1858. Kiepert. Between the *Indio River* and Punta Patuca

1889. Codazzi, Paz and Pérez. Between Gracias a Dios and *Bluefields*. (Charts I, III, IV, V, XII, XV, XVII, XVIII and XIX.)

1889. Codazzi, Paz and Pérez. Between Gracias a Dios and the *San Juan River*. (Charts VIII, IX, XI, XIII and XIV.)

The following maps are especially authoritative:

That of Faden, on account of its official character in connection with the execution of the Treaty of 1786 between the English Crown and Spain, relating to the evacuation of the Mosquito territory by the English;

The map known as the "*Carta Esférica*" (Spherical Chart), of the Hydrographic Bureau of Madrid, of 1805, 1809, by reason of its having been filed in the case by Colombia;

That of Navarrete, it being recognized that its author was well versed in American historical matters;

That of Thompson, as being the work of a British diplomat, specially charged with the examination of conditions pertaining to the Central American Republic, immediately after its organization;

That of Squier, as being the work of a North American diplomatist, at the time that there was a warm controversy between the United States and Great Britain over the complicated and irritating affairs of the Protectorate of the latter Power over the much discussed Mosquito Kingdom;

And those of Codazzi, as appearing in an Official Atlas of the Republic of Colombia.

All of these authorities, moreover, establish the fact that the frontier was far to the north of the River San Juan de Nicaragua.
III. RECAPITULATION OF THE PRECEDING DATA.

Summarizing the foregoing data, the result is:

(1) The southern limit of the Mosquito territory is fixed at the River San Juan de Nicaragua by the following authorities:

The Engineer Don Luis Díez Navarro; the author of the pamphlet entitled "A Full Answer, etc.," (1779); the Council of Jamaica; Montgomery Martin; Thomas Strangeways; Domingo Juarros; Sir William S. Wiseman; Colonel Robert Hodgson; John Wright; Lord Palmerston; Patrick Walker; Long, the Historian of Jamaica; McGregor; Wyld; Maura; Lord Russell, and Codazzi.

Among the names mentioned, only three are of Spanish origin (Navarro, Juarros and Maura); all the rest, with one exception—the Colombian, Codazzi—are British and were interested in the enlargement of the boundaries of the Mosquito territory, which during the colonial period was under the influence of Great Britain and later came into its actual possession, under color of a protectorate over the so-called Mosquito King—a protectorate that was ended by the Zeledón-Wike Treaty of 1860. With regard to Codazzi, in nine out of fourteen maps in his Atlas, he adopts Bluefields as the extreme limit.

(2) The frontier of the Mosquito territory was placed at Punta Gorda, a place located about twelve leagues to the north of the River San Juan, by the following authorities:

Bishop Garret y Arlovi; Don Carlos Marenco; Don Pedro Fernández Madrid; Faden; Don José Lacayo, and, particularly, the Royal cédula of 1714.

The last-mentioned document is enough to firmly establish that demarcation; but it was strengthened by
the evidence and authority of a Bishop and of a Governor of Nicaragua, of a Governor of Portobelo, and even more, by that of a neo-Granadian of the eminence of Señor Fernández Madrid, a specialist in matters of that character, who points out Punta Gorda as the boundary, although he does carry it very much farther to the south than the extreme limit designated by two other illustrious neo-Granadians—Señores Paredes and Pérez, referred to below. Kieper placed the boundary at the Indio River.

(3) The southern boundary of the Mosquito Coast was located at Bluefields by the following:

Don José Domás y Valle; the “Carta Esférica” of 1803, 1809; Brué; Navarrete; Fitz-Roy; George Squier; Abbott Lawrence; the Brigadier Abarca, and Codazzi; that is to say, by four authorities of Spanish origin, one British, two North American, one French and one from a Colombian official source.

(4) The frontier is put at “Pearl Lagoon” by the author of the pamphlet entitled “The Mosquito Indian and his Golden River” (1699); Thompson; Courtenay De Kalb; Don Victoriano de D. Paredes, and Dr. Don Felipe Pérez. The two latter—neo-Granadians—give great weight to the allegation by reason of the character with which the first of these two was invested as Chargé d’Affaires of New Granada in the United States at the time the publication was made, and the fact that the second, when he wrote, was the official geographer of his country.

(5) Cape Gracias a Dios and the Segovia River were respectively adopted as the center of the Mosquito Coast by the Irishman, Colville Cairns, and by the Audiencia Judge Santaella. In view of the situation of those places,
it is impossible that the southern boundary should have reached to the River San Juan.

(6) The Secretary of State of the United States, Mr. Marcy, fixed the Segovia River as the boundary.

(7) And, lastly, the Council of the Indies, in its opinion in 1739, declared most positively that the Mosquito Coast extended from the jurisdiction of Comayagua to that of Costa Rica. It is evident that such territory was confined to the shores of Nicaragua, inasmuch as the indispensable addition of "inclusive" was not added in designating the terminals.

This fact is further confirmed by the enumeration of the Mosquito settlements made by Governor Carrandí y Menán; by the text of the instructions given by the Viceroy of Mexico, in 1784, for the evacuation of the Mosquito territory by the English; by the distance between the Port of Matina and the location of the Zambos Mosquitos, calculated by Fernández de Bobadilla, to require from twelve to fourteen days' navigation, and by the differentiation established by Señor Fontecha between the territory of Costa Rica and that of Mosquito.

Many other facts entirely in harmony with the foregoing, found in cyclopedias, dictionaries and other works of reference, have been omitted because the labor of recording them would be superfluous in view of the remarkable uniformity of opinion concerning the extreme limits of the country designated as the "Mosquito Coast," occupied by Indians, negroes, and adventurers. These extreme limits were: on the north the Cape of Honduras or Punta de Castilla, and on the south, at the farthest, the branch of the outlet of Lake Nicaragua, called the San Juan River. No Mosquito territories were washed by the other two branches of that outlet—and much
less by the other streams that flow into the sea along that stretch of shore which extends southward from the San Juan River. That extent of coast taking in the Suerre, Matina, Moín, Tarire, Tilorio and Bocas del Drago, as far as the Escudo de Veragua, was constantly the scene of depredations by those barbarians, as were the Spanish settlements of Honduras and Veragua, but it never occurred to anyone that they constituted an integral part of the Mosquito Coast, which was the occasion of so many difficulties in the diplomatic relations between the governments of Madrid and London.

**IV. ROYAL ORDER OF 1808.**

That the southern end of the Mosquito Coast never did reach as far as the River San Juan de Nicaragua during the epoch immediately preceding the date of the emancipation of the provinces of the former Captaincy-General of Guatemala, is conclusively demonstrated by the text of the following document, which definitively settles the question and dissipates all doubt in that regard.

This document is the Royal order of March 31, 1808 (Doc. No. 198), the material portion of which reads as follows:

"The King has been advised of what Your Worship stated in your letter of January 3, 1806, (No. 609), and that of June 18, of the same year, (No. 652), accompanying the statement in regard to navigation and commerce of the River San Juan de Nicaragua, Your Worship proposing that its opening be continued, and that to encourage the clearing and cultivation of the immediate lands there be granted to its inhabitants the same favors which by Royal order of November 20, 1803, were conceded to the new settlers of the Coast of Mosquito, exempting also
from duties and tithes for ten years the products harvested within a distance of ten leagues of the river on either of its banks."

It is clear that if San Juan de Nicaragua had formed a part of the Mosquito Coast in 1808, the foregoing Royal order would have been wholly irrelevant; but as this cannot be admitted for a moment, the conclusion is irresistible that the Mosquito territory did not reach within ten leagues of the San Juan River on the north, and, of course, much less could that territory have embraced any part of the shores of Costa Rica situated to the south of the said San Juan River.
ANNEX III.

THE TERRITORIAL PRETENSIONS OF COLOMBIA OVER THE MOSQUITO COAST REPUDIATED BY THE DIPLOMACY OF EUROPE, THE UNITED STATES AND CENTRAL AMERICA.

(1) Colombian Decree of 1824.
(2) Negotiations by the Government of Central America in 1825 and 1829 for the Opening of the Nicaragua Canal.
(3) Treaty of 1846 between the United States and New Granada.
(4) Protests of New Granada to secure the Recognition of its Sovereignty over the Mosquito Coast.
(5) The Government of the United States firmly maintains that the Port and River of San Juan form no part of the Mosquito Coast and that said River, Port and Coast belong to Nicaragua.
(6) Opinion of Mr. Abbott Lawrence.

(8) The Central American Republics recognized by the United States as Sovereigns over the
(10) Further Evidence in Support of the Contentions in Subdivision No. 5. Note and Instructions of Mr. Marcy to Mr. Dallas. Clarendon–Dallas Treaty.


(13) Dickinson–Ayón Treaty, 1867.

(14) Note of Mr. Fish to Mr. Schenck and Report of Mr. Evarts to President Hayes.

(15) Correspondence Between Colombia, Nicaragua and Guatemala, in 1880 and 1881, 1890 and 1896. Memorial Presented by Dr. Don Lorenzo Montúfar to the Legislature of Guatemala in 1881.

(16) Note of Mr. Gresham to Mr. Baker, 1894.

(17) Award by the King of Spain in the Boundary Litigation Between Honduras and Nicaragua, 1906.

(18) Conclusions.

(19) The Loubet Award.

(1) Colombian Decree of 1824.

After the Decree of 1824 (Doc. No. 252), by which Colombia undertook to assume sovereignty over the whole of the Central American coast from Cape Gracias a Dios toward the island of the Escudo de Veragua, that republic persisted in the effort to get control of this extensive littoral region to the serious detriment of the Republics of Costa Rica and Nicaragua, which she proposed to entirely exclude from the Atlantic ocean. Happily, however, this
effort was, as it must have been, peremptorily repulsed, not only by the Federal Republic of Central America and by those of Costa Rica and Nicaragua (which were especially menaced) and by that of Guatemala, but by the other nations indirectly interested in the affair. A brief glance will, therefore, be taken at the history of the matter, which this remarkable claim always sought to disregard.

The port of San Juan de Nicaragua was entirely in the possession of the Captaincy-General of Guatemala at the moment when this province declared its independence of the Spanish monarchy; so that it was quite proper for the Federal Central American government to open it as a port of the republic, and it did so by a Decree of 1825.

(2) Negotiations by the Government of Central America in 1825 and 1829 for the Opening of the Nicaragua Canal.

The Minister of Central America in Washington, Don José Antonio Cañas, in 1825, initiated negotiations with the Government of the United States for the opening of a canal for inter-oceanic navigation across the Isthmus by way of the River San Juan and Lake Nicaragua, and the pretensions of Colombia were not set up as an obstacle to the progress of the same, although she had already at that time declared her pretensions to sovereignty over the Mosquito Coast.

The same thing was true in 1829, when arrangements were made by the Federal Government of Central America with a well known Dutch firm for that purpose, under the protection of H. M. the King of the Netherlands; but that arrangement fell through on account of the separation of Belgium from the Netherlands Union.
By the general treaty of Peace, Friendship, Navigation and Commerce, between the United States of America and New Granada of December 12, 1846 (Doc. No. 281), the latter country, in Article XXXV, conceded to the former certain rights in the ports of New Granada, generally denominated as those of the Isthmus of Panama, from its southernmost extremity to the boundary of Costa Rica; and in exchange the Government of the United States guaranteed the perfect neutrality of the aforesaid Isthmus and the rights of property and sovereignty that New Granada held and possessed over said territory.

Such stipulations obviously prove that the Colombian territory came to an end on the Isthmus of Panama, upon reaching the frontier of Costa Rica, which stood in the way of its extending any further in a northwesterly direction; for if it were to continue, the Isthmus would be bounded not only by Costa Rica, but also by the territories of Nicaragua and Honduras, within which the Mosquito Coast lay.

It would have been, on the other hand, quite out of the question for the United States to maintain, as it did most persistently, that the Mosquito Coast belonged for legal and historical reasons to the State of Nicaragua, and at the very same time guarantee to New Granada sovereign rights over that territory. That would have been a contradiction. What the United States did do, on the contrary, was to guarantee to Nicaragua its sovereignty over the Mosquito country, by the Dickinson-Ayón Treaty, which will be discussed hereafter.
(4) **Protests of New Granada to Secure the Recognition of Its Sovereignty Over the Mosquito Coast.**

The Legation of New Granada in London made three protests for the consideration of the British government—one dated May 31 and July 1, 1844; another dated March 14, 1846, and the last, on April 29, 1848 (Doc. No. 288)—against the claims made by the latter government to the Mosquito Coast for the benefit of a native tribe known by the name of "Mosquitos," which was under the protection of Great Britain. The answer of Viscount Palmerston bore date of May 4, 1848 (Doc. No. 289); and in it he positively declined to acknowledge any right, or interest, on the part of New Granada to intervene in the matter, for the fundamental reason that that republic DID NOT OCCUPY OR POSSESS ANY PART OF THE MOSQUITO TERRITORY. As to the southern boundary of the latter, Viscount Palmerston declared that his government had recommended the San Juan River for such boundary, in order thereby to avoid "all dispute between Mosquito and New Granada." This was a most effective way to avoid a conflict as to frontiers, inasmuch as between the San Juan River and the Escudo de Veragua, a territory was interposed that Great Britain recognized as properly belonging to its legitimate owner, Costa Rica.

The point of view taken by Lord Palmerston was exactly the same as that expressed by the distinguished diplomat who then represented Great Britain in Central America, Mr. Frederick Chatfield, who, in a note addressed to his superior, above named, under date of April 15, 1847 (Doc. No. 283), said:
"The pretension of sovereignty assumed by New Granada to the whole of the Mosquito territory, will, I conceive, be found upon examination quite irregular * * *. The main point is whether the New Granadian Government has a just claim to any part of the Mosquito King's territory, or to any part of that of Central America* * * and I request to lay before Your Lordship such particulars * * * trusting that what I shall state will appear * * * a sufficient ground for declining to recognize the right of New Granada to an extension of territory beyond the boundaries on the Central American side, as they existed previous to the independence of both countries of Spain, since it is demonstrable that New Granada HAS NEVER ACQUIRED EITHER A MILITARY OR CIVIL JURISDICTION OVER THE MOSQUITO AND CENTRAL AMERICAN TERRITORIES, NOR ANY TITLE TO TREAT FOR THE DIVISION OR APPROPRIATION OF STATES WHICH DO NOT BELONG TO IT."

The Chargé d'Affaires of Great Britain in Bogotá, Mr. Daniel F. O'Leary, wrote to Lord Palmerston, in a note dated June 29, 1847 (Doc. No. 284), as follows:

"THIS REPUBLIC [New Granada] HAS NO POSSESSORY RIGHTS ON THE COAST BETWEEN THE CHIRIQUI LAGOON (in the vicinity of which, at Boca Toro, she formed a settlement), AND THE RIVER SAN JUAN."

(5) THE GOVERNMENT OF THE UNITED STATES FIRMLY MAINTAINED THAT THE PORT AND RIVER OF SAN JUAN FORM NO PART OF THE MOSQUITO COAST AND THAT SAID RIVER, PORT AND COAST BELONG TO NICARAGUA.

In a note addressed by Mr. Clayton to Mr. Foot, on July 19, 1849, the following appears:
“It is understood that New Granada sets up a claim to the Mosquito Shore, based upon the transfer of the military jurisdiction there to the authorities at Cartagena and Bogotá, pursuant to the Royal order of the 30th of November, 1803, and upon the 7th Article of the treaty between Colombia and Central America, by which those Republics engaged to respect their limits based upon the *uti possidetis* of 1810 * * * *. With the conflicting claims of New Granada and Nicaragua we have no concern, and, indeed, there is reason to believe that they will be amicably adjusted. WE ENTERTAIN NO DOUBT, HOWEVER, THAT THE TITLE OF SPAIN TO THE MOSQUITO SHORE WAS JUST, AND THAT HER RIGHTS HAVE DESCENDED TO HER LATE COLONIES ADJACENT THERETO. THE DEPARTMENT HAS NOT HESITATED TO EXPRESS THIS OPINION IN THE INSTRUCTIONS TO MR. SQUIER, THE CHARGE D’AFFAIRES TO GUATEMALA; AND MR. BANCROFT HAS BEEN INSTRUCTED TO MAKE IT KNOWN TO THE BRITISH GOVERNMENT ALSO. YOU MAY ACQUAINT THE MINISTER FOR FOREIGN AFFAIRS OF NEW GRANADA WITH OUR VIEWS ON THIS SUBJECT * * * ’.

Attention should here be called to two things: one, that in the view of Mr. Clayton, the pretension to dominion brought forward by Colombia embraced only Nicaraguan territory; and the other that the recognition of sovereignty by virtue of inheritance was made by Mr. Clayton in favor of the adjoining colony; which was of course Nicaragua.

The Government of the United States always maintained, and most tenaciously, in its controversies with Great Britain, that the San Juan River WAS NOT A

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PART OF THE MOSQUITO TERRITORY. This appears in the note that Mr. Bancroft addressed to the Secretary of State, Mr. Clayton, in August, 1849 (Doc. No. 291), giving an account of an interview with Lord Palmerston, in which, with the despatch of Mr. Clayton in his hand, he gave him very concisely the reasons on which he based the opinion that no such kingdom of Mosquito existed, and that even if it did, ITS JURISDICTION DID NOT REACH TO THE SAN JUAN RIVER.

In a note addressed by Mr. Rives to the Secretary of State, Mr. Clayton, under date of September 25, 1849 (Doc. No. 292), giving an account of another interview had with Lord Palmerston, Mr. Rives states that he informed the latter

"that the Government of the United States, after the most careful investigation, had come undoubtedly to the conclusion that, upon both legal and historical grounds, the State of Nicaragua WAS THE TRUE TERRITORIAL SOVEREIGN OF THE SAN JUAN, AS WELL AS OF THE NICARAGUA LAKE; and that it (the Government of the United States) was, therefore, bound to give its countenance and support, by all proper and reasonable means, to rights lawfully derived by their citizens under a GRANT FROM THAT SOVEREIGN."

In some correspondence exchanged between Lord Palmerston and Mr. Lawrence, the former on November 13, 1849, stated that he was ready, in accord with the Government of the United States, to use his good offices for the settlement of the boundary question between Costa Rica and Nicaragua, because the CORDIAL COOPERATION OF BOTH REPUBLICS WAS ESSENTIAL to
the complete execution of the contemplated enterprise of opening a Ship Canal along the line of the San Juan River and through Lake Nicaragua.¹

(6) OPINION OF MR. ABBOTT LAWRENCE.

No official, or unofficial map among those published, from the era of independence down to the present day, recognized Colombia as having any territorial rights beyond the limits assigned to the Isthmus of Panama on the west or northwest—over the very long stretch of shore that ran from the border of the ancient and well known Province of Veragua as far as Cape Gracias a Dios; and that very fact by itself at once demonstrates the universal belief, unanimously expressed, as against any effort to curtail, for the benefit of Colombia, the territory of the Central American republics above mentioned.

The basis of this observation is not ours; it emanates from the celebrated internationalist and American diplomat, Mr. Abbott Lawrence, who, in a note dated at London on April 19, 1850 (Doc. No. 629), said to the Secretary of State, Mr. Clayton:

"All the good maps of the sixteenth, seventeenth and eighteenth centuries, French, Spanish, Dutch and English, carry Honduras from coast to coast; NICA-RAGUA THE SAME, and fix the southern terminus of the Mosquito shore at or near where I have indicated," i. e., Bluefields.

(7) THE CLAYTON-BULWER TREATY OF 1850 DESTROYS THE NEO-GRANADIAN TERRITORIAL PRETENSIONS.

It is well known that the stipulations of the Clayton-Bulwer Treaty, of April 19, 1850, had as their principal

¹British and Foreign State Papers; Vol. XL, p. 963.
purpose the removal of the difficulties that were encount-
ered in regard to the opening of a ship canal between the
Atlantic and the Pacific oceans, by way of the San Juan
River and the Lake of Nicaragua, growing out of terri-
torial questions that were discussed between the United
States and Great Britain, in defense of the sovereign
rights of Honduras, Nicaragua and Costa Rica, over the
entire Atlantic littoral from Cape Honduras to the San
Juan River, Great Britain, partly in its own name and
partly as the protector of the Mosquito King, having
secured control of that littoral and the islands included
in what was known as the Bay Establishment.

New Granada notified not only the United States, but
Great Britain, of her territorial claims over the Mosquito
Coast; but they were peremptorily rejected by both of
those powers. The Clayton-Bulwer treaty sought to
harmonize so far as possible the rights of all the states
interested in the territories which it was supposed the canal
would cross; and it is worthy of note that the claims of
New Granada were treated as having no value whatever.

Even before the rights of Costa Rica and Nicaragua
were finally settled by the Cañas-Jerez Treaty of 1858
and by the Award of the President of the United States,
delivered in 1888, the opinion was held in the latter coun-
try that "* * * the only sovereign states whose consent
and cooperation would, in any event, be necessary for the con-
struction of the Ship Canal contemplated between the two
oceans, by way of the River San Juan and Lake Nicaragua,
were Nicaragua, Costa Rica, and Honduras." This was so
expressed by the Secretary of State, Mr. Clayton, in a
report sent to President Fillmore on July 18, 1850.1

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The Central American Republics Recognized by the United States as Sovereigns Over the Whole of the Territory Comprised Within the Old Captaincy-General of Guatemala.

The United States always considered the frontiers of Central America as entirely clear and unquestionable. This appears from the report submitted to the Senate on February 11, 1853 (Doc. No. 601), by Senator Mason of the Committee on Foreign Relations. It said:

"In tracing the history of the Spanish possessions in this part of the American continent, they find that previous to the revolution which severed them from Spain, and for a long time anterior, the territory, which has but recently assumed the title of 'Central America,' constituted a separate provincial government, under the name of the 'Kingdom or Viceroyalty of Guatemala.' This Viceroyalty embraced the Provinces of Guatemala, San Salvador, Honduras, Nicaragua and Costa Rica. * * * Thus, geographically, the boundaries of what subsequently became the confederation of 'Central America' are clearly ascertained. They are those of the old Viceroyalty of Guatemala, and embrace the five Republics named above, with all the insular dependencies which pertained to them whilst under the dominion of Spain."

The fact that the city of San Juan de Nicaragua was located within territory that was unquestionably Nicaraguan, was always maintained by the Government of the United States, and some passages will be cited in support of that allegation.
(9) ADDITIONAL EVIDENCE IN SUPPORT OF THE CONTENTIONS IN SUBDIVISION NO. 5. NOTE OF MR. DOBBIN TO COMMODORE HOLLINS. NOTES BY MR. MARCY TO MR. INGERSOLL AND MR. MARCOLETIA. MESSAGE OF PRESIDENT PIERCE.

The Secretary of the Navy, J. C. Dobbin, in the instructions given to Commodore George N. Hollins, Commander of the United States ship of war Cyane, under date of April 14, 1853 (Doc. No. 602), said:

"Your conduct in affording protection, and saving from destruction the property of that company, is commended not because of any supposed stipulation for that purpose, by convention between Great Britain and the United States, but because American citizens are largely and chiefly interested in said company, the charter of which was granted and guaranteed by the state of Nicaragua, within the limits of which state the town of San Juan is situated * * * *.

San Juan de Nicaragua, or Greytown, is regarded by the UNITED STATES AS WITHIN THE LIMITS OF THE STATE OF NICARAGUA."

Referring to a commercial agent appointed by the United States in that city, it is observed that in his commission "SAN JUAN DE NICARAGUA IS EXPRESSLY STATED TO BE WITHIN THE LIMITS OF THE STATE OF NICARAGUA."

The same despatch goes on to say:

"A portion of the property attempted to be destroyed is on Point Arenas. Now Point Arenas is either a part of Costa Rica or Nicaragua. If it be within the limits of Costa Rica, it is manifest that the authorities of Greytown IN THE STATE OF NICARAGUA have no right to molest persons or property there. If it be within the limits of Nicaragua, then the authorities of Greytown have no right to interfere, because
the privilege granted by the State Government of Nicaragua prior even to any attempted separate organization at that town.'"

Referring to this same matter of the jurisdiction of Punta Arenas, which, it is well known, occupies the right bank or southern shore of the bay into which the River San Juan de Nicaragua empties, Mr. Marcy, the Secretary of State, in a note to Mr. Ingersoll, dated June 9, 1853 (Doc. No. 299), wrote as follows:

"If this point of land is within the territorial limits of Nicaragua, as that Republic claims it to be, the right of the Accessory Transit Company can hardly be drawn in question. It is derived from an express grant in their charter from the Government of Nicaragua. If, on the other hand, it is within the territorial limits of Costa Rica, as that State asserts, the Company can retain their possession, as against the people at San Juan, who do not pretend to hold the town of San Juan, or any other property, by grant or permission from the Government of Costa Rica. Punta Arenas, it will be recollected, is on the southern bank of the River San Juan. At the time when the Accessory Transit Company took possession of it, there was scarcely the foreshadowing of a pretension to a claim for these Indians [the Mosquitos] to any territory whatever on the south side of that river."

Further along in the same despatch Mr. Marcy said:

"It is proper to say in conclusion, that the President does not authorize me to say in reply to the despatch of Her Britannic Majesty's principal Secretary of State for Foreign Affairs anything which may be construed into a recognition on his part of the claim set up by the people at San Juan to sovereign authority in themselves over any territory whatever, or to any municipal or corporate powers or political organization DEROGATORY TO THE SOVER-
EIGN RIGHTS OF EITHER NICARAGUA OR COSTA RICA; nor does he regard any instructions heretofore issued from this or the Navy Department * * * as sanctioning the pretensions of the people of that place (San Juan) to be considered a de facto government, independent of the State WITHIN THE TERRITORIAL LIMITS OF WHICH THE TOWN OF SAN JUAN IS SITUATED."

It will be seen that the United States did not wish to prejudge as to whether the ownership of Punta Arenas was in Costa Rica or Nicaragua, but she did recognize the fact that title to that city resided in one or the other of these republics; and by so doing she positively negatived the contrary and exclusive pretension made by New Granada.

In a note by the Secretary of State, Mr. Marcy, to Señor Marcoleta, Nicaraguan Minister at Washington, dated August 2, 1854 (Doc. No. 605), the following is found:

"Assuming, as it is respectful to do, that you have duly appreciated the consequences of the step you have taken, I infer that the government of Nicaragua, by claiming the right of protection over the persons at San Juan, will not hesitate to acknowledge her responsibility to other states for the conduct of the people which she has permitted to occupy THAT PART OF HER TERRITORY.

Not a word—not the merest suggestion—betraying regard for or concern in the neo-Granadian claims involving the Mosquito territory from Cape Gracias a Dios toward the Chagres, within which, it was said, were included the port of San Juan, the city of Greytown and the settlement of Punta Arenas! With regard to the
latter point, it was disjunctively affirmed that the ownership was either in Nicaragua or in Costa Rica—but no pronouncement in favor of New Granada; and this was not because the latter nation had been at all negligent in alleging her claims.

The same doctrine was asserted in the Third Annual Message of President Pierce, in 1855 (Doc. No. 606), in which he said:

"It, however, became apparent, at an early day after entering upon the discharge of my present functions, that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito Coast, and covering the entire length of the State of Nicaragua and a part of Costa Rica. * * * All these acts or pretensions of Great Britain, BEING CONTRARY TO THE RIGHTS OF THE STATES OF CENTRAL AMERICA, and to the manifest tenor of her stipulations with the United States, as understood by this Government, have been made the subject of negotiations through the American Minister in London. * * * Yet these pretensions, so without solid foundation in the beginning and thus repeatedly abjured, were at a recent period revived by Great Britain AGAINST THE CENTRAL AMERICAN STATES, THE LEGITIMATE SUCCESSORS TO ALL THE ANCIENT JURISDICTION OF SPAIN IN THAT REGION. They were first applied only to a defined part of the Coast of Nicaragua, afterwards to the whole of its Atlantic Coast, and lastly to a part of the coast of Costa Rica. * * *. ON THE EASTERN COAST OF NICARAGUA AND COSTA RICA the interference of Great Britain, though exerted at one time in the form of military occupation of the port of San Juan del Norte, THEN IN THE PEACEFUL POSSESSION OF THE APPROPRIATE AUTHORITIES OF CENTRAL
AMERICAN STATES, is now presented by her as the rightful exercise of a protectorship over the Mosquito tribe of Indians. * * *

(10) FURTHER EVIDENCE IN SUPPORT OF THE CONTENTIONS IN SUBDIVISION NO. 5.

Mr. Marcy, in an official communication addressed to Mr. Dallas, on May 24, 1856 (Doc. No. 607), says among other things:

"Nor is it apprehended that Her Majesty's Government is disposed to claim possession, either in her own name directly, or in that of the Mosquito protectorate, of the port of San Juan de Nicaragua. It cannot but be admitted that that port was an old possession of Spain, her right to which was as indisputable as to Vera Cruz or Panama; that she had a port of entry and a fort at or near that place, so long as she retained the sovereignty of Central America; and that then her rights of sovereignty there, and of territorial possession, passed to the Republic of Central America. It is true that, at a subsequent period, and shortly before the date of the treaty now in question, a British force landed at San Juan, expelled the authorities of the state of Nicaragua, which then held possession of it, and retained it for awhile as against that state, in the name of the Mosquito Indians."

In the instructions that Mr. Marcy sent to Mr. Dallas, dated July 26, 1856, regarding the occupation of the shores of Central America by Great Britain, the following language was used:

"* * * On the other hand, if during that period she [Great Britain] treated the Central American Republics as independent states, she was equally bound to respect the territorial sovereignty which,

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if it did not belong to Spain, belonged to them. In either point of view, no part of it could be taken by Great Britain without usurpation of the rights in litigation between Spain and Central America, and appertaining incontestably, either to Spain or Central America."

He then added:

"* * * We see, in the first place, that England can have no rights of possession or jurisdiction in Central America, except such as her treaties with Spain of 1786 and 1814 accord to her, or except such as she may have acquired by voluntary concession from some one of the republics of Central America * * * ."

In another part of the instructions mentioned, Mr. Marcy writes:

"1. The Mosquito Indians.—These persons, it is understood, have no actual occupancy, save in a very limited district, within the bounds of the undoubted sovereignty of the republic of Nicaragua.

2. San Juan de Nicaragua.—The questions on this point are somewhat connected in fact with those of the Mosquito Indians, because the original seizure of San Juan was made by Great Britain in the name of, or for, the Mosquito Indians. * * * But the occupancy of those Indians never in fact reached to San Juan. * * * Of course the President cannot admit that the Mosquito Indians have any rightful connection whatever with San Juan de Nicaragua. * * *"

"There will remain as to San Juan the question of limits between Nicaragua and Costa Rica touching both the river and harbor, and the future political condition of the port of San Juan. * * * In regard to each of these points, you are instructed to say that the President is prepared to enter into such arrangements as the treaty contemplates, and to employ the
good offices of the United States with the Republics of Nicaragua and Costa Rica, in order to accomplish the proposed projects * * * ."

On October 17, 1856, the Dallas–Clarendon treaty was signed in London between the United States and Great Britain. The Senate of the United States ratified it, but not without numerous amendments which were set out in the proclamation of President Buchanan, dated March 19, 1857. The purpose of most of these modifications was to guarantee, in an effectual way, the sovereignty and rights of the Republic of Nicaragua over its shores on the Caribbean Sea, from the border of Honduras to the River San Juan de Nicaragua, and at the same time to protect the rights of the Republic of Costa Rica in connection with the river and port of San Juan, and the territory situated to the south of that stream. The government of Her Britannic Majesty accepted without difficulty the amendments offered by the Senate of the United States, in an official communication by Earl Clarendon to Lord Napier dated April 17, 1857.

(II) Cañas-Jerez Treaty, 1858.

On April 15, 1858, the Cañas-Jerez treaty was entered into between Costa Rica and Nicaragua for the demarcation of the frontier between the two republics (Doc. No. 312), which provided therefor as follows:

"ARTICLE II. The dividing line between the two Republics, starting from the Northern Sea, shall begin at the end of Punta de Castillo, at the mouth of the San Juan de Nicaragua River, and shall run along the right bank of the said river up to a point three English miles distant from Castillo Viejo, said distance to be measured

\[\text{British and Foreign State Papers; Vol. 47, pp. 677, 684, 687 and} 690.\]
between the exterior works of said castle and the above named point * * *.

"ARTICLE IV. The Bay of San Juan del Norte, as well as the Salinas Bay, shall be common to both Republics * * *

"ARTICLE V. As long as Nicaragua does not recover the full possession of all her rights in the Port of San Juan del Norte, the use and possession of Punta de Castilla shall be common and equal both for Nicaragua and Costa Rica; * * * and in the meantime, and as long as this community lasts, the boundary shall be the whole course of the Colorado River. It is furthermore stipulated that, as long as the said Port of San Juan del Norte remains a free port, Costa Rica shall not charge Nicaragua any customs duties at Punta de Castilla."

Differences having arisen afterwards between the two republics concerning the validity of that boundary treaty, the matter was submitted to the arbitration of the President of the United States who, by an award delivered on March 22, 1888, declared the compact to be a valid one. Not the slightest notice was taken of the imaginary rights of Colombia over the San Juan River and the Mosquito Coast as far as Cape Gracias a Dios, either in 1858 or in 1888; nor did Colombia herself make any protest of any kind whatever on either of these occasions.

(12) ZELEDÓN-WIKE TREATY OF 1860. DEFINITIVE INCORPORATION OF MOSQUITO IN NICARAGUA. ALTAMIRANO-HARRISON TREATY.

The Treaty of Managua, of January 28, 1860, generally known as the Zeledón-Wike treaty (Doc. No. 316) entered into by Great Britain and Nicaragua, with the approval of the United States, defined the legal situation of the Mosquito territory. By that instrument the
SOVEREIGNTY OF NICARAGUA WAS LEFT DEFINITIVELY RECOGNIZED ON THE ATLANTIC LITTORAL FROM THE FRONTIER OF HONDURAS TO THAT OF COSTA RICA, and out of a portion of that littoral a “Reserve” was created for the benefit of the Mosquito Indians, with limits perfectly well defined, UNDER THE SOVEREIGNTY OF NICARAGUA.

From the frontier of Honduras (Cape Gracias a Dios) to the frontier of Costa Rica (the San Juan River) the whole coast was recognized as being under Nicaraguan sovereignty, with the absolute and perpetual exclusion of Colombia, who on her part gave her tacit assent thereto by refraining from any protest against the Managua treaty.

The southern boundary of the Mosquito Reserve created by the Treaty of Managua, of 1860, was fixed, as is well known, at the Rama River, a long distance to the north of the River San Juan de Nicaragua, which was approximately on what had been the historical and legal southern border of the Mosquito territory under the Spanish government.

In that treaty the definitive incorporation of the Mosquito Reserve in Nicaragua was provided for, which took effect by a document signed the 20th day of November, 1894. In its main enacting clause the document provided:

"The constitution of Nicaragua and its laws shall be obeyed by the Mosquito people, who shall be under the protection of the flag of the Republic."

This was duly communicated to the Government of the United States, by which it was warmly received; and in pursuance thereof there was concluded between Nicaragua
and Great Britain, on April 19, 1905, what was known as the Altamirano-Harrison Convention (Doc. No. 622), the two principal articles of which provided:

"ARTICLE I. The High Contracting Parties agree that the Treaty of Managua, of January 28, 1860, be abrogated.

"ARTICLE II. His Britannic Majesty RECOGNIZES THE ABSOLUTE SOVEREIGNTY OF NICARAGUA OVER THE TERRITORY THAT FORMED THE OLD MOSQUITO RESERVE, to which the treaty of Managua referred, above cited."

Thenceforward the whole of the Nicaraguan Coast, from the frontier of Honduras to that of Costa Rica, was recognized as the undisputed territory of Nicaragua, and fully and unrestrictedly subject to her laws.

Nor did Colombia ever protest against the treaty of 1905, just mentioned, which definitively merged Mosquitia in Nicaragua.

(13) DICKINSON-AVÓN TREATY, 1867.

The Dickinson-Avón treaty between the United States and Nicaragua was signed June 21, 1867 (Doc. No. 609). By Article 15 it was stipulated that the former should extend its protection to the routes of inter-oceanic communication across Nicaraguan territory, expressly saving Nicaragua's rights of sovereignty and guaranteeing the neutrality and proper use of such routes.

These stipulations were in perfect accord with the doctrine always maintained by the United States, that the coasts of Nicaragua on the Caribbean Sea were the property of that nation and subject to its absolute sovereignty.
(14) Note of Mr. Fish to Mr. Schenck and Report of Mr. Evarts to President Hayes.

On the 26th of April, 1873 (Doc. No. 611), the Secretary of State, Mr. Fish, wrote to Mr. Schenck as follows:

"For some time previously to the date of that instrument (the Clayton-Bulwer Treaty), * * * it seemed to be the policy of the British Government to avail itself of what was called its protectorate of the King of Mosquitos TO WREST FROM NICARAGUA THAT PART OF ITS TERRITORY claimed on behalf of that Indian chief, INCLUDING, OF COURSE, THE MOUTHS OF THE SAN JUAN RIVER, by the way of which it was supposed the proposed ship canal must pass * * * *. On the 28th of January, 1860, a treaty between Great Britain and Nicaragua was signed at Managua. Though this instrument restored to that Republic the nominal sovereignty over that part of its territory which had previously been claimed as belonging to the Kingdom of the Mosquitos, it assigned boundaries to the Mosquito Reservation probably beyond the limits which any member of that tribe had ever seen, even when in chase of wild animals."

Referring to the stipulations of the Clayton-Bulwer treaty, of 1850 (Doc. No. 596), respecting inter-oceanic communication by way of the San Juan River and the Lake of Nicaragua, Mr. William M. Evarts, Secretary of State, in a report addressed to President Hayes, under date of March 8, 1880, said:

"These stipulations, it will be observed, were confined to Central America, and were finally carried out by negotiations with the States of Central America * * * *."

1Senate, Ex. Doc. No. 112, 46th Cong., 2d Sess., p. 16.
On June 28, 1880, the Minister of Foreign Relations of Colombia addressed to the foreign office of Nicaragua a despatch (Vol. 2, Doc. No. 366, pp. 397–399) in which, after alluding to the supposititious rights of Colombia over the territorial zone extending along the Atlantic between the Doraces, or Culebras River and Cape Gracias a Dios, Nicaragua was invited to take up the matter of the settlement of the boundary question by diplomatic arrangement, and if this should not be feasible, then by an arbitral decision to be rendered by the government of some friendly power designated by mutual agreement.

In the response thereto, written by Dr. Don Adán Cárdenas, date September 16, 1880 (Vol. 2, Doc. No. 366, pp. 399, 400), the following views were expressed:

"As regards the question to which Your Excellency refers, my Government has not been able to give to it the importance which at first sight its gravity and possible serious character would have, because it never has been presented by that of Colombia to the consideration of that of Nicaragua, which does not know in any official way the bases upon which any claim of that character could be supported, if it were disposed to formally submit it.

"The rights of Nicaragua over the territory which extends on the Atlantic Coast, from Cape Gracias a Dios to its frontier with the Republic of Costa Rica, have been recognized from a far distant epoch by all the nations with whom it has cultivated friendly relations; its extended possession of that littoral, never disputed by any one, and the exercise of juris-
The repudiation by Guatemala of the Colombian pretensions, as to the shores of Costa Rica and Nicaragua on the Caribbean Sea, could not have been more positive.

In view of the correspondence which had been exchanged between the chancelleries of Bogotá and Managua, the Minister of Foreign Relations of Guatemala, in the memorial laid by him before the legislature in the year 1881 (Doc. No. 366), treated at length this question that had been brought up by Colombia; in that paper occur the following passages:
"The Government of Colombia addressed to the Nicaraguan Government a note proposing an arbitration as to boundaries.

"Nicaragua did not accede to this, because not bordering on Colombia, there could not be any territorial questions between the two countries.

"Between Nicaragua and Colombia there can be no question as to boundaries, because the two countries are separated by an intermediate space.

"This intermediate space is the whole territory of Costa Rica."

"It is not possible, therefore, to imagine that there could be submitted to arbitral decision any matter relating to boundaries between Nicaragua and the United Colombian States, and for that reason the reply was made to their Government which is now presented to you."

In a note addressed by Dr. Don Benjamín Guerra, Minister of Foreign Relations of Nicaragua, to the Foreign Minister of Colombia, on June 26, 1890, in response to claims set up by the latter growing out of the contract Nicaragua had entered into for the purpose of securing inter-oceanic canalization by that route, the following passages occur:

"The Government of this Republic never has recognized, nor does it recognize that it [the Republic of Colombia] has any rights of sovereignty over the territory referred to of the Mosquito Coast. Those rights belong exclusively to Nicaragua, under unquestionable titles, of which it is in possession and which never have up to this time been disputed.

"Nicaragua is the sole sovereign of the zone that extends, upon the Atlantic side, from Honduras on the north to Costa Rica on the south, and it is worth while

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1 Report of the Minister of Foreign Relations of Colombia to the Congress of 1896, pp. 189, 190.
to quote here what was said by Doctor Don Adán Cárdenas, the Minister of Foreign Relations of this Republic, in his despatch of September 16, 1880, answering the one cited by Señor Rico. The rights of Nicaragua over the territory mentioned have been recognized from a far distant epoch by all the nations with whom it has cultivated friendly relations; its extended possession of that littoral, never disputed by any one, and the exercise of jurisdictional acts without opposition by any party who might be supposed to have a better right, constitute a title of such clear and unquestionable character that my Government cannot admit the possibility of it being put in doubt with any color of justice.

"The Government of Nicaragua, persisting in these same convictions, must declare that, in ceding some of its territorial rights to the American corporation with whom it treated for the excavation of an inter-oceanic canal, it did nothing that was prejudicial to those of the Government of Your Excellency, for the very clear reason that Colombia does not have the sovereignty which it claims over the territory called the Mosquito Coast.

"It is very satisfactory to the Government of Nicaragua that its characteristic equity is recognized and the undeviating friendship it has cordially cultivated with that of your republic, and you may be assured that, inspired by those same sentiments, it has determined to make this response, which it is hoped may be favorably received by the illustrious Government of Your Excellency."

On March 14, 1896, the Minister of Foreign Relations of Nicaragua, Dr. Don José Dolores Gámez, in a note he addressed to the foreign official of Colombia, expressed the following views:

1Ibid., p. 197.
"My Government, Mr. Minister, does not believe that any question can be raised as to the possession and the exercise of sovereignty which, without contradiccion by any one, it has exercised and is exercising over the land referred to by Your Excellency. On the 16th of September, 1880, already, there was given to the Government of Your Excellency, by my predecessor in this Ministry, Señor Doctor Don Adán Cárdenas, a copy of the response to which is herewith enclosed, and it is my understanding that from that time to the present not only has there been no change in the rights of Nicaragua, but they have rather been made more effective and have been recognized without opposition.

"There existing, then, no question whatever between Nicaragua and Colombia, the arbitration proposed by Your Excellency is entirely lacking in any object."

16. NOTE OF MR. GRESHAM TO MR. BAKER, 1894.

In the note addressed by the Secretary of State, Hon. Walter Q. Gresham, to Mr. Baker, Minister to Nicaragua, on June 13, 1894 (Doc. No. 614), he said:

"The President is unable to sanction any intervention by you restrictive of the sovereign authority of Nicaragua over the territory occupied by the Mosquito Indians. Recognizing, as this Government does, the paramount rights of the Republic in that region, it ill becomes the representative of the United States to interfere to restrain the Nicaraguan Government in the exercise of those sovereign rights.

"Your proper function is limited to the protection of American citizens in the reserve, as in any other part of the Nicaraguan territory."
You will, before now, have received, if indeed you had not already received at the time of writing your despatch of May 30, my instructions of May 12, enjoining you to REFRAIN FROM DOING OR SAYING ANYTHING TENDING TO DISPARAGE NICARAGUA'S PARAMOUNT SOVEREIGNTY, OR TO ENCOURAGE PRETENSIONS TO RIGHTS INCONSISTENT THEREWITH."

There could not be a more categorical condemnation of the remarkable Colombian claims to the sovereignty of the Mosquito Coast.

(17) AWARD BY THE KING OF SPAIN IN THE BOUNDARY LITIGATION BETWEEN HONDURAS AND NICARAGUA, OF 1906.

On December 23, 1906, His Majesty the King of Spain rendered the Award that put an end to the boundary question between the republics of Honduras and Nicaragua (Doc. No. 437); among the considerations upon which the decision was based there appeared the following:

(a) Each republic was the owner of the territory which, at the date of its independence from Spain, constituted, respectively, the Provinces of Honduras and Nicaragua.

(b) Honduras demonstrated by numerous documents that before and after 1791 the Government-Intendancy of Comayagua intervened in everything that belonged to its jurisdiction in Trujillo, Rio Tinto and Gracias a Dios.

(c) The Bishopric of Honduras which, before 1791, had already performed acts of jurisdiction in territories now disputed, continued to exercise such jurisdiction in an unquestioned manner from that year forward, in the demarcation of the government-intendancy of the same name, in the disposition of titles, the granting of marriage licenses, the appointment of curates, and in hearing
the claims of ecclesiastics at Trujillo, Rio Tinto and Cape Gracias a Dios.

(d) The establishment of Gracias a Dios, from the period prior to 1791, was included in the Bishopric of Honduras and continued under that jurisdiction until the aforesaid Spanish province became an independent state.

(e) Gracias a Dios, with Choluteca and other settlements took part in the election of the Provincial Deputation of Honduras held on the 6th of November, 1820.

(f) Cape Gracias a Dios marked what was practically the end of the extension of the conquest of Nicaragua toward the north, and of Honduras toward the south.

For those and other considerations, which were set forth in the decision, there was fixed therein, as the extreme point of the boundary between the contending parties on the Atlantic Coast, the mouth of the Coco, Segovia or Wanks River, very near Cape Gracias a Dios, and the minutely described line that proceeded from thence to its terminus at Portillo de Teotecacinte.

(18) Conclusions.

For the sake of brevity, attention will be called to certain important facts only, such as the treaty by which Spain recognized the independence of Nicaragua in 1850, wherein it appeared that the territory of the new republic was the same which belonged to the old Province of Nicaragua under the colonial régime, and which extended from sea to sea; the Award of the Emperor of Austria (Doc. No. 365) rendered in the litigation between Great Britain and Nicaragua, in which, with very great precision the extent of the rights of sovereignty over the Mosquito Coast was defined in conformity with the Convention of January 28, 1860, known as the Zeledón–Wike treaty; the Crampton-
Webster, the Cass-Irizarri, the Fish-Cárdenas, the Zavala-Frelinghuysen treaties; the commercial treaties entered into by Nicaragua, France and other Powers with respect to inter-oceanic communication by way of the River San Juan and Lake Nicaragua; the contracts relating to inter-oceanic canalization made by Nicaragua and Costa Rica with Mr. Félix Belly and the company of Paris and many others entered into by Nicaragua separately; all documents in which Nicaragua undertook to stipulate for, and to grant—sometimes by herself alone and sometimes in association with Costa Rica—the respective concessions, the former being the owner of the territories, across which it was proposed to make the excavations for such canal.

The mass of evidence produced in this statement is of such overwhelming weight that very little importance can be attached to the fundamental purpose of Colombia, which was to intervene as an essential party and one that could not be disregarded in the negotiations concerning communication between the two oceans through Central American territory. It was formulated for the first time by its Minister of Foreign Relations, Señor J. Revenga, on October 19, 1825; and on January 7, 1839, General Don Pedro Alcántara Herrán, Minister of Foreign Relations of New Granada, reproduced it in a communication addressed by him to the Federal Government of Central America—then in fact already extinct—in the following words:

"If it is undertaken to carry out the projected inter-oceanic communication through the mouths of the River San Juan, the Government of New Granada will oppose it, making use for that purpose of whatever means may be permitted by international law."

That law, as a matter of fact, did not lend its support to the pretensions set up to exclude the Central American
republics bordering on the San Juan River from a matter so peculiarly their own as was the projected Nicaragua canal, and the intimation of General Herrán was left without any effect whatever.

Another object that Colombian diplomacy always had in view in the Mosquito question, was to obtain, under cover of that interest, special advantages in the definition of its boundaries with Costa Rica. This was very clearly acknowledged by Señor José T. Gaibrois, in a paper prepared by him at the direction of the Colombian government, dated June 30, 1896, and submitted to the Ministry of Foreign Relations, under title "Límites entre Colombia y Nicaragua—Costa de Mosquitos" (Boundaries between Colombia and Nicaragua—Mosquito Coast). Referring therein to a communication from the Chancery of Bogotá, addressed to that of Managua, on the 4th of February, 1848, he said:

"This would have been a propitious occasion to settle, one after the other, if not at the same time, our old questions of frontiers in Central America, the Mosquito-Coast claim then being, as it has always been, subordinated by our Chancellery to the settlement of the dispute with Costa Rica. * * *

(19) THE LOUBET AWARD.

In conclusion attention is directed to the Award of President Loubet which in express terms decides that the territory of Panama shall not extend beyond Punta Mona on the Atlantic Coast, and that islands in proximity to the coast "situated to the west and to the northwest of the said Punta Mona shall belong to the Republic of Costa Rica." The award also in express terms refers to other islands "more distant from the continent and included
between the Coast of the Mosquitos and the Coast of the Isthmus of Panama.""

It is evident, therefore, that it was the intention of President Loubet in his Award to decide that Costa Rican Territory intervened along the Atlantic littoral between the Mosquito Coast and Panama, thus denying Colombia's claim that the Mosquito Coast extended south of the San Juan River or intervened between Costa Rica and the sea along any part of the littoral south of the Nicaraguan boundary.
ANNEX IV.

INEFFICACY OF THE ROYAL ORDER OF SAN LORENZO, DATED NOVEMBER 20, 30, 1803.

I. OBJECTIONS ADVANCED BY BRIGADIER DON ROQUE ABARCA.

(1) The Costan Rican littoral on the Atlantic was not included in the Royal Order. That Order was never executed.

(2) Reasons given by Abarca in opposition to the colonization plan that served as the basis for the Royal Order.

(3) President González adopts the objections of Brigadier Abarca.

(4) Further Royal Order concerning the colonization of the Mosquito Coast—Twin to the Order above cited.

(5) Analysis of the Colonization Plan.

(6) No part of the Colonization was ever carried out, or even initiated.

(7) Statement of facts showing that from 1803 to 1821 neither the Mosquito Coast or the Matina Coast were separated from the Captaincy-General of Guatemala and the Provinces and Bishopric of Nicaragua and Costa Rica.

(8) Résumé of the data embraced in the foregoing statement of the facts pertaining to the period between 1804 and 1821.


(569)
1. OBJECTIONS ADVANCED BY BRIGADIER DON ROQUE ABARCA.

The Royal Order of San Lorenzo of November 20–30, 1803 (Doc. No. 192), was the subject of serious objections, formulated by the Inspector of Militia of the Captaincy-General of Guatemala, Brigadier Don Roque Abarca, in a communication submitted by him to the President of the Royal Audiencia and Captain-General, Don Antonio González, who adopted in all their parts the observations of his immediate subordinate, and transmitted them in his turn to the Universal Ministry of the Indies.

(1) THE COSTA RICAN LITTORAL ON THE ATLANTIC WAS NOT INCLUDED IN THE ROYAL ORDER. THAT ORDER WAS NEVER EXECUTED.

Señor Abarca began his note (Doc. No. 194) by defining the territory directed to be separated from the Captaincy-General of Guatemala and added to the Viceroyalty of Santa Fe; and it was understood therein to be confined to the Island of San Andrés, Gracias a Dios, Bluefields, and, to a certain extent, the San Juan River—nothing more. The territory belonging to the northern coast of the Province of Costa Rica was, therefore, left outside of and unaffected by the contemplated segregation and annexation.

(2) REASONS GIVEN BY ABARCA IN OPPOSITION TO THE COLONIZATION PLAN THAT SERVED AS THE BASIS FOR THE ROYAL ORDER.

The attack which Brigadier Abarca made on the plan of Governor Don Tomás O'Neille—which was adopted by the Board of Fortifications and Defense of the Indies and served as a basis for the Royal order of November 20, 1803, was rude, formidable, extremely apt, fully justifiable and as eloquent as it was sincere.
The Board of Fortifications and Defense of the Indies, and the Department of War itself, in view of the wise and courageous report of Don Roque Abarca, could not fail to understand that they had committed a very serious mistake in issuing the important measure objected to; and although there has not been found in the Spanish archives any direct and specific order revoking except by implication the Royal order of November 20, 1803, neither does there appear in those archives, or in those of Guatemala and Costa Rica, any paper indicating that the purpose of carrying out the plan of segregation and addition was persisted in; on the contrary there is an abundance of data leading with irreproachable logic to the fixed conviction that that Royal order was never put into execution in any form—that its execution was never even initiated; that things remained in the same status in which they were found prior to the issuance of that order, all of which is in accord with the basic idea of the report of Señor Abarca, whose conclusion was that—"serious injuries will result if this plan is carried out, and even if an attempt be made to realize it; and * * * that even if it were desirable to carry it out, its execution should not be entrusted to O'Neille."

O'Neille, in the view of Abarca—seconded by the President and Captain-General—was actuated solely by the purpose of carrying on contraband traffic, on a great scale and for his own profit, in the Kingdom of Guatemala. In order to succeed in his desires, O'Neille made allegations that were evidently false and entirely lacking in truth, without attempting to excuse himself by ignorance, although he must surely have been aware of the falsity

of his assertions. This is shown by papers in the handwriting of O'Neille, in the possession of Abarca, who put the same in the hands of President González, in order that they might be forwarded to Madrid. The Plan of O'Neille had been previously proposed in another form to Abarca, who had indignantly rejected it. It was then submitted to President González, and he also rejected it; whereupon O'Neille resorted to the expedient of the separation of the Mosquito Coast from the Captaincy-General of Guatemala, as being the only means whereby he could succeed in his illicit purposes. The colonization of the Mosquito Coast, as proposed by O'Neille, was impracticable except for purposes of contraband trade. Only lunatics or contraband traders would follow the plan of the Governor of San Andrés. The plan that should be followed for the colonization of Mosquitos was altogether different, and was proposed by Abarca; his scheme was slow, but sure. O'Neille was deceitful and false, and a great smuggler.

(3) President González adopts the objections of Brigadier Abarca.

President González, as before stated, adopted the very serious criticisms of his immediate subordinate, as may be seen in his despatch of June 3, 1804, addressed to the Secretary of War (Doc. No. 195). In it Señor González says that, in order to consider the representations of Abarca he has taken up and examined the documents cited and carefully investigated the observations of Abarca, which he finds entirely in harmony with the facts ascertained in other ways and with the opinion he himself has formed of O'Neille. He adds that it is borne in on him with peculiar force that the work of Abarca rings true, wherein it seeks to
show that what O'Neille is in pursuit of is smuggling, on account of which during the recent war, he had had to refuse him the means of defense which he had asked for and which had been destined for him while outside of the Island of San Andrés, where his government was located. President González goes on to state to the Ministry of War the general belief that O'Neille was responsible for the illicit commerce with Jamaica and that that commerce was extended to the Kingdoms of Guatemala and New Granada. He refers to a pending suit which grew out of some enormous smuggling operations on the San Juan River, conducted in connection with a depot on the Island of San Andrés; and he ends by saying that the proposed segregation of territory would be a great help to him (Señor González), and that with the purest intentions he presents the facts stated with the desire for better service and in order that the Ministry may make whatever use it sees fit of the data given.

Much less would have been needed than the report of Abarca, supported by the Captain-General of the Kingdom, to discredit entirely at Madrid the Royal order of 1803; so that it is not at all surprising that nothing—absolutely nothing—was to be done in the way of its fulfillment and that matters were left in their former status.

(4) Further Royal Order Concerning the Colonization of the Mosquito Coast—Twin to the Order Above Cited.

It is to be noted, further, that this order of San Lorenzo is in effect a duplication of the other order of the same date (Doc. No. 191). In this second order the Captain General of Guatemala was informed that the Board of Fortifications and Defense, in the reports of September
2, and October 21, 1803, express its opinion regarding the progress, settlement and defense of the Islands of San Andrés, as well as concerning its segregation, together with that part of the Mosquito Coast which extends from Cape Gracias a Dios, inclusive, toward the Chagres River, from that captaincy-general in order to incorporate it in the New Kingdom of Granada; and that the views of the Board having been accepted, copies of the said opinions were sent to the Captain-General of Guatemala for his information and execution in so far as it concerned him. In like manner copies of the said opinions were sent to the Viceroy of Santa Fe, also for his information and execution.

Therefore, the Royal order for the segregation of part of the Mosquito Coast and its aggregation to the Vice-royalty of Santa Fe was not made in an isolated way, but in union and concert with the other twin Royal order, of the same date, by virtue of which it was commanded that there be put in execution, in all its parts, the plan conceived by the Board of Fortifications and Defense of the Indies, fully set out in the two reports of September 2 and October 21, above cited, and transcribed and forwarded by the Minister of War to both the Captain-General of Guatemala and the Viceroy of Santa Fe for fulfilment.

(5) Analysis of the Colonization Plan.

It is necessary, therefore, to analyze the plan stated by the Board of Fortifications and Defense of the Indies in pursuance of the segregation and addition of a part of the Mosquito Coast which had been resolved by the Department of War. The complete text of these two opinions is to be found in Docs. Nos. 189 and 190; from them the following points are taken:
(a) The desirability of keeping Don Tomás O'Neille in his position as Governor of the Island of San Andrés, with the annual salary of two thousand pesos.

(b) That the geographical position of the Island of San Andrés makes it an excellent stopping place and strategic point for the maintenance and support of the establishments on the desert Mosquito Coast—a point which in the course of time would afford similar help to the settlements which the Board purposed to reestablish at Cape Gracias a Dios and the Bay of Bluefields.

(c) That for this to have the best and most prompt effect, it is desirable that these establishments, as far as Cape Gracias a Dios, inclusive, and the Island of San Andrés, should depend upon the Viceroyalty of Santa Fe in such a manner that the governor of said islands might address himself directly to the Commandant of Cartagena in requesting the things he might need.

(d) The desirability of making the suggested establishments on the Mosquito Coast depend upon the Viceroyalty of Santa Fe, the fact not being considered as an obstacle that there remained subordinate to Guatemala the guard of a corporal and four men at the mouth of the San Juan River, as being an advance or outpost of the Castle of San Carlos, situated on that river, before arriving at Lake of Nicaragua.

(e) The utility of settling that Coast, improving its establishments from Cartagena without expense to the Royal treasury, and securing voluntary colonization by persons who were acclimated to those countries and attracted thereto by the free commerce that would be granted to them.

(f) A definite plan for the colonization of Cape Gracias a Dios and the Bay of Bluefields, without requiring export
duties to be paid on produce, nor limiting the colonists to points fixed beforehand, in order that that desert coast might be settled with His Majesty's vassals who should enjoy free trade among themselves and with the Indians.

(g) The convenience of entrusting to the Governor of San Andrés (O'Neille) the immediate command of the establishments in the proposed colonizations at Gracias a Dios, Bluefields and San Juan, with the authority to give possession of the lands therein to the residents of that island and of other countries who voluntarily desired to go and establish themselves on that Coast; and in case that as many as twenty persons united together the Bishop of Cartagena was to appoint a friar or priest, who after forming a provisional church, could attend to their spiritual needs and assist with discreet zeal and great kindness in gaining the hearts of the roving natives. These residents were to be provided with guns and munitions in order for defense against unforeseen attacks by the Indians, in such amount as O'Neille should prudently regulate, and the same as to the residents (if any) who voluntarily remained at Cape Gracias a Dios. Such establishments were to be considered as tentative, without expense and practically without cost to the Royal treasury, so that the undertaking could never, even if it did not succeed, be any detriment to the state; whereas, if great advantage resulted it would redound throughout its whole extent.

(h) That these regions, being entirely occupied by the Mosquito Indians, without whose consent communication was impossible with that coast by land—at the time uninhabited and desert—and their settlers could not obtain any help from Guatemala, even though that government might come to the point of taking note of their needs; so that by adding them to the Viceroyalty of Santa Fe there
would in reality be no segregation from the Government of Guatemala, with the exception of the few inhabitants who might be at Cape Gracias a Dios—and therefore no injury would be caused to that Kingdom.

(i) And lastly, the Governor of San Andrés would not have command of the advance guard of the Castle of San Carlos on the San Juan, with whose Governor alone the former would have to deal.

These are the most important points of the board's two opinions; the plan developed, appearing to have been approved, it was ordered to be carried out, as above stated.

(6) No part of the colonization was ever carried out, or even initiated.

But the said plan having been objected to with the energy and weight above noted, no disposition looking to its practical execution was made, either by the Department of War, or by the President of Guatemala, or by the Viceroy of Santa Fe, or by Governor O'Neille, or anyone else; wherefore:

(a) The civil and political command of the desert Mosquito Coast was never conferred upon the Governor of the Island of San Andrés, Don Tomás O'Neille.

(b) Nor was any disposition ever adopted—either by the mother country, or by the viceroy, or by the Governor of San Andrés—for the foundation of the proposed new establishments of Gracias a Dios, Bluefields and San Juan.

(c) The dependency of the Mosquito Coast upon the Viceroy of Santa Fe never passed beyond the stage of a mere idea written in the Royal order of 1803; it was without any visible practical effect—doubtless in a great measure because it became necessary for the Spanish authorities of the Island of San Andrés to evacuate the
island in 1806, and because of the insurrection that afterwards took place, in 1810, throughout the greater part of the Viceroyalty of Santa Fe.

(d) The voluntary colonization of the desert Mosquito Coast, so much desired by the Court and so impracticable in the opinion of Señor Abarca, did not materialize, nor was any attempt made to carry it into execution; neither was the commission to distribute lands conferred upon O'Neille; nor were the twenty residents mentioned ever gathered together; nor did the Bishop of Cartagena ever have the opportunity of directing a friar to care for the spiritual welfare of any of them or assist in the teaching of the natives; nor was any provision made for guns and munitions for defense against attacks—the entire plan remained on paper only; in fact, the objection prepared by Abarca was fully justified.

A more complete breakdown has never been recorded in the history of Spanish America.

Instead of the Island of San Andrés being converted into a stopping point and a support for the establishments on the Mosquito Coast planned for Gracias a Dios, Bluefields and San Juan, it fell soon afterwards into the hands of the enemy; and then Cartagena and the viceroyalty entered upon the revolutionary period that led to independence.

Subsequent developments having made the preparation of any express repeal unnecessary, the Court of Madrid issued later on other provisions relating to the government and administration of the territory in question, each of which presupposed the invalidity of the ill-advised and unfortunate Royal order of November 20, 1803.

It will be opportune now to consider in some detail these numerous provisions, which, taking as a fact the
non-existence of the unfulfilled Royal order of November 20, 1803, served as a guide for the government of the Mosquito Coast, from the beginning of 1804 until the sovereignty of Spain was extinguished therein.

(7) STATEMENT OF FACTS SHOWING THAT FROM 1803 TO 1821 NEITHER THE MOSQUITO COAST OR THE MATINA COAST WERE SEPARATED FROM THE CAPTAINCY-GENERAL OF GUATEMALA AND THE PROVINCES AND BISHOPRIC OF NICARAGUA AND COSTA RICA.

THE YEAR 1804.

The public documents belonging to this year, in which the facts above stated appear, are very numerous; some of them will be cited.

On April 19, the Viceroy of Santa Fe, Don Antonio Amar, addressed a communication to the Minister Don Miguel Cayetano Soler; therein he acknowledges being informed of the Royal order of the 10th of the previous September which Señor Soler had transcribed for him. In that order the Viceroy is notified that, for the protection and security of the Mosquito Coast, he may assist the marine commandant of the Cartagena station with the men and necessary supplies for the purchase and complete equipment of the two coast-guard vessels destined for that cruising station. With this in mind the Viceroy calls attention to the excessive cost entailed by the few and small vessels or privsteers of Cartagena, the amount of which cost, he said, was constantly increasing and would be augmented by the addition of the two vessels proposed, the lack and dearness of the needed supplies which had to be purchased in Spain and sent out

\[1\] Peralta, *Costa Rica y Costa de Mosquitos*, etc., p. 436.
when opportunity offered, along with orders for articles of specific equipment.

This document demonstrates two things: first, that at its date (April 19, 1804) the Viceroy Amar had not yet received the communication of the Royal order of November 20, 1803, and, perhaps for that reason, he did not show a very favorable disposition towards the expenses—which were not small—required for guarding the Mosquito Coast; and second, that the order to maintain such guard and its expense, issued September 10, 1803, was independent of the Royal order of November 20, of the same year, which provided for the segregation of a part of that Coast from the Captaincy-General of Guatemala and its aggregation to the Viceroyalty of Santa Fe.

But, as a result of the events that occurred during that period, the purchase and equipment of the two coast-guard vessels for the protection and security of the Mosquito Coast was not made; nor was the idea and arrangement carried through for the segregation of part of that coast from the captaincy-general and its aggregation to the viceroyalty, as will be shown during the course of this statement.

Don Antonio González was Captain-General of Guatemala, and on the 3d of November, 1804—almost a year after the issue of the famous Royal order of San Lorenzo—he addressed himself to the Secretary of War in regard to the defense of Trujillo and the rest of the ports of the Mosquito Coast. The next to the last paragraph of that long communication refers to the construction of the Castle of San Juan de Nicaragua, in which, at its inception two engineers were engaged. The Captaincy-General of Guatemala, then, had under its command, and in its care,
the Port of San Juan de Nicaragua, and was prepared to execute therein a work of great importance and heavy cost—a status of things which, of course, would have been impossible, if that port, on the 3d of November, 1804, had been subject to the command of the Viceroy of Santa Fe, in conformity with what had been determined by the much heralded Royal order of San Lorenzo—acknowledged but not executed.

Some merchants of León de Nicaragua, fearing that two merchant vessels which were expected to arrive, with cargoes belonging to them, at the mouth of the San Juan River, might be attacked by the Mosquito Indians, asked the Governor Intendant of Nicaragua, Brigadier Don José Salvador, to take steps to protect their interests. The governor intendant called together the Provincial Board of War and that body resolved to despatch to the mouth of the river a troop composed of seventy-five men, three officers and sixteen artillerymen, with four cannon; later the new War Board decided to increase the detachment at the mouth of the river by fifty more men. In all this there was no reference to the action of the Viceroy of Santa Fe, which would have been the case if the Royal order of San Lorenzo had been carried out. The one to whom Brigadier Salvador applied was his immediate superior in matters of war, the Captain-General of Guatemala; and that functionary, after having previously consulted with the Brigadier, Sub-Inspector General Don Roque Abarca, resolved to disapprove the measures taken by the Governor Intendant of Nicaragua, for the powerful reasons set out in his communication from which this data is taken, and he also directed that the forces be withdrawn from the mouth of the river.

Later the Tribunal of Accounts of Guatemala intervened in the matter.
In the communication which the Captain General addressed to the Minister of War\(^1\) in regard to this matter, he recommended that the Intendant Salvador be cautioned to be more circumspect in connection with his dispositions for the movement of troops and to consult the Captaincy-General if the matter is not of an imperative and urgent nature.

Not a single word is to be found in that communication, indicating that the Captain-General of Guatemala harbored the slightest doubt as to his jurisdiction in matters relating to war in the Province of Nicaragua, including its port on the Atlantic, that is to say, the mouth of the San Juan River—a conclusion which cannot be reconciled with the validity of the Royal order of San Lorenzo.

In the same year of 1804, two Royal orders issued, on November 20 and 28,\(^2\) by advice of the Board of Fortifications and Defense of the Indies, commanded that from the financial offices in Mexico there be sent directly to the Kingdom of Guatemala one hundred thousand pesos per annum, for the establishments on the Mosquito Coast. It is well known that the establishments of the Mosquito Coast were four in number, to-wit: Trujillo, Rio Tinto, Gracias a Dios, and Bluefields, as will be seen by authentic documents, of which a detailed account will hereafter be given.

It is clear that if the Royal order of San Lorenzo, of November 20, 1803, had been held to be in force in the following year of 1804, there would not have been placed at the disposition of Guatemala the enormous amount which was directed to be remitted from Mexico for the

\(^1\)Ibid., p. 447.
\(^2\)Ibid., p. 455.
establishments of the whole Mosquito Coast, two of which (Gracias a Dios and Bluefields) would in such case have been in the care and under the orders of the Viceroy of Santa Fe.

On the 28th of February, 1804, the King of Spain approved the instruction that the Captain-General of Guatemala had prepared, in order to prevent frauds in the traffic permitted by the River San Juan de Nicaragua and in order to avoid the extortions which the commerce suffered by the dilatory and useless custom of visiting the vessels that arrived; this appears from the Royal order of the same date. Therefore the Superior Authority of Guatemala regulated the commerce of the San Juan River, which was an administrative act, clearly incompatible with the subsistence of the Royal order of San Lorenzo.

On the 8th of August, 1804, there was issued a Royal order in which the appointment (resolved by the Superior Junta of Hacienda of Guatemala) of a customs house officer for the Port of San Juan de Nicaragua was approved, with an annual appropriation of $200. It is evident that the Superior Junta of Hacienda of Guatemala, if the Royal order of San Lorenzo was in force, would have been invading a foreign jurisdiction by that appointment, and the government of the mother country would have severely punished such invasions instead of approving the appointment as was done.

On June 21, 1804, the Secretary of State and of the Universal Department of Hacienda directed the President of Guatemala to prepare a report concerning navigation and commerce on the River San Juan de Nicaragua. It appeared from that report that there was no easy way

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1Peralta, Costa Rica y Colombia, p. 299.
2Peralta, Costa Rica y Costa de Mosquitos, p. 432.
3Peralta, Costa Rica y Colombia, p. 299.
of promoting such navigation, or of settling or improving the river; all of which, though practicable would be very expensive, in an uncultivated country, as unhealthful as it was fertile. The report adds that the only method then presented itself was by increasing the clearing and cultivation of that region and by granting the same favors that were conceded in a Royal order of November 20, 1803 (Doc. No. 474), to the new settlers of the territory of Mosquitos. A total exemption from duties and tithes of one-tenth for ten or twenty years on the products gathered within a distance of from five to ten leagues from the river, on either bank would produce the effect of converting into cultivated lands those not in use—even for pastures. If the banks were cultivated and settled, the district would become more healthful.

From this document two conclusions may be drawn: first, that the Superior Authority of Guatemala held jurisdiction over the River San Juan; and second, that the territory of San Juan was not comprised within the Mosquito Territory. Otherwise it would have been idle to discuss means for improvement by an exemption of duties for ten or twenty years for products raised on the banks of the river, since that exemption had already been granted for the Mosquito territory.

In the same communication from the President of Guatemala to the Universal Secretary of Hacienda, the former refers to complaints that he has received concern-
navigation under consideration. All of this reveals, in a very evident way, the inefficacy of the Royal order of San Lorenzo in so far as it affected the River San Juan de Nicaragua, at a period so near its date that it could not have been involuntarily or unwittingly overlooked by the minister and the high functionaries of the colonies, always zealous in guarding their own legitimate rights.

THE YEAR 1805.

On the 18th of June of this year the President of Guatemala addressed to the Secretary of the Universal Department of Hacienda a communication which also concerned the navigation of the San Juan River and the settlements on its banks. It shows the contrast between the pretensions to the commerce made by the Province of Nicaragua (for it evinces the desire that the Port of San Juan should be the best in the Kingdom), and the commerce of the capital (Guatemala), which was opposed to its opening and asked that no traffic be permitted by it except that which was carried on directly with Spain. Between these extreme views the President took a middle course. He sustained the opening, with a total exemption from duties on the exportation of fruits and products of the country and on the import of all articles manufactured in the Peninsula; but he wished to charge foreign goods, whatever their kind or origin, and force them to the tax of 4 per cent, or at least a half of it. He referred then to the fortification of the Port of San Juan, but he called attention to the fact that it should not be lost sight of that, for the Royal treasury this would be a new very heavy charge, that the Public Treasury was pledged for five millions and that no permanent expense should be considered without arranging for a means to meet it.

1Peralta, Costa Rica y Costa de Mosquitos, p. 459.
Such is, without a doubt, the language which the Captain-General of Guatemala would use, with full jurisdiction and in complete exercise of it, over the territory of the San Juan; and it could not have occurred to any one that the official mentioned would have so expressed himself if the Royal order of San Lorenzo had been in force at that time and was being observed.

On the 18th of December, 1805¹, the same President of Guatemala, in a despatch directed to the Universal Secretary of Hacienda, forwarded a statement of the vessels, products and articles which came in and went out from the Port of San Juan de Nicaragua during the first six months of the year. An accompanying table contained all the necessary data concerning the character of the merchandise, its weight, origin, and value; and it is not conceivable that these details could have been prepared and forwarded by any one but the person who administered rightfully a port subject to his full authority. It is evident that even then the Royal order of San Lorenzo was a dead letter for the reasons set forth.

On the 20th of November of 1805,² just two years after the Royal order of San Lorenzo was issued, the Secretary of War, Señor Caballero, wrote to the Secretary of Hacienda, Señor Soler, as though the said Royal order never had been issued, an attitude which can in no way be harmonized with the continuance in force at that time of this Royal order.

Minister Caballero referred to the urgent necessity for the prompt remittance of funds to the Captain-General of Guatemala, for the Mosquito establishments, and by means of deliveries that could and should be adopted in

¹Ibid., pp. 464-466.
²Ibid., p. 467.
order to avoid delay and risk occasioned by the transfer of the funds deposited in Havana. It is evident that if, at the end of 1805, the said Order of San Lorenzo had not already become wholly innocuous, the President of Guatemala would not have been the one to have charge of the administration of funds to meet the requirements of the Mosquito establishments—not of one or two, but of all of them, since the document referred to includes them all and excludes none of them.

This appears with great clearness in the despatch of December 13, of the same year of 1805,¹ addressed by the Secretary of Hacienda to the Secretary of War, in which despatch reference is made to the prompt remittance to the President of Guatemala of the deposit of $100,000, appropriated for the establishments (not one or any but all), of the Mosquito Coast. The same appears by the Royal order, dated December 13, 1805 (Doc. No. 196), referring to the same matter, and also by a communication from the Viceroy of New Spain to the Secretary of Hacienda of July 1, 1805.² So that, not only in Guatemala and in Madrid, but in Mexico, there was complete accord as to one basic fact; the jurisdiction of the Captaincy-General of Guatemala over all the establishments of the Mosquito Coast—a jurisdiction absolutely incompatible with that of the Viceroy of Santa Fe, under the hypothesis that the said Royal order of San Lorenzo had any existence at that period.

In that year of 1805, on April 22,³ the Governor of Costa Rica, Don Tomás de Acosta, notified his subordinate, the Sergeant in command of the detachment at the Port of

¹Ibid., pp. 468, 469.
²Ibid., p. 470.
³Peralta, Límites de Costa Rica y Colombia, p. 194.
Matina, of that province, on the North Sea, that during the period of the war then raging, he would not have the political command therein, because the military command which constituted his principal obligation required all his care; therefore he would assume only the political command in absence of Don Sebastián de Guevara, Don José Francisco Gómez, Don Vicente Corral, Don Pedro García, or the officers of the colored militia, José Miguel Cárdenas and José Antonio Solano; but that the military command must be held by the said sergeant commander of the detachment always and above everyone, in peace and in war, unless in some military engagement there was some veteran or militia officer who held a Royal appointment, in which case the latter would take over the command.

This document demonstrates several things, to wit, that in 1805 there was at the Port of Matina a military detachment; that the chief of that detachment exercised the political command when the order was issued; and that said Port was subject, both in political as well as in military affairs, to the Governor of Costa Rica. There is no way, therefore, of reconciling the order stated with the co-existence of a jurisdiction exercised by the Viceroy of Santa Fe over the north coast of Costa Rica; from which it may be deduced, either that this coast did not form part of the Mosquito Coast—the object of the Royal order of San Lorenzo—or that that Royal order was not regarded as in force.

On the 3rd of May of the same year¹ the Governor of Costa Rica, Señor Acosta, transmitted to his subordinate, the Sergeant Commandant of Matina, detailed instructions concerning the treatment which should be given at that port to the residents of the Island of San Andrés. Acosta

¹Ibid., p. 195.
said that as these were vassals of the King of Spain they might have free entry in the ports of his Majesty, provided they exhibited the corresponding license from the governor of the island; that they could not be prevented from buying in the Valley of Matina, but that purchases must be for cash only and in no other way; and that when they arrived with register from Cartagena or any other port that was opened, they would not be able to sell anything whatever in the valley except in cases where the whole of the cargo was sold and register taken to the city of Cartago in order that both might be examined by the official of the Royal Hacienda, who would demand the duties and permit the sale, if everything was arranged. This despatch is proof showing either that the Port and Coast of Matina were not in the Mosquito territory—the object of the Royal order of San Lorenzo—or that the order was without effect, for the fact of the jurisdiction of the authorities of Costa Rica in that port was in open conflict with any authority under that order.

THE YEAR 1806.

On the 28th day of May of this year, the Governor of Costa Rica, Señor Acosta, ordered the Subordinate Judge and Commander of the Valley of Matina to afford the Reverend Padre, President of the Mission of Orosi, all the assistance that the latter requested for the holy purpose of gathering in the Christian Indians, who were absent from their villages, wanderers and fugitives in those mountains; this, however, without the use of weapons, unless the Indians should use them. At the same time the governor commanded that the fugitives be assured that they would not receive the least punishment for their

1Ibid., p. 196.
wrongdoing. This document authoritatively demonstrates the exercise of jurisdiction on the part of the Governor of Costa Rica in the Port of Matina and in its mountains.

On the 3rd of June following, Governor Acosta ordered his immediate subordinate at Matina to let it be understood, in clear and expressive terms, by the apostate Indians whom the Reverend Father before mentioned was going to gather in from the mountains, that without any fear whatever they could come with the friar, since he had given his word to him that they would in no way be punished or molested by the governor or by the justices of their villages on account of their flight; that for this one time they were pardoned and permitted to select that village in the province which best suited them, and to live therein according to the laws of God and the King; and that if they did this they would all be kindly treated.

Another document which also proves the jurisdiction of Governor Acosta in Matina, is the note which he addressed to the Commandant and Judge of that valley, dated October 7, 1806. By it that chief intimated to his subordinate that he should live with the greatest watchfulness and observe every precaution, in view of the war in which the King was engaged; and he repeated, that in the Port of Matina he should not permit the entry of any vessel which did not appear to be really Spanish and to come to that port with a legitimate purpose. The governor added the caution that the residents of San Andrés could not be considered at that time as Spanish subjects, because they did not live under the flag and laws of His Majesty; therefore, it was not lawful to trade with them.

\footnote{\textit{Ibid.}, p. 197.}
\footnote{\textit{Ibid.}, p. 197.}
But the Royal order of San Lorenzo received its death blow (if, indeed, the blow had not already fallen) in the provisions of another Royal order, issued November 13, 1806 (Doc. No. 197), which did away absolutely with the first order and confirmed and ratified the jurisdiction of the Captain-General of Guatemala over all matters in the Colony of Trujillo and other military posts on the Mosquito Coast (not of part, but all of it), whether of justice, police, finance or war, in compliance with the Royal orders beginning in the year 1782, which authorized the said Captain-General to occupy, defend and settle that coast (not partially, but in its entirety), until, that object having been attained, in whole or in part, His Majesty might deem it desirable to change the course prescribed.

This last Royal order is absolutely incompatible with the subsistence of the Royal order of November 20, 1803; for it is inconceivable that one and the same territory can be subject to two opposed and exclusive jurisdictions at the same time. It is true that this decision was the result of a quarrel that arose between the Captain-General of Guatemala and the Governor-Intendant of Comayagua, who claimed sole jurisdiction over the port of Trujillo and other establishments located in his province. The terms of the resolution, however, were not
said Mosquito Coast in its entirety—Royal orders that are of record and were respected as being in force and effect.

Following is the text, substantially, of the resolution embodied in the Royal order of November 13, 1806:

"The King having been informed by the letters of Your Worship of March 3, 1804 (Nos. 416 and 417), and by the accompanying documents, * * * His Majesty has resolved that Your Worship is the one who must have sole charge and the absolute cognizance of all the affairs that arise in the Colony of Trujillo and the other military posts of the Coast of Mosquitos, concerning the four matters referred to [justice, police, finance and war], in compliance with the Royal orders issued from the year 1782, which authorized you to occupy, defend and settle that Coast, until that object, being in whole or in part secured, His Majesty may deem it suitable to change the present system * * * ."

What military establishments are those that, belonging to the Mosquito Coast, are declared by the Royal order of 1806 to belong to the exclusive jurisdiction of the Captain-General of Guatemala? They are referred to in the same Royal order that revived them and include all the orders issued regarding the matter, from the year 1782 forward. Those Royal orders are not enumerated therein specifically, but they are well known. A number of them, together with documents which explain their texts, are described below:

(a) 1782, June 30. Royal order to the President of Guatemala to fortify the Port of Trujillo, install and maintain therein a competent garrison for its defence, and form and maintain a small settlement of people from the Kingdom of Guatemala, until families can be sent from Spain and the Canary Islands.¹

¹Peralta, Costa Rica y Costa de Mosquitos, p. 348.
(b) 1783, August 25. Instructions communicated to the President of Guatemala, calling upon him to require
the evacuation of the Mosquito Coast by the subjects of
Great Britain clandestinely established on the Tinto
River, at Gracias a Dios and in other regions of the same
coast; and to cause them to be gathered within the district
of the Walix, Hondo and Nuevo Rivers, which had been
conceded to them for cutting wood.¹

(c) 1783, December 6. Royal order to the President
of Guatemala, wherein the King, having been advised
that the English had abandoned the Coast and establish-
ments on the Tinto River, and had retired to Cape
Gracias a Dios, ordered that the rebuilding of the city
of Trujillo be undertaken and that the Island of Roatán
be occupied by a small detachment; it being well under-
stood therein that His Majesty reserved the right to
appoint a governor or commandant for the Port of
Trujillo and Roatán, who should be immediately de-
pendent upon said President.²

(d) 1784, April 18. Instructions of the Viceroy of
Mexico for the defense and government of the Kingdom
of Guatemala. Article 1 has for its object the eviction of
the English who had been introduced among the Mos-
quitos and Zambos Indians in the territories and on the
coasts that are located from the Tinto River as far as the
San Juan and its port. Article 2 commands that the
Governor of Trujillo, Captains Delgado and Pereira and
the necessary troop proceed, with a banner of peace, to
Criva (Black River), Laguna Azul and Cape Gracias a
Dios, or to any other localities where the English were

¹Ibid., p. 213.
²Ibid., p. 348.
established, and to inquire of William Laure, who had always been Governor of that territory—or of whoever might be at the head—whether he had orders from his government to retire from those regions, etc. Article 3 states that if it should be necessary to make war on the Mosquitos Indians, they could close the mouths of the rivers and lagoons, so that those Indians or those who follow their fortunes, may not be able to make their way out to the sea, and on the other side they could shut them in and pursue them with expeditions descending the Mico River, which empties into the Lagoon of Bufis (Bluefields) and by way of the Segovia, which enters in the Port of Cape Gracias a Dios; and further, another expedition could go by the Paun River, whose waters flow into the Lagoon of Criva (Black River). Article 6 provides that after the English have retired from the said coasts a garrison with artillery should be placed at Cape Gracias a Dios. Article 10 orders that certain vessels patrol the whole length of the sea coast, the three islands of Guanaja, Roatán and Utila and those of San Andrés. The Port of San Juan and its river are referred to in Article 10, without making any provision.¹

(c) 1786, September 24. Royal order, addressed to the President of Guatemala, for the evacuation by the English of the Mosquito Coast and their transfer to the establishment that they occupy in Yucatán. In it are given the most detailed instructions, none of which, however, are of immediate interest, except the final provision. In order that the possession of the lands that the English are to evacuate may be assured for the Spanish in permanent terms, and with the object also of closing the port to the

¹Ibid., p. 231.
smuggling that may be carried on there, the King, among other things, determined that four settlements should be formed and well defended on the Tinto River, and at Cape Gracias a Dios, Bluefields and the mouth of the San Juan River; and it is his will that with people from the Kingdom of Guatemala, and under the suitable precautions laid down by the Captain-General, these Spanish establishments be at once begun; with the understanding, however, that from the Peninsula or from the Canary Islands some families would be sent with which to increase and reinforce them; with this in view the Captain-General was to report and make suggestions concerning the matter. And it is added, that for the assistance of war vessels or otherwise, notice shall be given by the Ministry of Marine to the Governor and Intendant of that place and to the Viceroy of Mexico and Santa Fe, to comply with orders formerly given to them, in order that the Captain-General may be assisted with such resources as he may request for that purpose.¹

(f) 1787, January 23. Royal order referring to what was provided in the earlier order of September 24, 1786, which commanded the erection of four Spanish settlements, well defended, on the Tinto River and at Cape Gracias a Dios, Bluefields and the mouth of the San Juan River, and providing for assembling and sending to the Captain-General a hundred and fifty families of poor laborers and artisans from Galicia and the Asturias and sixty from the Canary Islands; it being well understood that His Majesty’s desire was that in the villages in the Island of Roatán and other regions of the coast desirable for occupation there shall be established, united and intermingled, the families coming from the Kingdom of Guate-

¹Ibid., p. 254.
mala and those that are sent as reinforcements, in order that each may help the other and all devote themselves to the work with honorable emulation.¹

(g) 1788, January 20. Royal order, showing that the King was informed of the arrival of sixty families from the Canary Islands for the establishments of the Mosquito Coast and how the Captain-General of Guatemala has assisted them with gifts and useful things and the other arrangements he has made in the matter.²

(h) 1788, August 1. Royal order, wherein is communicated to the President of Guatemala the provision that was directed to the Intendant at Havana, not to spare the assistance that the said President requested for the needs of the Mosquito Coast.³

(i) 1789, August 20. Royal Order to the President of Guatemala. The King was advised of the arrival of the Galician families on the Mosquito Coast and of the provisions made by the President for their maintenance, which His Majesty approved.⁴

(j) 1789, August 20. The King was advised of the number of sick and dead since the 4th of October, 1788, among the families of European settlers; and of the establishment of Cape Gracias a Dios on August 28, of the same year, all of which was communicated by the President of Guatemala.⁵

(k) 1789, August 20. Approval by the King; in order to meet the heavy demands and expenses caused by the evacuation of the Mosquito Coast by the English and the estab-

¹Ibid., p. 349.
²Ibid., p. 351.
³Ibid., p. 351.
⁴Ibid., p. 351.
⁵Ibid., p. 352.
lishment of families therein, the President of Guatemala begged the Viceroy of Mexico for three hundred thousand pesos.¹

(l) 1790, May 19. Correspondence of the Viceroy of Santa Fe, Don Joseph de Ezpeleta, wherein it appears that by Royal order of August 20, 1789, he was notified to cooperate with Robert Hodgson, who was charged with certain works in the projected colony at Bluefields, and should be subject to the Presidency of the Kingdom of Guatemala, to which said port belonged. The Viceroy added that Hodgson recognized it very well.²

(m) 1790, May 20. The President of Guatemala was notified that with regard to matters pertaining to the Indians and the establishments on the Mosquito Coast, he should continue to carry on correspondence with the Minister of War of the Indies.³

(n) 1791, June 28. Royal order to the Viceroy of Santa Fe, which stated that the King being advised of various occurrences on the Mosquito Coast, of which an account was given by the President of Guatemala, His Majesty has resolved upon the provisions contained in the six Articles of the order, to wit:

1. That Hodgson be admitted into Guatemala with the rank and salary of colonel, which is therein granted to him; that he shall be paid from the treasury of Cartagena what is due him, and that he may select a place for his residence, taking from Bluefields all that belongs to him.

2. Granting a pension to the widow of the Mosquito Governor, Antonio de Castilla Bretot.

¹Ibid., p. 352.
²Peralta, Costa Rica y Colombia, p. 243.
³Peralta, Costa Rica y Costa de Mosquitos, p. 353.
3. Permission to the English colonist, Meany, to bring in, each year during a period of three years, a vessel laden with articles from England for trade with the Mosquito Indians; the Spanish merchants being allowed to do the same should they so desire.

4. That in the traffic with said Indians no monopoly shall be exercised by anyone whatsoever, and that fixed prices be put on the articles bought and sold by the Indians, which prices the President shall arrange with Meany.

5. That suitable arrangements be made so that the presents to the Indians be made equitably according to a fixed quota and on appointed days; and that for the assortment of articles which are to be given out the President will make proper dispositions with the said Meany.

6. That there be carried into effect, without delay, and in convenient form, the establishment directed to be made at Bluefields.¹

(o) 1791, December 19. The Viceroy of Santa Fe answered the Royal order above mentioned, saying that he was only concerned with compliance with the first Article relating to the provision that Colonel Hodgson was to be paid what was due him from the treasury of Cartagena, and that to that end he had authorized the governor of that place to write to Hodgson, who was in Guatemala, to present his accounts so that they might be audited and payment made of what was properly due, less the necessary deductions. He added that as it might happen that the President of Guatemala, in order to comply with the other subjects referred to in the Royal order might ask some further assistance from that viceroyalty, he had authorized the said Governor also to attend to the matter.

¹Peralta, Costa Rica y Colombia, p. 288.
considering the distance and the delay in making arrangements, which might cause inconvenience in the service.¹

(p) 1801, January 3. Plan for economies by the Brigadier Don Roque Abarca (Doc. No. 182). He noted that of the establishments on the Mosquito Coast, two have been extinguished—those at the Tinto River and Gracias a Dios—and he advised also doing away with the establishment at Roatán, keeping only that of Trujillo. He added that there should be no thought of going back to occupy Tinto River and Gracias a Dios, much less of settling Bluefields. The said establishments on the Mosquito Coast were the cause of the desolation of the entire Kingdom; and for the defense of the latter its desert places should be abandoned, for lack of resources of all kinds in the zone of the north coast. In the establishments of Trujillo, Roatán, Rio Tinto and Gracias a Dios, during the last ten years, there have been consumed, without any favorable result, enormous sums of money, and innumerable lives have been lost. He then detailed minutely the plan for reforms.

(q) 1802, October 5. Royal order approving the plan of Brigadier Abarca, but directing the establishments on the Rio Tinto and Roatán be kept up provisionally; also providing that two vessels from Havana be detailed to patrol the Mosquito Coast under the orders of the Captain-General of Guatemala, to whom a copy of the plan of Brigadier Abarca is sent for its fulfillment.²

(r) 1803, February 3. Despatch from the President of Guatemala to the Secretary of Hacienda, directing that it be declared that all matters relating to the Mosquito Coast

¹Peralta, Costa Rica y Costa de Mosquitos, p. 290.
²Ibid., p. 337.
were under his exclusive charge. As this order has been already reviewed only the following will be quoted therefrom:

"For greater clearness I enclose copies of said Royal Orders [cited by the legal adviser of the President, in support of his favorable opinion] numbered 1 to 10. By all of these it is evident that the establishment of Trujillo, since His Majesty determined to make it in 1783, and so far as it has relation with the Mosquito Coast, the settlement that was agreed to be made there, its defense, police administration and government, have been the sole and only object exclusively entrusted to this Presidency."

The Royal order of November 13, 1806 (Doc. No. 197), is in perfect harmony with all the facts set out in the documents analyzed and of a date subsequent to November 20, 1803, the provisions of which documents contradict the debated order of San Lorenzo, and unquestionably hold it as non-existent; and the solemn confirmation of the duties and powers of the Captain-General of Guatemala in all the matters relating to the Mosquito Coast and the establishments created and to be created therein, is a most eloquent vindication for that high colonial functionary, in view of two facts of a very grave character which show the evident and acknowledged mistake of the ministerial determination taken November 20, 1803, against the dearest interests of the Kingdom of Guatemala, and the allowances made for whoever was found at the head of its destinies.

These two facts—of a peculiarly serious character—are the following:

1Ibid., p. 341.