

CENTRAL AMERICA.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Reports in relation to the condition of affairs in Central America.

MAY 15, 1856 --Laid upon the table and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith reports of the Secretary of State, the Secretary of the Navy, and the Attorney General, in reply to a resolution of the Senate of the 24th of March last, and also to a resolution of the House of Representatives of the 8th of May instant, both having reference to the routes of transit between the Atlantic and Pacific oceans through the republics of New Granada and Nicaragua, and to the condition of affairs in Central America.

These documents relate to questions of the highest importance and interest to the people of the United States.

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

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

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

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

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

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

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

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

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

It did not diminish the unwelcomeness to us of this act on the part of Great Britain to find that she assumed to justify it on the ground

of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name even had become lost to history, who did not constitute a State capable of territorial sovereignty, either in fact or of right, and all political interest in whom, and in the territory they occupied, Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign of the country, and subsequently with independent Spanish America.

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

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

The unsettled political condition of some of the Spanish-American republics has never ceased to be regarded by this government with solicitude and regret on their own account, while it has been the source of continual embarrassment in our public and private relations with them. In the midst of the violent revolutions and the wars by which they are continually agitated, their public authorities are unable to afford due protection to foreigners and to foreign interests within their territory, or even to defend their own soil against individual aggressors, foreign or domestic, the burden of the inconveniences and losses of which, therefore, devolves, in no inconsiderable degree, upon the foreign States associated with them in close relations of geographical vicinity or of commercial intercourse.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FRANKLIN PIERCE.

WASHINGTON, May 15, 1856.

*Attorney General's report to the President.*ATTORNEY GENERAL'S OFFICE, *May 14, 1856.*

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

C. CUSHING.

To the PRESIDENT.

List of papers accompanying the foregoing report.

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

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

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

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

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

I have the honor to be, very respectfully,

C. CUSHING.

Hon. S. W. INGE,

United States District Attorney, California.

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

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

I am, sir, your obedient servant,

S. W. INGE.

Hon. C. CUSHING, *Attorney General.*

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

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

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Very respectfully, your most obedient servant,

JOHN McKEON,
United States District Attorney.

Hon. C. CUSHING,

Attorney General of the United States.

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

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

* * * * *

I have the honor to be,

C. CUSHING.

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

JOHN McKEON, Esq.,

United States District Attorney, New York.

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

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

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

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

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

I have the honor to be, very respectfully,

C. CUSHING.

Hon. JOHN McKEON, *United States Attorney.*

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

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

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

I am, respectfully,

C. CUSHING.

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

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

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

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

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

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

I have the honor to be, very respectfully,

C. CUSHING.

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

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

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

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

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

JOHN McKEON,
United States District Attorney.

Hon. C. CUSHING, *Attorney General.*

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

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

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

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

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

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

I am, very respectfully,

JOHN McKEON,
United States District Attorney.

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

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

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

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

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

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

I am, very respectfully,

C. CUSHING.

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

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

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

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

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

TOM. S. McCOY,
United States Attorney.

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

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

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

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

I am, sir, your friend,

TOM. S. McCOY,
United States Attorney.

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

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

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

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

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

I have the honor to be, yours, respectfully,

C. CUSHING.

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

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

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

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

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

Copies of those two letters are herewith enclosed.

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

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

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

I have the honor to be, very respectfully,

C. CUSHING.

Hon. J. McKEON,

United States District Attorney, New York.

SOUTHERN DISTRICT OF NEW YORK,

United States District Attorney's Office, December 26, 1855.

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

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

I am, with high respect, your obedient servant,

JOHN McKEON,
United States District Attorney.

Hon. C. CUSHING,
Attorney General.

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

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

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

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

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

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

I have the honor to be, very respectfully,

C. CUSHING.

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

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

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

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

I am, very respectfully,

C. CUSHING.

G. S. CANNON, Esq.,
United States Attorney, New Jersey.

BORDENTOWN, *January 16, 1856.*

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

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

I am, very respectfully, your obedient servant,

G. S. CANNON,
District Attorney, &c.

Hon. CALEB CUSHING,
Attorney General United States.

SOUTHERN DISTRICT OF NEW YORK,
U. S. District Attorney's Office, New York, January 16, 1856.

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

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

* * * * *

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

JOHN McKEON,
United States District Attorney.

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

UNITED STATES ATTORNEY'S OFFICE,
San Francisco, February 4, 1856.

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

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

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

Very respectfully, your obedient servant,

S. W. INGE.

Hon. C. CUSHING,

Attorney General United States, Washington.

OFFICE OF THE ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,
Los Angeles, February 16, 1856.

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

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

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

P. ORD, *District Attorney.*

Hon. CALEB CUSHING,

Attorney General United States, Washington.

OFFICE OF THE ATTORNEY OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,
Los Angeles, February 16, 1856.

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

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

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

* * * * * * *

I am, very respectfully, your obedient servant,
P. ORD, *District Attorney.*

Hon. CALEB CUSHING,
Attorney General United States, Washington.

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

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

I am, very respectfully,

C. CUSHING.

Hon. S. W. INGE,
Attorney of the United States, San Francisco.

SAN FRANCISCO, *April 1, 1856.*

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

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

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

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

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

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

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

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

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

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

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

Hon. CALEB CUSHING,

Attorney General of the United States, Washington, D. C.

OFFICE U. S. ATTORNEY EASTERN DISTRICT OF LOUISIANA,

April 9, 1856.

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

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

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

I am yours, truly,

TOM. S. McCOY,

United States Attorney.

Hon. CALEB CUSHING,

Attorney General United States, Washington, D. C.

U. S. ATTORNEY'S OFFICE EASTERN DISTRICT OF LOUISIANA,

April 10, 1856.

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

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

The marshal has just reported no violation of law discovered.

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

TOM. S. McCOY,
United States Attorney.

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

DEPARTMENT OF STATE,
Washington, May 15, 1856.

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

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

CENTRAL AMERICAN PAPERS.

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

Mr. Marcoleta to Mr. Marcy, June 2, 1855.
 Mr. Marcy to Mr. Marcoleta, June 5, 1855.
 Mr. Wheeler to Mr. Marcy, July 1, 1855.
 Same to same, (enclosures,) October 14, 1855.
 Same to same, (enclosures,) October 23, 1855.
 Same to same, (enclosures,) October 30, 1855.
 Mr. Marcy to Mr. Wheeler, November 8, 1855.
 Mr. Wheeler to Marcy, (enclosure,) November 8, 1855.
 Same to same, (enclosures,) November 12, 1855.

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

 PANAMA PAPERS.

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

CENTRAL AMERICAN PAPERS.

Mr. Marcoleta to Mr. Marcy.

[Translation]

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

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

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

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

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

J. DE MARCOLETA.

HON. W. L. MARCY, &c., &c., &c.

*Mr. Marcy to Mr. Marcoleta.*DEPARTMENT OF STATE,
Washington, June 5, 1855.

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

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

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

W. L. MARCY.

SEÑOR DON JOSÉ DE MARCOLETA, &c., &c., &c.

Mr. Wheeler to Mr. Marcy.

[Extract.]

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

SIR: * * * * *

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

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

Mr. Wheeler to Mr. Marcy.

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

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

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

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

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

JNO. H. WHEELER,

Minister Resident of the Republic of Nicaragua.

Hon. WM. L. MARCY,

Secretary of State of the United States, Washington.

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

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[Translation.]

Manifesto addressed to Nicaraguans.

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

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

WM. WALKER.

GRANADA, October 13, 1855.

[Translation.]

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

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

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

DECREES:

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

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

RIVAS.

GRANADA, *November 1, 1855.*

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

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

PONCIANO CORRAL.
 MAXIMO JEREZ.

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

Mr. Wheeler to Mr. Marcy.

[No. 26.] LEGATION OF THE UNITED STATES OF AMERICA,
 NEAR THE REPUBLIC OF NICARAGUA,
Granada, October 23, 1855.

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

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

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

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

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

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

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

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

Be pleased to repeat these requests to Mr. Dobbin.

I have the honor to be faithfully yours,

JOHN H. WHEELER,

Minister of United States near Republic of Nicaragua.

—
A.

HEADQUARTERS, *marching*, October 17, 1855.

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

I am your dear servant,

D. F. L.

PONCIANO CORRAL,

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

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

B.

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

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

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

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

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

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

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

Yours, faithfully,

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

General PONCIANO CORRAL.

C.

REPUBLIC OF NICARAGUA, *Granada*:

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

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

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

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

GEO. B. SLOCUM.

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

JNO. H. WHEELER.

—

D.

REPUBLIC OF NICARAGUA, *City of Granada*:

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

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

ELI L. BIRDSALL.

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

JNO. H. WHEELER.

—

E.

REPUBLIC OF NICARAGUA, *City of Granada:*

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

JOHN T. MOORE.

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

JNO. H. WHEELER.

F.

REPUBLIC OF NICARAGUA, *City of Granada:*

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

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

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

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

Sworn to before me this 23d October, 1855.

JNO. H. WHEELER.

—
G.LEGATION OF UNITED STATES, *Granada:*

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

CLARK HITE.

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

JOHN H. WHEELER.

H.

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

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

Theron Wales.

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

—

I.

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

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

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

William Fitts.

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

J.

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

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

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

I arrived here in the steamer on Sunday night.

J. G. KENDRICK.

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

JOHN H. WHEELER,

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

—

K.

GRANADA, *October, 1855.*

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

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

GILBERT H. PLANK.

Sworn to before me this 23d October, 1855.

JOHN H. WHEELER,
Minister resident.

Mr. Wheeler to Mr. Marcy.

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

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

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

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

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

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

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

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

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

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

I have the honor to be, very faithfully yours,

JNO. H. WHEELER.

HON. WM. L. MARCY,

Secretary of State of the United States, Washington City.

TREATY.

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

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

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

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

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

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

6. The contracting parties and the provisional president oblige

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

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

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

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

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

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

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

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

ADDITIONAL ARTICLES.

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

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

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

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

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

WM. WALKER,

Commander-in-chief of the democratic army that occupies Granada:

PONCIANO CORRAL,

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

GRANADA, October 23, 1855.

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

PONCIANO CORRAL, *General-in-chief*.

GRANADA, October 23, 1855.

Mr. Marcy to Mr. Wheeler.

[No. 13.]

DEPARTMENT OF STATE,
Washington, November 8, 1855.

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

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

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

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

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

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

Should the officers of the national armed ships, sent to the coast of Nicaragua, confer with you as to acts proper for them to do in any emergency, you will be careful in the advice you may give them. Acts of war cannot be committed without the authority of Congress. Repelling threatened outrage upon our citizens, or shielding their property from unjust seizure, or protecting their persons, are not acts of war. They are exertions of power not inconsistent with the relations of peace.

I am, sir, your obedient servant,

W. L. MARCY.

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

Mr. Wheeler to Mr. Marcy.

[Extracts.]

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

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

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

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

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

Don Patricio Rivas, as president.

General William Walker, as commander-in-chief.

General Max. Jerez, as minister of foreign affairs.

General P. Corral, as minister of war.

Colonel P. H. French, hacienda.

Don Fernin Ferrer, public credit.

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

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

* * * * *

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

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

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

Very respectfully,

JOHN H. WHEELER.

Hon. W. L. MARCY,

Secretary of State of the United States.

[Translation.]

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

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

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

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

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

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

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

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

True copy, municipal department,

FRS. GARCIA CALONGE.

GRANADA, *October 25, 1855.*

Mr. Wheeler to Mr. Marcy.

[Extract.]

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

SIR: * * * * * * *

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

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

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

I am gratified to know that the United States steamer-of-war, the Massachusetts, S. Swartwout, lieutenant commanding, is at San Juan del Sur, and that the frigate Independence is expected soon. If there ever was a time and place that American citizens or property required the protection of our naval force, it is now and here. I hope that soon a ship-of-war will be at San Juan del Norte. In which event, as I learn from good authority that the present government of Nicaragua will assert its rights to the town and port of San Juan del Norte by taking possession and hauling down the Mosquito flag and raising their own, it may be proper to give instructions to the commander of any United States ship that may visit that port—since it is said and believed that this occupation by Nicaragua will be opposed by the English naval force, which is always present in that harbor.

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

I have the honor to be yours faithfully,

JOHN H. WHEELER, *Minister*.

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

Mr. Wheeler's address to Don Patricio Rivas.

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

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

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

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

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

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

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

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

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

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

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

To which the President made the following reply :

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

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

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

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

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

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

—
[Translation.]

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

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

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

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

Hon. J. H. WHEELER,
Minister Resident of the government of the United States.

—
Mr. Irisarré to Mr. Marcy.

[Translation.]

NEW YORK, *November 30, 1855.*

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

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

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

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

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

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

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

A. J. DE IRISARRÉ.

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

Mr. Marcy to Mr. Irisarré.

DEPARTMENT OF STATE,
Washington, December 6, 1855.

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

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

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

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

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

W. L. MARCY.

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

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

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

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

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

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

I have the honor to be, faithfully, yours,

JOHN H. WHEELER,

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

Hon. WILLIAM L. MARCY,

Secretary of State U. S., Washington city.

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[Translation.]

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

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

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

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

“DECREES:

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

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

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

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

“PATRICIO RIVAS.

“To the SECRETARY OF RELATIONS.”

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

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

MAXIMO JEREZ.

Señor Colonel PARKER H. FRENCH,

Minister of Finance of the supreme provisional government.

Mr. Marcy to Mr. Marcoleta.

DEPARTMENT OF STATE,
Washington, December 1, 1855.

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

Mr. Marcoleta to Mr. Marcy.

[Translation.]

WASHINGTON, December 8, 1855.

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

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

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

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

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

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

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

J. DE MARCOLETA.

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

Mr. Molina to Mr. Marcy.

[Translation.]

WASHINGTON, *December 6, 1855.*

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

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

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

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

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

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

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

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

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

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

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

LUIS MOLINA.

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

Mr. Marcy to Mr. Molina.

DEPARTMENT OF STATE,
Washington, December 10, 1855.

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

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

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

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

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

The undersigned, &c.,

W. L. MARCY.

Señor Don LUIS MOLINA, &c., &c., &c.

Mr. Marcy to Mr. Wheeler.

[No. 16.]

DEPARTMENT OF STATE,

Washington, December 7, 1855.

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

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

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

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

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

I am, sir, your obedient servant,

W. L. MARCY.

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

Mr. Wheeler to Mr. Marcy.

[Extract]

[No. 32.]

LEGATION OF THE UNITED STATES OF AMERICA,

NEAR THE REPUBLIC OF NICARAGUA,

Granada, December 15, 1855.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

Very respectfully,

JOHN H. WHEELER.

Hon. WM. L. MARCY,

Secretary of State of the United States, Washington city.

A.

[Translation.]

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

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

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

DECREES:

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

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

GRANADA, *November 1, 1855.*

RIVAS.

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

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

PONCIANO CORRAL.
 MAXIMO JEREZ.

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

B.

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

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

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

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

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

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

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

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

JOHN H. WHEELER,

Minister Resident of the United States of America.

HON. MAXIMO JEREZ,

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

C.

GRANADA, December 10, 1855.

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

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

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

JOHN McCARTHY.

HON. JOHN H. WHEELER,

Minister of the United States.

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

WASHINGTON CITY, December 19, 1855.

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

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

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

[Enclosure.—Translation.]

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

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

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

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

PATRICIO RIVAS.

By order of the President.
True copy.

MAXIMO JERES, [J. S.]
Secretary of State.

His Excellency the PRESIDENT OF THE UNITED STATES OF AMERICA.

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

Mr. Marcy to Parker H. French.

DEPARTMENT OF STATE,
Washington, December 21, 1855.

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

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

I am, sir, your obedient servant,

W. L. MARCY.

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

Mr. Molina to Mr. Marcy.

[Translation.]

WASHINGTON, *December 20, 1855.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOUIS MOLINA.

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

Mr. Wheeler to Mr. Marcy.

[No. 35.] LEGATION OF THE UNITED STATES OF AMERICA,
NEAR THE REPUBLIC OF NICARAGUA,
Granada, December 24, 1855.

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

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

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

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

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

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

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

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

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

I am, very faithfully yours,

JOHN H. WHEELER.

Hon. WM. L. MARCY,

Secretary of State of the United States, Washington City.

DEPARTMENT OF COLONIZATION,
Granada, December 22, 1855.

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

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

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

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

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

I am, sir, respectfully, your obedient servant,

J. W. FABENS, *Director.*

DECREE.

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

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

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

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

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

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

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

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

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

PATRICIO RIVAS,
President of the Republic.

NAVY DEPARTMENT, *May 15, 1856.*

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

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

J. C. DOBBIN.

The PRESIDENT.

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

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

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

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

“The United States will be represented in Central America, immediately, by a minister plenipotentiary. In the meantime you will consider it as the desire of the government that you should remain in the vicinity of San Juan or Greytown, so long as your presence may be deemed necessary to protect the property and persons of American citizens.” “It is, of course, very important, in order to avoid collision, that your course should be marked with caution, but at the same time the impression should be very distinctly made, that the United States are both able and determined to protect the property and rights of American citizens. Of course you will confine yourself to that one duty, carefully avoiding any act committing your government in any of the contested questions of jurisdiction at present disturbing the country.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Reliable information has reached the government of the existence of a state of affairs in Central America, and especially in Nicaragua, rendering it important that our flag should be shown in that region. The course of events occurring for a few years past, and the regular transit of a large number of American citizens across the isthmus, to and from the Pacific and Atlantic States, constitute, of themselves, a sufficient reason for at least an annual visit of a national vessel. But recent events seem especially to demand the presence of a part of the home squadron, and of an officer whose mature judgment and experience may guide him to proper action under the circumstances which inquiry may develop, and whose commanding position may exert influence and inspire respect. I therefore desire that you, as commander-in-chief of the squadron, should immediately proceed with the flag ship, the Potomac, to San Juan del Norte."

"Intelligence has reached your government that citizens of the United States who were passengers on the steamers of the Transit Company have been killed, and others wounded and otherwise maltreated. It is said that they were merely availing themselves of the usual facilities for travelling from one portion of their country to another, and were not engaging in or encouraging the revolutionary movements distracting the people of Nicaragua."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“In consideration of the above facts, and with a view to the general
H. Ex. Doc. 103—5

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

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

Mr. Wheeler to Mr. Marcy.

[Extract.]

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

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

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

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

* * * * *

I have the honor to be your faithful servant,

JOHN H. WHEELER.

Hon. WILLIAM L. MARCY,

Secretary of State of the United States, Washington City.

Mr. Marcoleta to Mr. Marcy.

WASHINGTON, *January 7, 1856.*

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

[Translation.]

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

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

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

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

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

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

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

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

Mr. Marcy to Mr. Wheeler.

[No. 18.]

DEPARTMENT OF STATE,
Washington, January 8, 1856.

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

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

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

I am, sir, your obedient servant,

W. L. MARCY.

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

Mr. Wheeler to Mr. Marcy.

[No. 38.]

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

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

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

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

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

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

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

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

—

A.

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

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

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

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

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

General Commander-in-chief of army of Nicaragua.

His Excellency JOHN H. WHEELER,

Minister Plenipotentiary for the United

States of America near the Republic of Nicaragua.

B.

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

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

The investigation the general has ordered will so far be important as to illustrate the facts in the case, and whilst it will probably justify the officer in killing Clark as an act of self-defence, I trust it will, at the same time, expose the culprits who wantonly mutilated a fallen man incapable of defence or resistance. The character of General Walker is a sufficient guarantee that such conduct will not escape its merited chastisement, and having brought it to his notice I am quite satisfied to leave the matter in his hands.

Be pleased to express to the general my profound acknowledgments, and my best wishes for his success in giving to Central America security and repose.

With high respect, your obedient servant,

H. PAULDING,
Commanding Home Squadron.

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

GRANADA, *January 8, 1856.*

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

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

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

MAXIMO JEREZ.

To the PROVISIONAL PRESIDENT OF THE REPUBLIC.

Mr. Wheeler to Mr. Marcy.

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

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

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

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

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

Mr. French to Mr. Marcy.

WASHINGTON, *January 18, 1856.*

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

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

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

I am, sir, your obedient servant,

PARKER H. FRENCH.

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

Mr. Wheeler to Mr. Marcy.

[Extract.]

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

SIR :

* * * * *

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

I enclose the newspapers.

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

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

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

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

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

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

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

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

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

* * * * *

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

Minister Resident near Republic of Nicaragua.

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

—

B.

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

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

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

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

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

I have the honor to be your most humble servant,

THOMAS MANNING,
In charge of the vice-consulate.

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

C.

[Translation.]

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

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

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

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

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

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

PATRICIO RIVAS.

To the Minister General, Don FERMIN FERRER,

Correct

F. FERRER.

D.

[Translation.]

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

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

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

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

F. FERRER.

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

Mr. French to Mr. Marcy.

WASHINGTON, *February 5, 1856.*

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

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

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

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

I subscribe myself your excellency's humble servant,
PARKER H. FRENCH.

His Excellency W. L. MARCY,
Secretary of State of the United States.

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

Mr. Marcy to Mr. French.

DEPARTMENT OF STATE,
Washington, February 7, 1856.

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

I am, sir, your most obedient servant,
W. L. MARCY.

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

Mr. Wheeler to Mr. Marcy.

[Extract.]

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

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

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

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

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

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

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

* * * * *

I have the honor to be, your obedient servant,

JNO. H. WHEELER,

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

Hon. WM. L. MARCY,

Secretary of State of the United States, Washington City.

Mr. Hine to Mr. Marcy.

[No. 7.]

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

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

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

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

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

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

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

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

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

MARQUIS L. HINÉ,

United States Consul.

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

[Translation.]

[No. 2.]

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

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

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

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

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

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

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

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

JOAQUIM B. CALVO.

MARQUIS L. HINE, Esq.,
Consul of the United States in Costa Rica.

Mr. Marcy to Mr. Hine.

[Extract.]

DEPARTMENT OF STATE,
Washington, April 11, 1856.

SIR :

* * * * *
* * * * *

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

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

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

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

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

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

Mr. Vanderbilt to Mr. Murcy.

WASHINGTON, *March 26, 1856.*

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

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

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

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

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

This offer the company declined.

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

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

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

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

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

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

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

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

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

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

“Truly, yours,

“C. VANDERBILT.

“Hon. JOHN McKEON.”

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

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

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

On the 18th day of February last the Rivas-Walker government, so called, made a decree revoking and annulling the charter and acts of incorporation of the Accessory Transit Company, and directing "all the property of said company to be seized."—(See "B No. 1.")

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

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

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

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

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

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

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

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

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

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

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

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

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

I have the honor to remain, very respectfully, yours, &c.,

C. VANDERBILT,

President Accessory Transit Company.

HON. WILLIAM L. MARCY,

Secretary of State, &c.

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

C. V.

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

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

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

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

A No. I.

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

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

ARTICLE I.

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

Stricken out.

ARTICLE X.

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

ARTICLE XI.

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

ARTICLE XII.

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

ARTICLE XIII.

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

ARTICLE XIV.

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

ARTICLE XV.

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

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

ARTICLE XVI.

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

ARTICLE XVII.

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

ARTICLE XVIII.

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

ARTICLE XIX.

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

ARTICLE XX.

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

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

ARTICLE XXI.

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

ARTICLE XXII.

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

ARTICLE XXIII.

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

ARTICLE XXIV.

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

ARTICLE XXV.

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

ARTICLE XXVI.

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

ARTICLE XXVII.

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

ARTICLE XXVIII.

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

ARTICLE XXIX.

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

ARTICLE XXX.

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

ARTICLE XXXI.

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

ARTICLE XXXII.

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

ARTICLE XXXIII.

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

ARTICLE XXXIV.

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

ARTICLE XXXV.

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

ARTICLE XXXVI.

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

ARTICLE XXXVII.

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

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

ARTICLE XXXVIII.

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

ARTICLE XXXIX.

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

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

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

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

RATIFICATION.

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

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

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

ARTICLE I.

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

ARTICLE II.

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

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

J. ABOUNCA.

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

By order of the director.

SEBASTIAN SALINAS. [L. s.]

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

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

DAVID L. WHITE. [L. s.]

ACT OF INCORPORATION.

Decree of the Director of Nicaragua, in Central America.

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

FIRST.

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

SECOND

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

THIRD.

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

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

FOURTH.

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

FIFTH.

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

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

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

NORBERTO RAMIREZ, *Supreme Director.*

To Mr. SEBASTIAN SALINAS,

Secretary of Foreign Relations.

SEBASTIAN SALINAS.

TREATY OF PROTECTION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

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

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

ARTICLE I.

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

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

ARTICLE V.

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

ARTICLE VI.

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

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

ARTICLE VII.

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

ARTICLE VIII.

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

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

ARTICLE IX.

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

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

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

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

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

ARTICLE I.

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

ARTICLE II.

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

ARTICLE III.

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

ARTICLE IV.

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

ARTICLE V.

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

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

ARTICLE VI.

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

ARTICLE VII.

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

ARTICLE VIII.

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

ARTICLE IX.

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

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

FRUTO CHAMORRO,
MATEO MAYORGA,
J. L. WHITE,

[SEAL.] *Counsel to, and representative of, the
American and Atlantic and Pacific Ship Canal Company.*

A No. 2.

[Translation.]

From the Special Commissioners of the Republic of Nicaragua.

NEW YORK, August 2, 1855.

GENTLEMEN: The undersigned, representatives of the republic of Nicaragua, have received your letter, dated the 30th ultimo, containing a proposition to arrange the ten per cent. which pertains to the government, in conformity with article 6th of the charter, and which has not been paid hitherto; and proposing in addition a substantial amendment to the first charter. After mature meditation we proceed to communicate to you the very liberal modifications which we have made to your proposition, to justify the favorable decision of the government in settling its claims and in establishing the harmony which is so convenient and proper for the disagreeing parties.

MODIFICATIONS.

First. We will receive in the name of the government of Nicaragua, for the 10 per cent. which it is entitled to by the 6th article, for the time past until the ratification of a new agreement, the sum of \$40,000, deducting from this sum what the company has already paid.

Second. For the future to be arranged thus: during two years the company to pay the government, the first year the sum of \$30,000, in hard money in advance, and the second year \$30,000 in twelve dividends, to be delivered in Granada each month. After the expiration of the two years the company to pay the government two dollars (pesos) (Nicaragua money) for each adult passenger, and one dollar for those not over twelve years of age, paying half passage. This capitation tax to be paid monthly, according to the passengers who may have passed over the isthmus. These terms being accepted the 10 per cent. which the government is entitled to from the company to cease for the future.

Third. In case that the independence of Nicaragua should be threatened by a foreign power, (except by the United States,) or by parties of adventurers, the company binds itself to lend the government as high as a hundred thousand, at 7 per cent. per annum. The rights or claims of the government on the company, and all other revenues of the republic to be hypothecated as security for the payment. *In these terms we will accept a new article.*

Fourth. In respect to the change which you solicit in articles two and thirty of the present charter, the company must apply to the government, inasmuch as it involves a change of the existing obligations of the company with the government; we are not authorized to make it.

It is unnecessary to add and manifest to you that so soon as the differences between the government and the company may be terminated, confidence and harmony will be restored, and then the company will obtain from the government whatever facilities that may conduce to the progress of the enterprize, in accordance with the well understood interests of the parties.

We hope that in course of three days you will be pleased to respond to this, it being understood that after this period the liberal modifications which we have made in the proposition which you presented to us in the name of the company will remain without effect.

In the meantime, we subscribe ourselves your very obedient servants,

GABRIEL LARAYO,
 _____, (illegible.)

MESSRS. THOMAS LORD,
 J. L. WHITE,
 J. OGDEN,

Commissioners of the Accessory Transit Company, &c.

A No. 3.

OFFICE OF THE ACCESSORY TRANSIT COMPANY,
New York, November 14, 1855.

DEAR SIR: The Accessory Transit Company, through the undersigned, their commissioners, hereby name and appoint as arbitrators, on the part of the company, Nathaniel H. Wolfe, esq., and Francis B. Cutting, esq., to settle every dispute or controversy and every matter of account now pending between the government of Nicaragua and the company.

It is the wish of the company that the four arbitrators now selected will proceed as speedily as possible to the selection of the fifth arbitrator, as required by the charter.

Yours, very respectfully,

THOMAS LORD,
 J. L. WHITE,
 JOSEPH OGDEN,
Commissioners.

DANIEL LORD, Esq.

—
 82 MERCHANT'S EXCHANGE,
October 23, 1855.

GENTLEMEN: The proposition made by Mr. J. L. White, for settlement of the controversy pending with the State of Nicaragua, has been submitted to the commissioners, and they decline to accept it. As this last proposition is much less favorable to the State than a former proposition made by the company, and which the commissioners expressly rejected, these gentlemen have lost all hope of arriving at a settlement by further negotiation, and they have concluded to resort to the arbitration provided by the charter. Accordingly, they now nominate Messrs. Royal Phelps and Theodore W. Riley as arbitrators, requesting you to name two others, that the matter may be proceeded in without unnecessary delay.

Yours, very respectfully,

DANIEL LORD,
 By DANIEL D. LORD.

THOMAS LORD, Esq., *Vice President,*
Accessory Transit Company.

—
 OFFICE OF THE ACCESSORY TRANSIT COMPANY,
New York, October 26, 1855.

DEAR SIR: I have yours of the 23d instant, and note the contents. As neither the commission nor the instructions of the minister, handed to us by Messrs. Tejada and Lacayo, confer any authority upon those gentlemen to appoint arbitrators, it would seem not only desi-

rable but indispensable that they furnish us with a copy of any such instructions on that point as they may have in their possession, upon the receipt of which—if the power conferred on them appears full and complete—the commissioners on the part of the company will, I presume, be prepared to proceed to arbitration.

Yours, respectfully,

THOMAS LORD, *President.*

DANIEL LORD, Esq., *Present.*

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82 MERCHANT'S EXCHANGE,
New York, October 29, 1855.

DEAR SIR: Your note of the 26th instant, addressed to Mr. Daniel Lord, has been submitted to the commissioners of Nicaragua, and in pursuance of your request, they send a copy of their power to name arbitrators in behalf of the government. The copy is, I believe, perfectly correct, but the original will be sent to you for your examination if you desire to see it. This power has not been presented heretofore, because the labors of the commissioners have been directed until now to an amicable arrangement for which the other power was sufficient.

Yours, very respectfully,

D. D. LORD.

THOMAS LORD, Esq.,
President Accessory Transit Company.

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[Translation.]

REPUBLIC OF NICARAGUA, CENTRAL AMERICA.

The government of the republic of Nicaragua authorizes in the most competent form Don Rafael Garcia Tejada, and Don Gabriel Lacayo, to be their commissioners to arrange the questions at issue with the Accessory Transit Company in order to, should it be found expedient to institute judicial proceedings against the said company in order to validate the rights which this republic has acquired in consequence of the canal contract adjusted on the 22d of September, 1849, with its amendment of the 11th April, 1850, and of the Transit contract of the 20th August, 1851, by mutual consent, and jointly for themselves and for others constituted by both or either of them, that they shall promise, sustain, and follow, in all its acts, said tribunal of justice, empowering them for the said object, should they deem it necessary, to name attorneys, advocates, notaries, or scriveners, &c.; to authorize pledges of what nature soever, deeds of writing, and whatever other kinds of documents which shall be necessary; to give petitions, present proofs, to censure and reproduce the contrary, to challenge judges

and whatsoever other ministers of justice, to appeal, &c., and to have and do judicially whatever they deem expedient for the interests of this republic.

They are likewise authorized to compromise the questions by arbitrators, naming those appointed for Nicaragua, authorizing them duly, and subjecting themselves to their sentence and decision.

For the execution of all that is above set forth, and whatever shall conduce to the respect and defence of the said rights, are granted by these presents to the gentlemen above named, Tejada and Lacayo, full powers and the most efficient faculties.

In testimony whereof, the undersigned minister of state for the dispatch of foreign relations, by order of his excellency the deputy president of this republic, doth execute this letter of authority, at Granada, the ninth day of the month of June, in the year of our Lord one thousand eight hundred and fifty-five.

MATEO MAYORGA.

B No. 1.

The Provisional President of the Republic of Nicaragua to its inhabitants.

Whereas, the republic of Nicaragua, on the 22d day of September, 1849, (one thousand eight hundred and forty-nine,) granted to the American Atlantic and Pacific Canal Company certain rights and privileges, were subsequently modified by decree of the 11th day of April, 1850, (one thousand eight hundred and fifty,) and whereas, in consideration of said rights and privileges, said company agreed to construct a ship canal across the territory of said republic, from the port of San Juande Nicaragua to the port of Realejo, gulf of Fonseca, Tamarinda, San Juan del Sud, or any of the points on the Pacific ocean which the engineers of the company might decide upon, or in case that the construction and completion of said canal or any point of it should become impossible by any unforeseen event or insurmountable obstacle of nature to construct a railroad or rail and carriage road and water communication between the two oceans; and

Whereas, the said American Atlantic and Pacific Ship Canal Company have not constructed the said canal or commenced the same, but, on the contrary, has abandoned the undertaking and declared it impracticable, and have also failed to construct a railroad or rail and carriage road, as they agreed to do; and

Whereas, the said American Atlantic and Pacific Ship Canal Company was bound by the terms of said charter to pay the republic of Nicaragua ten thousand dollars annually and ten per cent. on the net profits of any route the company might establish between the two oceans during the time allotted for the completion of the canal and in furtherance thereof; and

Whereas, the said American Atlantic and Pacific Canal Company

have failed to pay annually said ten thousand dollars, together with the said ten per cent. net profits, falsely and fraudulently alleging that no profits were made and commission due ; and

Whereas, by the said charter it was stipulated that, for the purpose of settling all matters in dispute between the State and the company, commissioners should be appointed by the State on the one part and the company on the other ; and

Whereas, on the 12th day of September, 1855, (one thousand eight hundred and fifty-five,) the republic of Nicaragua notified the said company to appoint commissioners under the charter, and the said company expressly refused the same ; and

Whereas, by decree of the 9th day of March, 1850, (one thousand eight hundred and fifty,) the said company was made a body politic and corporate, with perpetual succession by the name and description of "The American Atlantic and Pacific Ship Canal Company;" and

Whereas, on the 14th day of August, 1851, (one thousand eight hundred and fifty-one,) the republic of Nicaragua, with the sole object of facilitating the maritime canal, and in accordance with the desires expressed by the company of said canal to divide and separate from the contract of 22d September, 1849,) one thousand eight hundred and forty-nine,) the part therein relating to the navigation by steam of the waters of Nicaragua, did constitute a new company, designated by the name of "Accessory Transit Company," and consisting of the same persons comprising the American Atlantic and Pacific Ship Canal Company, and subject to the same obligations; now, therefore,

The supreme provisional government of Nicaragua, in virtue of the faculties,

DECREES :

1. The grant to the American Atlantic and Pacific Canal Company of date 22d September, 1849, (one thousand eight hundred and forty-nine,) and the modifications thereof made 11th day of April, 1850, (one thousand eight hundred and fifty,) and all the privileges therein contained are *revoked and annulled*; the acts of incorporation of rail company of date 9th day of March, 1850, (one thousand eight hundred and fifty,) and of the "Accessory Transit Company" of date 14th day of August, 1851, (one thousand eight hundred and fifty-one,) are *annulled*, and the said American Atlantic and Pacific Ship Canal Company and Accessory Transit Company are *dissolved and abolished*, except for the purposes hereinafter mentioned.

2. Señor Don Cleto Mayorga, Señor Don Eduardo I. C. Kewen, and Señor Don George F. Alden, (any two of whom may act,) are hereby appointed a board of commissioners, with full powers to *examine, liquidate and ascertain* the amount due by the said American Atlantic and Pacific Canal Company and Accessory Transit Company, to the State, with full powers to send for persons and papers, and to enforce respect and obedience to all their orders and decrees.

3. The said board shall proceed at once to discharge their duties, and for this purpose shall notify the agent of the companies residing

in Nicaragua to appear before them forthwith, to give all evidence that may be required of them, and with the privilege to defend the interest of their principals.

4. The said companies shall be considered still in existence for the purpose of conducting this examination, and for the purpose of being held collectively responsible for such sum as may be ascertained to be due to the State, but for no other.

5. For the purpose of securing the payment of such amount the said board find due, they are hereby commanded to cause all the property of said companies to be seized forthwith and held by responsible persons, subject to the order of said board.

6. That the transit of passengers across this isthmus may suffer no interruption, the board are authorized to deliver to such responsible persons as may make application all the said property so seized, upon their executing a bond in a sum one-fourth greater than its appraised value, and with the conditions that the same shall be forthcoming when called for by the said board, and that the undertakers in the bond shall continue to transport the passengers who may arrive on the side of the Atlantic and Pacific oceans, and the expenses of transporting said passengers shall be charged against the said companies.

7. Before allowing the said property to be bonded, the board shall cause the same to be fairly approved by three competent persons appointed for the purpose.

8. The board shall proceed summarily and with dispatch, and on determining the amount due from the companies to the State, shall report their proceedings immediately to the government.

9. The compensation of the board of commissioners, as well as of the board of appraisers by them appointed, will be hereafter determined.

10. Let this be communicated to the proper authorities.

Given at Granada the 18th day of February, 1856.

PATRICIO RIVAS.

B No. 2.

NEW YORK, *March* 19, 1856.

I, Isaac C. Lea, secretary of the American Atlantic and Pacific Ship Canal Company, (of Nicaragua,) do hereby certify that the *bonus* of ten thousand dollars per annum, due the State of Nicaragua under the grant from said State to the said company, was duly paid on the drafts of said State for the same, in the years 1849, 1850, and 1851; and I do hereby further certify, as secretary of the Accessory Transit Company, that the said *bonus* was duly paid by the said Accessory Transit Company, on the drafts of said State for the years 1852, 1853, and 1854, and that they were prepared and ready to pay the same for the year 1855, but were enjoined by Messrs. Manning, Glenton & Co.,

through a court in the city of New York, under an assignment of said claim of the State, from paying the same to any *person or persons* whatever.

ISAAC C. LEA, *Secretary.*

B No. 3.

[Translation of No. 1.]

REPUBLIC OF NICARAGUA, MINISTRY OF FOREIGN AFFAIRS,
Granada, January 16, 1856.

SIR: By order of his excellency the president of the republic, I remit to you, enclosed, authorized copies of the legislative law of 21st June, 1852, in consequence of which a contract was celebrated on the 22d of the same month and year, between the supreme executive power and Messrs. Thomas Manning and Jonas Glenton, as also the decree given yesterday, 15th instant, by the actual provisional government of the republic, relative to the same subject.

All of which I transmit to you for your information, acceptance, and due fulfillment of the same.

Mr. Secretary, you will be pleased to communicate these dispositions, with the object aforesaid, to the president of the said mentioned company, and return me a receipt of this communication.

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

F. FERRER.

To the SECRETARY OF THE ACCESSORY COMPANY,
del Transito de Nicaragua, New York.

[Translation No. 2.]

[No. 137.] REPUBLICA DE NICARAGUA,
Ministry of the Public Credit, Granada, January 15, 1856.

The supreme executive power has been pleased to dictate the following law:

The government, considering just the claim which Messrs. Manning and Glenton make on the State as to its recognition and payment of the sums which the republic is indebted to them, according to the agreement effected on the 23d June, 1852, between the executive and the petitioners, and in virtue of the legislative law of the same month and year, in force of the powers in it invested,

DECREES:

1. Acknowledge as a debt against the republic, and in favor of Messrs. Manning and Glenton, the sums which are due to them conformable to the agreement entered into on the 23d June, 1852.