, from the opinions which I had heard her Majesty's Secretary of State for Foreign Affairs express, that he could have authorized Mr. Chatfield to make any treaty placing the republic of Costa Rica under the protection of her Majesty. I have been furthermore instructed to state to you that the British government has not made, and has no intention of making, any treaty or arrangement with Costa Rica for taking that State under British protection.

I am also desired to add that it would be contrary to the fixed and settled policy of Great Britain to entangle herself by any engagement to protect distant States over whose policy and conduct it would be impossible for the British government to exercise any effective control. Such a protectorate would confer no possible advantage on Great Britain, and might become the source of many embarrassments to her.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

H. L. BULWER.

Hon. J. M. CLAYTON, &c., &c., &c.

DEPARTMENT OF STATE,
Washington, April 30, 1850.

SIR: I have the honor to acknowledge the receipt of your note of the 29th instant, informing me that her Britannic Majesty's government have entirely approved of the language which you held and the assurance which you gave to me with reference to my inquiry as to whether it was true that Mr. Chatfield had made a treaty with Costa Rica taking that republic under British protection; that you have been furthermore instructed to state to me, that your government has not made, and has no intention of making, any treaty or arrangement with Costa Rica of that kind; and that you are also directed to add that it would be contrary to the fixed and settled policy of Great Britain to entangle herself by any engagement to protect distant States over whose policy and conduct it would be impossible for her to exercise any effective control.

I take pleasure in expressing the satisfaction with which this government has received this friendly assurance from that of her Britannic

Majesty, the more especially as it cannot fail to strengthen the bonds of amity now existing between our respective countries.

I avail myself of this opportunity to renew to you, sir, the assurance of my distinguished consideration.

JOHN M. CLAYTON.

Right Hon. Sir H. L. BULWER, &c., &c., &c.

[No. 34.]

LEGATION OF THE UNITED STATES,

San Juan de Nicaragua, June 25, 1850.

SIR: I have the honor to acknowledge the receipt of your No. 8, by hand of Mr. James Cross, conveying the announcement of the conclusion of the negotiations with Great Britain in respect to the proposed ship-canal, and other dependant matters, and also granting me the indulgence which I had previously asked, for the purpose of visiting the United States. A large mail destined for me was lost some days ago off Salt Creek, by the wreck of the barque "Lucy Ellen." This catastrophe was alone wanting to fill up the list of accidents which have befallen the correspondence of the department with this legation.

In consequence of the information contained in your despatch, I have addressed the enclosed letter (A) to the government of Honduras, in relation to the island of Tigre, and the pending convention with that State.

I have also the honor to enclose copies of the following correspondence:

B, 1 and 2—To the government of San Salvador, acknowledging the reception of the official action of the assembly of that State upon the pact of union of the 8th of November, 1849, with a translated copy of the reply of the government of Nicaragua, to which a copy of the above letter was addressed.

C, 1 and 2—Copy of a note to the Secretary of State of Nicaragua, announcing my departure for the United States, under my leave of absence, with a translated copy of the reply thereto.

I am informed that the State of Honduras has unanimously ratified the pact of union, and the national representation will therefore meet in the city of Chinendaga on the first of September.

Begging to convey my grateful acknowledgments for the indulgence which the department has extended to me, and hoping to report myself in Washington as early as the 12th of July, I am, sir, your obedient servant,

E. GEO. SQUIER.

Hon. JOHN M. CLAYTON,
Secretary of State.

A.

LEGATION OF THE UNITED STATES,
Grenada, June 21, 1850.

SIR: I have great pleasure in enclosing to you a copy of the treaty recently concluded between the United States and Great Britain, in re-

spect to the proposed ship-canal, Mosquito coast, and other matters of high interest to the Central American States. It will be perceived that, by this treaty, Central America will be henceforth relieved from any danger on the score of foreign territorial aggression. The precautionary measures, therefore, which have been taken, in respect to the Tigre, are no longer necessary; and as the canal company are now free to make such arrangements with Honduras as may be for the mutual interest of both, the special provisions in the treaty in respect to the canal may be dispensed with, and the treaty reduced to the ordinary form of a treaty of commerce, amity, and friendship. As the time fixed for the ratification has expired, it may be well to open a new convention. This may be done upon my return in September. The flag of the United States will, therefore, be considered as withdrawn from the Tigre, from the date of the reception of this communication.

I cannot allow this opportunity to pass without conveying to your excellency my warmest congratulations upon the result of the negotiations between the United States and Great Britain. In the felicitous language of the Secretary of State of the United States, in conveying to me the announcement of the final conclusion of this negotiation, "Central America, capable as she is of sustaining the population of a vast empire, united in herself, and exerting her best energies for the development of her great resources, may date the commencement of a career of unexampled prosperity from the ratification of this treaty." It is only necessary to add that the treaty has been ratified.

With high consideration, I have the honor to be, sir, your very obedient servant,

E. GEO. SQUIER.

To the SECRETARY FOR FOREIGN AFFAIRS
of the Republic of Honduras.

B—1.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Leon de Nicaragua, April 18, 1850.

SIR: I have great satisfaction in acknowledging the receipt of the decree of the government and Congress of San Salvador, of the date of February 28, ratifying the convention for a union of the States celebrated in this city on the 12th of November, 1849.

Although it is the established policy of the United States to abstain from interference in the concerns of other nations, still, whenever her influence may with propriety be exerted for beneficial ends—the promotion of peace, order, and the general good—she regards it as her duty to exert it. It was under this view that my predecessor, whose instructions are made part of my own, was "instructed by his counsel and advice, should suitable occasion offer, to promote the reunion of the States which formed the federation of Central America. In a federal union amongst themselves," these instructions observe, "consists their strength. They will thus avoid domestic dissensions, and render themselves respected by the world."

On the 1st of August, 1849, believing that the proper occasion had arrived, I addressed a letter to the ministry under your charge, conveying the views of my government. But I hardly flattered myself that I should so soon have the satisfaction of announcing to that government, not only that the initiatives to a federal union had been taken, but that a definite plan of Union had received the constitutional sanction of one sovereign State. The example of San Salvador, there is every reason to believe, will be speedily followed by Honduras and Nicaragua; and I am convinced that the remaining States of the old federation will not fail soon to discover that their true interests will be promoted by an adhesion to the new republic.

This event, in conjunction with the new commercial era of the establishment of regular steam-communication on the Pacific coast with Panama and California, and the immediate opening of a route of transit across this isthmus, and with it increased facilities of communication and trade with the United States and Europe—not to advert to the prospective great inter-oceanic canal—will not fail to give new importance to this country, infuse new energy into her people, and make her great and prosperous. By a happy combination of circumstances, it also seems probable that the foreign relations of this country, so long a source of disquiet, alarm, and danger, will be speedily adjusted in an honorable and satisfactory manner. The period is then most fortunate for the proposed union; and a union effected under such auspices, in a spirit of concession, of forgetfulness of past errors, and patriotic devotion to the true interests of the new republic, cannot fail to be enduring and successful in all the great objects of government.

Improving this opportunity to renew the assurances of my high personal regard and consideration, I am, sir, your obedient servant,

E. GEO. SQUIER.

To the SECRETARY FOR FOREIGN AFFAIRS
of San Salvador.

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B—2.

[Translation.]

HOUSE OF THE GOVERNMENT,
Managua, May 11, 1850.

S:R: The Supreme Director of Nicaragua has received, with the liveliest emotions of pleasure, a copy of your communication, addressed to the governor of San Salvador, of the date of the 18th of April, ultimo, stamped as it is with the pure sentiments of a great soul and an American heart; and he recognises the penetration with which you indicate the necessity of the adoption of the pact of the 8th of November—which, I am happy to add, was unanimously ratified by the Assembly of Nicaragua, in a public decree, a copy of which I have the honor herewith to submit.

The Supreme Director sincerely hopes that you will continue your friendly offices, to the end that the national convention of Central America shall obtain the adhesion of the several States, in conformity with the philanthropic desires of the President of the United States.

Desiring your excellency to accept, &c.

S. SALINAS.

His Excellency E. G. SQUIER, &c., &c., &c.

C—1.

LEGATION OF THE UNITED STATES,
Grenada, June 21, 1850.

SIR: I have the honor to inform you that I have received leave of absence from my government, for the purpose of enabling me to visit the United States. Until my return, official communications designed for this legation may be intrusted to the charge of J. W. Livingston, esq., United States consul at this point.

I cannot permit this opportunity to pass without conveying to you my warm acknowledgments for the distinguished courtesy and consideration with which I have been received and treated by your government, and the authorities and people of Nicaragua, in all my intercourse with them, public and private. And I shall not fail to represent to my government the fraternal feeling and sympathy which exist towards it among all classes of Nicaraguans, and the high anticipations which have been formed from the relationship which is every day becoming more intimate between the two countries. It has been my aim to place that relationship upon a firm and enduring basis, worthy of the age in which we live, and in strict accordance with the principles which should govern our respective countries, not less as republican than as American States. If, with the cordial co-operation of your government, and the support of my own, I have in any way contributed to effect this grand object, I shall experience a satisfaction which shall prove an ample reward for any misrepresentation I have in consequence incurred.

Anticipating a speedy return, and renewal of existing agreeable relations, I am, sir, with high consideration, your obedient servant,

E. GEO. SQUIER.

His Excellency the SECRETARY FOR FOREIGN AFFAIRS
of Nicaragua.

C—2.

[Translation.]

HOUSE OF THE GOVERNMENT,
Leon, June 22, 1850.

SIR: The Supreme Director of the State has seen with deep sensation your communication of yesterday, announcing your return to the United States, under leave of absence from your government. The dignity, patriotism, and faithfulness with which you have discharged the duties of your mission, have been in the highest degree gratifying and satisfactory to my government; and it congratulates you in having received, as you have deserved, the cordial esteem of the functionaries and people of Nicaragua, as well for the new hopes of prosperity to which you have given birth, as for the personal qualities which adorn you. Your presence in Nicaragua has made reappear the national spirit, and raised the country from that chaos in which it has for so many years been plunged.

The identity of principles which exists between both countries, the natural and continental bonds which unite them, and, above all, the

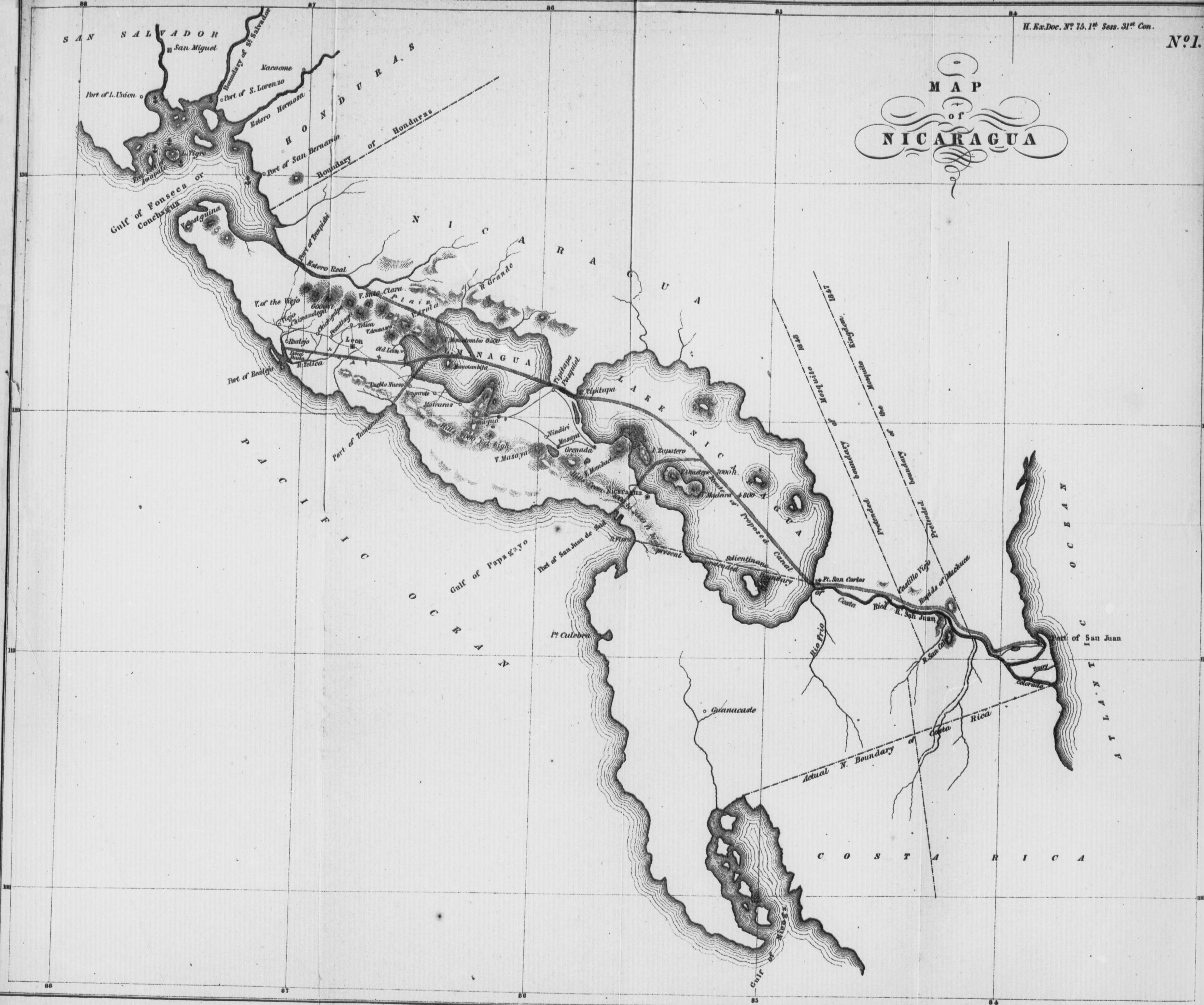
reciprocal interests which a cultivation of closer relations must produce, lead my government to hope that the dignified President of the United States will lend every sanction to the ideas and measures which your excellency shall recommend to be carried out here. My government regrets that you should leave the State even for the short period proposed; but as your departure seems settled, it desires to manifest to you and to the illustrious President of the United States, and the people thereof, the sentiments of eternal gratitude felt by the government and people of Nicaragua for the exertions which have been made in their behalf, "nd in vindication of their sacred rights.

Wishing you a safe and speedy return, I am, &c.,

S. SALINAS.

His Excellency E. G. SQUIER, &c., &c.

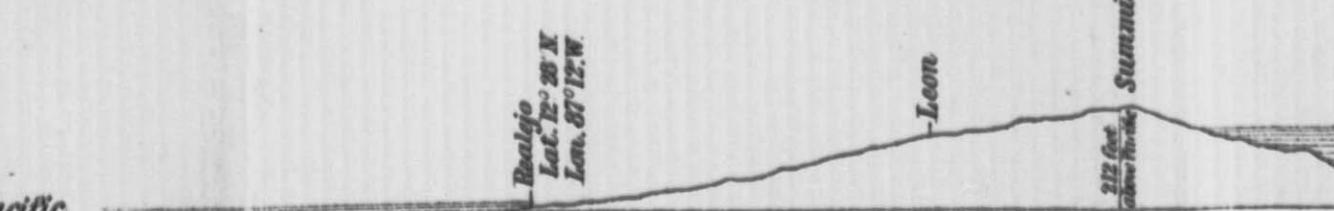
MAP
or
NICARAGUA



RECAPITULATION

(Lengths)

Length of River San Juan	90 Miles
part ^s of Lake Nicaragua traversed by the line	110
River Tipetapa	18
Lake Managua	55
Distance from to Realejo	40
Total length	313 Miles



RECAPITULATION

(Elevations)

Height of Lake Nicaragua above the Atlantic	117 feet
Managua	128 feet
León	176 feet
Tipetapa	136 feet
Rio San Juan	212 feet

of Summit above Atlantic 212 feet above Pacific

Horizontal Scale 15 miles to the Inch.

Vertical 500 feet

SECTION,

SHIP-CANAL

from San Juan to Realejo

across the Isthmus of Nicaragua.

On the line of proposed

SHIP-CANAL from San Juan to Realejo

across the Isthmus of Nicaragua.

RECAPITULATION

(Elevations)

Height of Lake Nicaragua above the Atlantic	117 feet
Managua	128 feet
León	176 feet
Tipetapa	136 feet
Rio San Juan	212 feet

of Summit above Atlantic 212 feet above Pacific

Horizontal Scale 15 miles to the Inch.

Vertical 500 feet

RECAPITULATION

(Elevations)

Height of Lake Nicaragua above the Atlantic

117 feet

Managua

128 feet

León

176 feet

Tipetapa

136 feet

Rapids of Machuca

212 feet

Rapids of Rio Negro

212 feet

Rapids of Rio San Juan

212 feet

Rapids of Rio Tipetapa

212 feet

Rapids of Rio Managua

212 feet

Rapids of Rio Nicaragua

212 feet

Rapids of Rio Leon

212 feet

Rapids of Rio Realejo

212 feet

Rapids of Rio San Carlos

212 feet

Rapids of Rio San Juan

212 feet

Rapids of Rio Rio

MAP

201

CENTRAL AMERICA,
showing the pretended boundaries
of the
"Mosquito Kingdom".

the route of the proposed Canal etc.

八

E. G. SQUIER.

1849

