

2. In consequence of which the rents hypothecated in the expressed agreement remain pledged for the payment of the same.

3. Communicate the same to whom it may correspond.

RIVAS.

GRANADA, *January 15, 1856.*

And, by supreme order, I communicate the same to you for your information.

I am your obedient servant,

F. FERRER.

Messrs. THOS. MANNING and JONAS GLENTON.

GRANADA, *January 16, 1856.*

Agreeable to the original.

ROCHA.

Minister of Finance of the Supreme Government de la Republica.

[Translation No. 3.]

GOVERNMENT HOUSE, *Managua, June 22, 1852.*

The supreme executive power has been pleased to communicate to me the following decree:

The director of the State of Nicaragua to its inhabitants.

Forasmuch as the legislative assembly has decreed the following, the senate and house of representatives of the State of Nicaragua, constituted as assembly,

DECREE.

ART. 1. The executive government will liquidate or adjust up to the 1st July, 1851, the debt which the State recognizes in favor of Mr. Thomas Manning and Mr. Jonas Glenton, in conformity with the documents which exist respecting the same.

ART. 2. The sum which this amounts to, in favor of these gentlemen, will bear interest at $1\frac{1}{2}$ per cent. per month, from the 1st of July, 1851, to an equal date in 1855, at which date the State compromises itself to satisfy the entire debt.

ART. 3. The State consigns or deposits for this payment the 10 per cent. which it has to receive from the net proceeds of the Transit Company and the ten thousand dollars which it also receives annually per contract of September 26, 1849, compromising this last from 1854 and onward, which said incomes the State shall not otherwise dispose of, until the credit of these persons is not completely solvent.

ART. 4. The interest on the amounts which are from time to time to be paid is to cease, and at the time of a general settlement, should it result that Manning and Glenton have received more monies than their due, they will immediately return it to the State with the same

interest of $1\frac{1}{2}$ per cent. monthly, which is to be calculated from the time of its receipt.

ART. 5. If, on the 1st of July, 1855, these credits should not be satisfied, they must be precisely settled, making use for this object the \$200,000 of actions which the State holds in the canal enterprise, or any other of its incomes.

ART. 6. The government may authorize Mr. Manning, who united or with the intervention of a special agent which the government may name, to settle and receive the 10 per cent. which may be due to the State at the time of adjustment, without assigning any pay to him, having offered to do so graciously. The following settlement with the Transit Company is in future to be made by a person to be named by the government, remaining *always* its *results* or *proceeds* at the order and disposition of Manning and Glenton.

ART. 7. The government may also authorize Mr. Manning to contract a loan with which to cover the amount due to him and Mr. Glenton by the State at the time of its taking effect, under the conditions that the interest does not exceed $1\frac{1}{2}$ per cent. per month, the State obliging itself to satisfy the amount of the loan and the incomes by this law here stipulated.

ART. 8. The law of the 16th June, 1851, is by this annulled.

Given in the sessions of the legislature, Managua, June 16, 1852. José M. Estrada, deputy president; Domingo Coleman, deputy secretary; Liberato Abarea, deputy secretary. To the executive sessions of the Senate, June 19, 1852. Pedro Aguirre, president, senator; José Jesus Alfarro; Juan Guerra, secretary, senator. Forasmuch, put it in force as law; Managua, June 21, 1852. José Lauriano Pineda, director. To the ministers of relations and government. Don Francisco Castellon.

By supreme order of the executive, I herewith make known to you, gentlemen, for your guidance, and in reply to your claims.

With which I subscribe myself, your obedient servant,

D. U. L. ROCHA,

Minister of Finance.

Messrs. THOMAS MANNING and JONAS GLENTON.

[Translation of the Contract.—No 4.]

Señor Jesus de la Rocha, minister of finance of the State, in the name of the government of Nicaragua, and Messrs. Thomas Manning and Jonas Glenton for themselves, in presence of the law of the 21st instant, which orders to be liquidated the debt which the State acknowledges in favor of these gentlemen, and consign the funds with which it should be paid with the respective interest, having at sight the liquidation of principal and interest, formed yesterday with the intervention of said gentlemen and the general treasurer, have agreed upon the following:

ARTICLE 1. The government in the name of the State acknowledges

in favor of Messrs. Thomas Manning and Jonas Glenton the sum of \$95,402 04½ with principal and interest, the State is indebted to them up to July 1, 1851, according to the liquidation formed on the 22d instant by the treasurer general, agreeable to the stipulations of the 29th of August, 1848, and the 7th of March, 1850.

ARTICLE 2. The State is obliged to satisfy Messrs Manning and Glenton on the 1st of July, 1855, the indicated sum of \$95,402 04½, with the addition of \$68,682 06½ which is the interest at 1½ per cent. monthly, calculated upon the capital referred to from July 1, 1851, to an equal date in 1855, in conformity to the second article of the law of the 21st instant, present year.

ARTICLE 3. The payment of principal and interest referred to amounts united to the total sum of \$164,092 03, which is to be paid, *first*, with the 10 per cent. which belongs to the State of the net proceeds of the Transit Company; *secondly*, with the ten thousand dollars annually which also belongs to the State, agreeable to the contract of the 26th of September, 1849, remaining compromised; the latter of these sums from the year 1854, henceforward; which incomes the government cannot dispose of in any way whatever until this debt be completely paid to the expressed gentlemen.

ARTICLE 4. The amounts which Manning and Glenton may receive on account of this credit before July 1, 1855, will cease to bear interest, and they will credit the State the same interest of 1½ per cent. monthly upon the amounts so received; and if at the time of forming the general liquidation it should appear that Manning and Glenton have received a larger sum than what is due to them, they oblige themselves to return the same immediately, with the same interest of 1½ per cent. monthly in favor of the State, which shall be calculated from the time of receiving the money.

ARTICLE 5. If on the 1st of July, 1855, these gentlemen should not be satisfied these credits, the government obliges itself to do so immediately, by means of the \$200,000, which the State has in actions, in the enterprize of the canal, or any other of her rents.

ARTICLE 6. The government authorizes Mr. Manning, with the intervention of his excellency Don José de Marcoleta, minister plenipotentiary de Nicaragua to liquidate and receive the 10 per cent., which may appear in favor of the State at the time of making the settlement with the Transit Company, which sum shall be placed to the credit of Nicaragua, on account of what is due to him and Mr. Glenton, giving due advice of the amount, and date of its receipt by him.

ARTICLE 7. The government, if convenient, will authorize the said Mr. Manning to contract a loan with the object of paying him and Mr. Glenton the debt of the State at the time of verifying the same under the basis and instructions which shall be communicated to him in such a case.

ARTICLE 8. By this agreement all others that have been celebrated with the said Manning and Glenton shall not have any value or effect, declaring with all due formality from this day henceforward that the present is the only one valid, and ratify the clauses with the formality necessary for its greater value.

ARTICLE 9. Of this document three examples shall be extended, one

delivered to Mr. Manning, that in due time he may recover the \$106,300 03 which belongs to him of the \$164,092 03 and which forms the debt; another for Mr. Jonas Glenton, in order that he may claim the \$57,792 which also belongs to him in the same debt, and the other will remain in the office of the minister of finance, for the due security of the State. The minister giving advice of it to the respective public offices.

In faith of which we sign in the city of Santiago de Managua, June 23, 1852.

JESUS DE LA ROCHA.

ARTICLE ADDITIONAL. Having observed, at the time of signing this arrangement, that the 6th article does not express in whose power should remain the moneys arising from the liquidations which have to be made agreeable to the law of the final part of the 6th article, it is hereby agreed to add thus: "In the liquidation hereafter the balance due will remain to the order and disposition of Messrs. Manning and Glenton." Fecha ut supra.

JESUS DE LA ROCHA,
THOMAS MANNING,
JONAS GLENTON.

GOVERNMENT HOUSE, MANAGUA, *June 23, 1852.*

Let the preceding agreement be approved of.

PINEDA.

B No. 4.

VIRGEN BAY, *February 22, 1856.*

SIR: By virtue of a decree, passed on the 18th instant by the government of Nicaragua, forfeiting and annulling the respective charters of the American Ship Canal and Accessory Transit Companies, the undersigned were appointed commissioners to examine into and determine the amount of indebtedness due from the said companies to the government.

For the purpose of securing the payment of the sum that may be ascertained to be due, we are authorized and instructed by said decree to seize and retain possession of all the property belonging to the said companies within the limits of Nicaragua.

Having been credibly informed that you are an agent of one or both of said companies, we deem it our duty to require of you a schedule or inventory of their assets now in your possession and under your control.

It is desirable that this shall be done at the earliest practicable moment. Your prompt attention in this matter will much oblige

E. J. C. KEWEN,
GEO. F. ALDEN,
Commissioners.

Captain SCOTT.

H. Ex. Doc. 103—8

*Inventory of real estate and other property belonging to the Accessory
Transit Company at Virgin Bay, February 29, 1856.*

Real estate.

Building used as company's office, with shed,
stable, &c.
Building used as carpenter's and blacksmith's
shop and as store-room.
Small building occupied by mechanics in
employ of the company.
Wharf now in progress.

Furniture and books in office.

1 large iron safe.
2 desks, one with pigeon holes.
1 box of pigeon holes.
1 letter press.
1 pair gold scales.
3 mail bags.
2 large maps,
Books of accounts and records since February
20, 1854.

Miscellaneous articles in office, building, and store-rooms.

In shed adjoining stable.

1 road scraper.
3 iron buoys.
1 barrel rosin, (about 300 pounds.)
1 small anchor, (on the pier.)
3 lots of old canvas, useless.
16 specie nets.
1 lot of floor and roof tiles.

In baggage and freight shed.

50 specie nets.
1 lot of old rope.
1 coil new rope, (on the pier.)
1 carpenter's work bench.
1 lot old lumber, (about 50 feet.)
4 bars of iron.
1 tarpaulin.
1 small boat's rudder.

In office building.

4 tables.
8 common chairs, (native)
1 marine clock.
1 platform scales.
40 specie nets.
1 glass globe lamp.
14 lanterns.
1 tin lantern.
1 tin lantern lamp feeder.
1 candlestick.
1 large globe lamp.
2 cutts, one broken.
1 American flag.
Lot of brass bolts, for doors.
Lot of twine.
Lot hardware, (taken on pier.)
1 table and desk.
Lot of paint pots.
1 broken axe.
2 kegs nails, (nearly full.)
1 cross-cut saw.

Articles in store-room in blacksmith's shop.

2 carpenter's tool chests, (1 box.)
50 planes, (part in use by carpenter.)
20 handles, for chisels.

15 blades, for chisels,
15 bits, for moulding planes.
3 squares.
20 locks, (without keys.)
10 half-round files.
2 screw-drivers.
1 screw-wrench.
2 adzes
96 bits, for braces.
1 pair tweezers.
34 augers.
5 brass cocks.
3 matchete blades.
14 chisels.
3 broad axes.
2 drawing knives.
3 iron squares.
3 grubbing hoes.
14 handles for hoes.
6 gouges.
6 gross screws.
2 buck saw blades.
1 bar solder.
1 soldering iron.
2 ploughs,
2 road scrapers.
1 lot old iron.
2 huck saws.
10 door bolts.
1 double and 3 single blocks.
1 set of pit saw handles.
3 large powder cans.
6 kegs nails, nearly full.
1 wooden maul.
1 grindstone.
1 pair steelyards.
1 box slats for blinds.
3 bars of iron and lot of spikes.
2 ringbolts.

Agent's apartments :

1 bed and pillow.
2 tables.
2 lounges.
8 cane bottom chairs, (4 do. at mills.)
2 wooden bedsteads.
1 bureau.
3 washstands.
1 iron safe.

small tables.
tumblers.
1 water jug.
2 looking glasses.
3 pitchers.
2 washbasins.
2 iron bedsteads.
2 large glass candle shades.
A lot of stationery, &c.

Copies of letters received and written since
February 20, 1854, at this agency.
5 books of accounts and records, (old.)

*Near the wharf and back of the company's
office.*

217 cords of wood, for steamers.
1,000 logs, for wharf.

*Inventory of property belonging to the Accessory Transit Company, on
Transit road, February 16, 1856.*

Horse stable and shed for carts.

2 horses.
3 mules, one working on pier at San Juan
del Sur now.
4 horse carts, with harness complete.
6 wheelbarrows, nearly worn out.
3 wheelbarrows, new.
13 shovels, old.
2 shovels, new.
5 spades; 3 crowbars; 16 native axes, of no
use.
7 picks; 2 macanas.
3 stone hammers, 2 sent to San Juan.
10 American axes.
1 water pail.
1 currycomb and brush.
1 barrel of lime.

Carpenters' tools.

2 hammers.
1 adze.
1 hand axe.
1 brace and 2 bits.
2 iron squares.
1 pair pincers.
4 chisels.
1 oilstone.
1 screwdriver.
1 spokeshave.
1 drawing knife.
1 pair of dividers.
1 gross 1½-inch screws.
1 2-inch auger.
1 square.
1 gimlet.
1 rip saw.
1 bucksaw.
1 tool chest.

The above is correct.

C. CUSHING, *Agent.*

JOSEPH N. SCOTT, *Agent,*
And receiver to whom it may concern.

*Inventory of property belonging to the Accessory Transit Company at
San Juan del Sur, Nicaragua, February 21, 1856.*

1 office building.
1 dozen chairs.
5 tables.
1 platform scale.
1 spring balance.
1 Welder's patent safe.
1 clock.
2 large tarpaulins.
½ dozen lanterns.
1 iron store-house.
1 kitchen.
1 open shed.
1 blacksmith shop.
1 anvil and bellows, and tools.
A lot, 5 acres of ground, on which the office
stands.
1 stable.
1 well pump and cast iron pipe connecting
with tank.
1 iron water tank.
1 iron water boat and pump.
2 chains and 2 anchors on boat.
800 feet leather hose, 2 pumps, (native use,)
a quantity of paint, oil, red and white lead
for water boat.

2 coils 3 inch rope in use on water boat.
1 small skiff.
1 whale boat, (not in use.)
1 pier for landing passengers and coal.
Store-house on pier.
A frame, 50 by 40 feet, (not complete,) for
building on pier.
4 one-horse carts and harness.
2 mules and 2 horses.
Tools in use on pier—72 shovels, 4 picks, 30
crowbars, 4 drills.
55 wheelbarrows.
1 grindstone.
4 axes.
1 large iron buoy.
1 large iron chain.
1 anchor.
1 wooden water boat, (not in use.)
1 chain.
About 300 crib logs not paid for.
About 4,000 feet (board measure) of pine lum-
ber.
About 23,000 feet (board measure) cedar
plank, not paid for.
The hulk Heva, (sunk at pier.)

Anchor and chains.
 The coal hulk Damascus.
 2 chain cables and 3 anchors.
 1 steam engine.
 4 boats.
 1 lighter in good order.
 12 wheelbarrows.
 1 cooking stove.
 3 dozen shovels.
 6 water casks.

Coal on Damascus, 500 tons.
 Coal on shore, 235 tons.
 Coal at Realejo, 700 tons.
 Coal at Salinas bay, sunk in ship Frances Depenau, 700 tons.
 A quantity of blasting powder.
 6 office books.
 2 reams letter paper.
 2 reams cap paper.

GEORGE FITZGERALD, *Agent.*

Inventory of real estate and other property belonging to the Accessory Transit Company at Virgin bay, February 1856.

Real estate.

Building used as company's office, with shed, stable, &c. Building used as carpenter's and blacksmith's shop and store room. Small building occupied by mechanics in employ of the company. Wharf now in progress.

Furniture and books in office.

1 large iron safe.
 2 desks, 1 with pigeon holes.
 1 box ditto
 1 letter press.
 1 pair gold scales.
 3 mail bags.
 2 large maps.
 Books of accounts and records since February 20, 1854.

Miscellaneous articles in office building and store rooms.

In shed adjoining stable.

1 road scraper.
 3 iron buoys.
 1 lot of rosin, (about 300 lbs.)
 1 small anchor.
 2 lots of old canvass, useless.
 16 specie nets.
 1 lot floor and roof tiles.

Lot paint pots.
 1 broken axc.
 2 kegs nails, nearly full.
 1 cross-cut saw.

Articles in store room in blacksmith's shop.

2 carpenter's tool chests.
 50 planes.
 20 handles for chisels.
 15 blades for ditto.
 15 bits for moulding planes.
 3 squares.
 20 locks without keys.
 10 half round files.
 2 screw-drivers.
 1 screw-wrench.
 2 adzes.
 96 bits, (for brace)
 1 pair dividers, (not found.)
 1 pair tweezers.
 34 augers.
 5 brass cocks.
 3 machett blades.
 14 chisels.
 3 broad axes.
 2 drawing-knives.
 3 iron squares.
 3 grubbing hoes.
 14 handles.
 6 gauges.
 6 gross screws.
 2 buck saw blades.
 1 bar solder.
 1 soldering iron.
 2 ploughs.
 2 road-scrapers.
 1 carpenter's tool box, already mentioned.

In baggage and freight shed.

50 specie nets.
 1 lot of old rope.
 1 coil of new do.
 1 carpenter's work-bench.
 1 lot of old lumber, amount 50 feet.
 4 bars iron.
 1 tarpaulin.
 1 small boat rudder.

In office building.

4 tables.
 8 common chairs, (native.)
 1 marine clock.
 1 platform scales.
 40 specie nets.
 1 glass globe lamp.
 14 ditto small.
 1 tin lamp.
 1 tin lamp feeder.
 1 candlestick.
 1 large globe lamp.
 2 cotts—1 broken.
 1 American flag.
 Lot brass bolts for doors.
 Lot of twine.
 Lot of hardware, (in back room.)
 1 table and desk.

2 buck saws.
 10 door bolts.
 1 double and 3 single blocks.
 1 set of pit saw handles.
 3 large powder cans.
 6 kegs nails, nearly full.
 1 wooden maul.
 1 grindstone.
 1 pair steelyards.
 1 box containing slats for blinds.
 3 bars of iron and 1 lot of spikes.
 2 ring bolts.

Agent's apartments.

1 bed and pillows.
 2 tumblers.
 2 lounges.
 8 cane-bottomed chairs.
 2 wooden bedsteads.
 1 bureau.

3 washstands.
 1 iron safe.
 4 small tables.
 6 tumblers.
 1 water jug.
 2 looking glasses.
 3 pitchers.
 2 washbasins.
 2 iron bedsteads.
 2 large candle shades, (glass.)
 A quantity of stationery, &c.

Copies of letters received and written since
 February 20, 1854, at this agency.
 5 books of accounts and records, (old.)

Near the wharf and back of the company's office.

217 cords of wood for steamers.
 1,000 logs for wharf.

*Inventory of property belonging to the Accessory Transit Company on
 Transit road, February 16, 1856.*

Horse stable, and shed for carts.

Carpenters' tools.

2 horses.
 3 mules, one now working on pier at San
 Juan.
 4 horse carts with harness.
 6 wheelbarrows, nearly used up.
 3 wheelbarrows, new.
 13 shovels, old.
 2 shovels, new.
 5 spades.
 7 picks.
 3 crowbars.
 16 native axes, of no use.
 2 macanas.
 3 stone hammers, 2 sent to San Juan.
 10 American axes.
 1 water pail.
 1 curry-comb and brush.
 1 barrel of lime.

2 hammers.
 1 adze.
 1 hand axe.
 2 marking brushes.
 1 broad axe.
 1 brace and 2 bits.
 2 iron squares.
 1 pair pincers.
 4 chisels.
 1 oil-stone.
 1 screw-driver.
 1 spokeshave.
 1 drawing-knife.
 1 pair dividers.
 1 gross 1½-inch screws.
 1 2-inch auger.
 1 try-square.
 1 back saw.
 1 tool chest.

C. CUSHING, *Agent.*

*Inventory of property appertaining and belonging to the Punta Arenas
 Agency Transit Company.*

One steamboat, engine and boilers complete, known as the San Carlos	- - - - -	\$70,000
One steamboat, engine and boilers complete, known as the La Virgin	- - - - -	45,000
One steamboat, engine and boilers complete, known as the Central America	- - - - -	20,000
The latter steamer is without furnace.		
One stern-wheeled steamer, known as the J. Ogden	- -	30,000
One stern-wheeled steamer, known as the C. Morgan	- -	30,000
One stern-wheeled steamer, known as the J. L. White	- -	5,000
One stern-wheeled steamer, known as the H. L. Bolwere	- -	5,000

One stern-wheeled steamer, known as the Colonel Wheeler -	\$30,000
One stern-wheeled steamer, known as the J. N. Scott -	30,000
One stern-wheeled steamer, known as the E. L. Hunt -	10,000
One stern-wheeled steamer, known as the H. L. Routh -	10,000
One stern-wheeled steamer, with boiler and engine complete, now ready for launching at Point Arenas -	20,000
One engine, Ometepe, her remains -	17,000

Launches and Lighters.

One iron launch at Virgin bay -	1,000
One iron launch at Ometepe island -	1,000
One wooden launch at Virgin bay -	500
One wooden hull, formerly steamer Director -	100
Two yawl boats at Virgin bay -	100
Five wooden launches, sharp forward and square stern, with- out decks -	500
Two wooden launches, sharp forward, and square stern, with decks -	2,000
Two square lighters -	400
One large launch or skiff, not zinned -	200
One large launch, sharp forward, and square stern, decked over -	300
One iron water-boat -	6,000
One wooden water-boat -	200
One iron hull, formerly steamer Clayton -	1,000
One coal heap at Punta Arenas -	500
Two yawl boats at Punta Arenas -	100
Two small rowing boats -	100
Two canoes fitted for rowing -	60
One canoe without -	10
One zinc boat -	50
One clinker-built yawl -	20

Houses, sheds, &c.

One large wood-shed at Ometepe island -	500
Two woodsheds at Savalo river -	500
One woodshed below Savalo river -	100
One large car-house at Castillo -	4,000
One office-building at Castillo -	4,000
Two wharfs and one railroad track, above and below the Castillo Rapids -	10,000
One large woodshed at Point Arenas -	1,000
One small building used as vegetable store at Punta Arenas,	250
One small building used as heef store at Punta Arenas, -	250
One building used as store at Punta Arenas, -	500
One small house for use of washerwoman at Punta Arenas, -	100
One kitchen at Punta Arenas, -	100
One house used as dining and sleeping room, -	500

One house used as office, sleeping apartments and machine shop, - - - - -	\$2,000
One house, or shed, used as building house, - - - - -	4,000
One shed used as blacksmith shop, - - - - -	200
One chicken coop, or house, - - - - -	50
Two dwelling houses, - - - - -	2,000

Various articles at Punta Arenas, &c.

3 old iron boilers used as water tanks	\$3,230 00	4 barrels sugar	\$150 00
2 wooden water tanks.	40 00	4 barrels molasses	100 00
1 steam boiler, 1 engine attached, (small)	500 00	3 barrels vinegar	45 00
1 steam engine (square cross head) formerly belonging to steamer Director.	7,000 00	4 barrels rice	80 00
1 large lathe with cog-wheels, &c.	250 00	4 barrels beans	48 00
1 small hand lathe.	50 00	2 half barrels split peas	10 00
1 boiler-iron punch.	250 00	2,000 pounds white lead.	250 00
1 small iron punch.	50 00	6 boxes pepper	12 00
1 pair boiler-iron shears.	250 00	2 boxes salt	4 00
1 boiler-iron roller.	200 00	10 boxes claret	50 00
Lot of castings belonging to an old dredging machine.	500 00	1 barrel whiskey.	40 00
Lot of castings belonging to an old saw mill.	200 00	1 barrel gin	50 00
Lot of wooden horses for portable doek, timber and plank for same.	100 00	3 boxes mustard.	3 00
1 railway for hauling out steamers, with crabs, windlasses, and tackles complete, and one shed over same.	5,000 00	10 boxes catsup	40 00
1 wharf, with shed, (small).	200 00	1 box sauce.	10 00
1 crib, (used for keeping tools,)	100 00	4 dozen pails and buckets.	15 00
1 small well house.	50 00	1 box sardines.	25 00
1 lot of blacksmith's tools in shop.	1,000 00	5 kegs lard.	40 00
1 lot of machine shop tools.	1,000 00	2 barrels potatoes.	12 00
1 tool chest, containing carpenter's tools	50 00	2 barrels vegetables.	12 00
50 tons hard coal, more or less.	450 00	Lot crockery in use, plates, cups, saucers, tumblers, &c.	200 00
10 tons soft coal, more or less.	120 00	Lot tinware, saucepan, &c.	100 00
Lot old iron, copper, sails, rope.	2,000 00	2 half barrels dried fruit	20 00
3 tables and 10 chairs.	100 00	2 boxes raisins.	8 00
Stationery and books in office.	200 00	200 pounds red lead.	20 00
2 large anchors and chains.	200 00	100 pounds black lead.	12 50
2 small anchors.	20 00	1 box verdegrip.	10 00
1 mooring anchor and chains off Virgin hay.	500 00	3 barrels paint oil.	240 00
2 iron safes.	300 00	5 barrels lamp oil.	300 00
2 scales.	50 00	5 barrels spirits turpentine.	100 00
100,000 feet lumber, more or less.	3,000 00	1 barrel tallow	15 00
12 wheelbarrows.	24 00	Contents one small room in machine shop, containing hammers, axes, axe handles, axes rubber, waste, &c.	400 00
Lot of wooden frames, doors, &c.	100 00	5 boxes cider.	25 00
2 grindstones.	20 00	4 dozen brooms.	5 00
50,000 shingles.	250 00	5 dozen scrub brushes	5 00
10 half barrels beef	100 00	20 kegs nails.	50 00
10 half barrels pork	100 00	2 hales felt.	30 00
10 half barrels flour	150 00	5 boxes zinc.	250 00
15 barrels bread.	150 00	5 barrels tar.	25 00
10 half barrels mackerel	100 00	3 barrels pitch.	15 00
14 firkins butter.	420 00	900 cords wood, on San Juan river, more or less, with sheds under which most of the wood is piled.	5,400 00
		500 cords wood on Ometepe island, more or less	3,500 00
		20 head swine.	100 00
		7 dozen fowls.	56 00
		6 cots and mattresses	12 00

B No. 5.

NEW YORK, *March 17, 1856.*

SIR: The Walker government in Nicaragua have, by what they call a decree revoked the charter of the Transit Company, of which I am president, and seized all our property, (on the isthmus,) amounting in value to nearly one million of dollars.

The reasons assigned for the acts of forfeiture and seizure by the decree itself, are: *first*, that the company were indebted to the State, and denied such indebtedness; *second*, that the company refused to submit the dispute to arbitration as provided by the charter.

Both statements are utterly false and mere pretext for the outrage. The company have not ceased trying for a long time to settle the claim preferred by the State, and have repeatedly offered a large sum—more than was due—for the sake of peace. Finding their efforts unavailing, they have from time to time requested and insisted that the State should appoint commissioners to settle the controversy, as provided for in the charter.

At length the Chomorro government sent agents here to settle matters with us, either by negotiation or arbitration. This was also in the earnest request of the company, and the commissioners arrived in the spring of 1855. They claimed against the company about thirty-five thousand dollars, when not half that sum was due. To effect a settlement, however, the company offered thirty thousand dollars, which not being accepted, they insisted on the appointment of commissioners or arbitrators.

The agents of Nicaragua thereupon appointed Mr. Phelps and Mr. O'Reilly, and the company appointed Mr. F. B. Cutting and Mr. N. H. Wolfe. After these appointments, news reached us of partial successes in the revolutionary party in Nicaragua, and the agents were not receiving instructions from their government. Matters remained without further action until the arrival of Colonel French, *who had full powers to settle the claim of the State*. He was at once informed that the matter was in the hands of the commissioners or arbitrators. To get it out of their hands he proposed to revoke their appointment in writing.

The company then told the colonel to get any accountant he wished and proceed to the examination of their books, and they would pay whatever was found due.

This he promised, but did not fulfill, assigning as a reason, that since his government forcibly took a bag of gold from the company's lake steamer, amounting to twenty thousand dollars, they could not be indebted much, if at all, to the State. He then proposed to send emigrants to Nicaragua in the company's steamers at twenty dollars per head, the amount to be charged to the State, admitting that the State would then be indebted to the company, and that the whole matter could be settled thereafter.

The company agreed to take emigrants at that rate, provided they were not organized military bands, and did not propose to go with a man to enlist as soldiers.

They did take such emigrants, but always on the positive assurance of a peaceful intent, to the number of about one thousand.

After this had been done, the Walker government sent to the company a copy of a decree, to the effect that a claim of the State, past and prospective, had been assigned to Messrs. Glenton and Manning, to secure to them the payment of one hundred and sixty thousand dollars, and directing the company to settle with them. Prior to this the powers of Colonel French to settle were revoked.

This is the short history of the matter, and shows that the positions of Walker are false, and were known to him to be so.

The powers of the arbitrators mutually appointed by the State and the company have not been revoked, as Colonel French did not send the promised writing, and whatever claim the State had for the past and the future was assigned to third parties before the seizure of our property.

The company, when negotiating for the charter, desired to avoid a settlement of disputes with the State by litigation, and to protect their property from acts of seizure, and for this purpose caused a clause to be inserted that "*every dispute or controversy* between the State and the company" should be settled by arbitration, and that the decision of the arbitrators should be "final, binding, and without appeal."—(*See article 33 of the charter.*)

The arbitrators, or commissioners, have been appointed, their powers are unrevoked, and yet we are charged with a refusal to appoint them.

I hope you will turn the subject over in your mind whether or not this is a proper subject for our government's interference to protect the rights and property of her citizens.

I will endeavor to see you at the earliest moment in my power.

Very respectfully, your obedient servant,

C. VANDERBILT, *President.*

Hon. WILLIAM L. MARCY,

Secretary of State, &c., &c., &c.

Mr. Wheeler to Mr. Marcy.

[No. 45.] LEGATION OF THE UNITED STATES OF AMERICA,
NEAR THE REPUBLIC OF NICARAGUA,
Granada, March 17, 1856.

SIR: Important events have transpired since I had the honor to advise you "of the actual condition of affairs" in this republic.

About a month since, a commission was dispatched to Costa Rica, for the purposes of establishing good correspondence between the sister States.

The commissioners were rejected with scorn, and ordered to leave the country.

The president of Costa Rica (Juan R. Mora) issued on the 1st instant his proclamation against the authorities of Nicaragua, and on

the 11th instant the president of Nicaragua, by a decree, declared war against Costa Rica, and the troops of Nicaragua are now *en route* to that State.

Copies of these documents are herein enclosed, marked A, B, as also the address of the general-in-chief, marked C.

This republic is rapidly filling up with emigrants from the United States.

Many capitalists, merchants, farmers, mechanics and laborers arrived in the last steamers from New Orleans, New York, and California; some with flour mills, others with saw mills and other machinery.

Four hundred men also came who joined the Nicaraguan army, which increases it to 1,300 rifles of the foreign aid.

I have the honor to be, your faithful servant,

JOHN H. WHEELER.

Hon. W. L. MARCY,

Secretary of State of the United States, Washington.

A.

REPUBLIC OF NICARAGUA, GENERAL DEPARTMENT,
Granada, March 10, 1856.

His excellency the president has been pleased to issue the following decree:

The provisional president of the republic of Nicaragua to its inhabitants:

Whereas armed forces of the republic of Costa Rica, stationed in the department of Guanacaste, threaten the tranquillity of Nicaragua, and especially in the department on the southern frontier, produce disquiet and emigration, growing out of the constant alarms and threats which assail the people of said department—

Therefore, in the exercise of his powers, he decrees:

ARTICLE 1. The department of the south, conterminous to that of Guanacaste, is declared to be in a state of war. All its inhabitants are bound to take up arms, whenever thereunto required, for the defence of the honor of Nicaragua and of the integrity of its territory.

ART. 2. All persons giving assistance to the enemy, or entering into hostile communication with him, verbal or written, shall be tried by military process, in conformity with martial law.

ART. 3. The authorities, civil and military, of the districts, are invested with the power of enquiring into the acts mentioned in this decree. They shall report thereon, with a summary statement of their proceedings, to the superior military authority and advise the supreme government of their having so done.

ART. 4. The general-in-chief of the republic is authorized, by all means which he may deem necessary and proper, to sustain the dig-

nity of the government of Nicaragua, outraged and threatened by the republic of Costa Rica.

Given in Granada on the 13th of March, 1856.

PATRICIO RIVAS.

To the PREFECT OF THE DEPARTMENT OF ———

In pursuance of supreme orders, I transmit this decree for your information, and for publication and circulation among the localities under your command. In hopes that it will be received.

FERRER.

To the MINISTER GENERAL.

NOTE by Department of State.—A translation of this document will be found in paper E, accompanying Mr. Molina's note of the 8th April, 1856, *post*.

B.

[Translation.]

REPUBLIC OF NICARAGUA, GENERAL DEPARTMENT,
Granada, March 12, 1856.

The S. P. E. has been pleased to issue the following decree.

The provisional president of the republic of Nicaragua to its inhabitants:

Inasmuch as the government of the republic of Costa Rica has unjustly refused to recognize the government of Nicaragua, interfering in the interior affairs of the latter; inasmuch as said government has outraged the dignity of the government which now rules the destinies of Nicaragua, in rejecting the friendly mission of last month for the purpose of establishing a fraternal alliance, and, what is more, by calling on that account its inhabitants to arms, through its offensive proclamation dated the 1st instant; therefore the government of Costa Rica is responsible for all the evils which are about to be inflicted by its strange conduct and unjust proceedings; therefore the government, in the exercise of its powers, decrees:

Article. War is declared against the government of Costa Rica, and, consequently, Nicaragua is not responsible for the evils which may be produced by this declaration, for the reasons above stated; and in consequence of such declaration being made, for the object of vindicating her honor and other rights appertaining to her.

Given at Granada, March 11, 1856.

PATRICIO RIVAS.

To the PREFECT OF THE DEPARTMENT OF ———

And, by supreme order, I enclose the same to you for your information, and in order that the same may be published and circulated among the people under your control, the fulfilment of which you will notify accordingly.

FERRER.

To the PRINCIPAL MINISTER.

C.

TO THE PEOPLE OF CENTRAL AMERICA.

Invited to Nicaragua by the democratic party of the republic, the American force under my command has steadily struggled to carry out the principles for which the revolution of 1854 was undertaken. In order, however, to consolidate a general peace, we were willing to bury past differences and endeavor to amalgamate the two parties into one. For this purpose we have, since the treaty of October last, held in check our old friends the democrats, and have attempted to conciliate the men formerly attached to the government of Estrada.

With the same view the provisional government of Nicaragua, although differing in ideas and principles from the governments of the other States of Central America, attempted to establish frank and friendly relations with the neighboring republics. Our overtures of peace have been rejected. Our propositions of friendship have been not only disregarded, but treated with scorn and disdain. Contempt and contumely have been returned for the amicable messages we sent to the other governments. The only reason given for such conduct is the presence of American forces in the State of Nicaragua.

The self-styled legitimist party of Nicaragua has repulsed our efforts at conciliation. They have maintained communications with their fellow-serviles in the other States. They have, by all means in their power, attempted to weaken the present provisional government, and have given aid and encouragement to the enemies of Nicaragua outside of the republic. In this condition of affairs, nothing is left for the Americans in Nicaragua but hostility to the serviles throughout Central America. A very large proportion of the so called legitimists of this State are either open or secret enemies to our presence on this soil. They owe us for the protection they have had for their lives and property; they have paid us with ingratitude and treachery.

Against the servile parties and servile governments of Central America the Americans in Nicaragua are bound, by the common law of self-protection, to declare eternal enmity. Our proffered friendship has been rejected. We can only make them feel that our enmity may be as dangerous and destructive as our friendship is faithful and true.

The troops of the army of the republic of Nicaragua will assume and wear the red ribbon.

By command of

WILLIAM WALKER,
General Commanding-in-chief.

P. R. THOMPSON, *Adjutant General Nicaraguan Army,*
Headquarters, Granada, March 10, 1856.

Mr. Wheeler to Mr. Marcy.

[No. 47.] LEGATION OF THE UNITED STATES OF AMERICA,
NEAR THE REPUBLIC OF NICARAGUA,
Granada, March 31, 1856.

SIR: In order to keep my government well advised of the actual condition of affairs in this country, I would state that, by a decree of the supreme government of the 18th instant, Don Sebastian Salinas was appointed minister of foreign relations; General Maximo Jerez, war; Don Fermin Ferrer, treasury, (or hacienda;) Don Francisco Baca, public credit.

The seat of government, from sickness and other causes, has been transferred from Granada to Leon, where the president and cabinet now are.

I returned from Leon last week, and as soon as my feeble health allows I shall go back.

By a decree also of the supreme government, dated 19th instant, primary elections are ordered under the constitution in the several districts by the people, to elect a supreme director, senators, and members of Congress. Elections to be held on the second Sunday (13th) of April next. The Congress is directed to meet at Managua on the 25th of May next. Enclosed are copies of these decrees, marked A, B.

I hail this first act of the new cabinet as one of great propriety, one which I have advocated, as it will freely express popular approval or disapproval of the present condition of political affairs in Nicaragua.

This State is now daily receiving acquisitions of men, of property, talent, and enterprise. The interference of English arms and gold may for a moment retard their success.

I have the honor to be, very respectfully, your faithful servant,
JOHN H. WHEELER,
Minister Resident.

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

Mr. Wheeler to Mr. Marcy.

[No. 49.] LEGATION OF THE UNITED STATES OF AMERICA,
NEAR THE REPUBLIC OF NICARAGUA,
Granada, April 17, 1856.

SIR: In order to keep my government well advised of the actual condition of affairs in this country, I regret to inform the department that the war still rages between this government and the republic of Costa Rica.

I enclose, marked A, an official bulletin of "John R. Mora, president of the republic of Costa Rica, general-in-chief of the army marching to Nicaragua," declaring death to all filibusters, and on said bulletin is a list of prisoners shot on the 25th ultimo.

A bloody battle between the two contending forces occurred at Rivas on the 11th instant.

The President of Costa Rica, with Baron Burlon, commanded about two thousand men, strongly fortified; these were attacked by the forces of Nicaragua, commanded by General Walker, with about five hundred American rifles and four hundred and fifty native troops. The battle lasted seventeen hours, when the Costa Rican army left the place; losing their cannon, and leaving their dead and wounded, from 300 to 500 of their troops. The loss of Nicaragua was also severe.

I regret that the conduct of the forces of Costa Rica is such as violates every rule of civilized warfare; that without mercy they fall upon unarmed American citizens and murder them without discrimination; (see affidavits of Charles Mahoney, of Aaron B. Cooley, and the statement of Judge Cushing.)

As matters stand, it is doubtful whether any American of any character or position is safe, if he should fall into their hands. Their conduct places them beyond the pale of civilization, and they do not deserve the name or reputation of a government.

Such conduct induced me to send my flag, with a special messenger, to the president of Costa Rica, with copies of the testimony taken in the case (which may be implicitly relied on) and a letter from me in Spanish and English; a copy of which I enclose, marked G.

I hope that the tenor and tone of this letter will meet the approbation of the President and the department. If it is decided and strong, it is more than justified by the facts and circumstances. The messenger has not returned in time for this dispatch, and it is predicted that he never will.

I have written to the commodore of the home squadron, or of any national ship-of-war at Havana, to meet me at San Juan del Norte "to protect our merchant vessels from illegal seizure and pillage, and afford an asylum to our citizens who wish to escape from scenes of violence and bloodshed." Be so good as to repeat this requisition to the Secretary of the Navy.

I am happy to say, from authentic information, that the rest of the States of Central America will not aid Costa Rica in this war. The commissioners sent by Nicaragua to San Salvador, Honduras, and Guatemala have been well received, and assurances of neutrality have been given by them. But no confidence can be placed in these people; if Costa Rica should gain any decided advantage (which is an event I do not anticipate) they would aid her.

If my report be believed, I would recommend the immediate dismissal of Mr. Molina, as representing a government unworthy to be classed among civilized nations.

I learn incidentally that the president and cabinet have appointed Señor Augustin Vijil, a distinguished ornament of the church, of great learning and virtue, a native of this place, as minister plenipotentiary to the United States. I have known him ever since I have been in this country, and doubt not that he will make a faithful representative of his nation, and an acceptable member of the diplomatic corps. I learn, too, that he leaves this city in a few days for Washington.

As the direct communication is suspended between New York and San Juan del Norte for the present, be so good as to instruct the dispatch agent at New York to forward all matter for this legation to Aspinwall, care of United States consul; and thence to San Juan del Norte, care of the United States commercial agent.

Your last dispatch is No. 20; 18 and 19 missing, as also any sent since No. 20.

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

JNO. H. WHEELER,

Minister Resident of the United States of America

near the republic of Nicaragua.

HON. W. L. MARCY,

Secretary of State of the United States, Washington.

COPY OF DECREE MARKED A.

Juan R. Mora, president of the republic of Costa Rica, general-in-chief of the army marching to Nicaragua:

All the fillibusters taken with arms in hand will be subject to all the rigor of the law, which in this case is death.

But all the fillibusters who have not used their arms against this republic, and give up out of free will their arms and persons to officers of the Costa Rican army, shall be pardoned.

JUAN R. MORA.

RAFAEL G. ESCALANTE,

Sub-Secretary of the Department of War.

Mr. Wheeler to Mr. Mora.

LEGATION OF THE UNITED STATES OF AMERICA,

NEAR THE REPUBLIC OF NICARAGUA,

Granada, April 15, 1856.

SIR: The enclosed statement shows me a state of facts, which you are already aware of; that on the 7th instant unarmed and inoffensive citizens of the United States were cruelly butchered at Virgin bay, by the troops under your immediate command.

I have also seen your proclamation, that all persons taken with arms in their hands shall be immediately shot, and another that all American citizens shall be immediately driven out of Nicaragua and Costa Rica.

To prove the sincerity of your first proclamation, you append a list of persons, who were taken prisoners at Santa Rosa, and shot on the 25th ultimo. Among them I find the names of Isaac A. Rose, and John J. Gillin, natives of the United States.

I have no right, and certainly no disposition, to interfere in any way with the unhappy war now raging between two sister republics.

But it is my right, as well as my duty, to inform you, as the chief

magistrate of Costa Rica, that the acts of murdering in cold blood unarmed American citizens, who are in nowise connected with any belligerent act, or party, is an offence against the laws of God, of humanity, and of nations.

This offence is no less aggravated by the fact, that these troops who committed so wanton an outrage were under your immediate command, that you were on the ground and did not prevent it, as it was in your power to do.

I would remind you of the letter of Mr. Molina, the envoy extraordinary and minister plenipotentiary of your government near the government of the United States, dated Washington City, 13th December, 1854, to the Secretary of State of the United States, wherein he states that "the laws of Costa Rica are exceedingly liberal, (on the subject of granting lands to foreigners,) and afford great facilities to immigrants who would come to Costa Rica and fix their residence there."

The treaty between the United States and Costa Rica, made in 1851, in the 12th article, guarantees to citizens of the United States, residing in Costa Rica, in their persons and property the protection of your government.

Under these inducements and guarantees, citizens of the United States have come and settled. What excuse can be offered, or how will you appear in the eyes of the world, when you publish a proclamation expelling these same persons without being guilty of any crime, and murdering them without any mercy?

In the name of the people of the United States, and of the government thereof, I protest against such infamous conduct; and be assured, sir, that the government of the United States, aided as you may be by insidious and powerful allies, will inquire into such acts of lawless violence, and if unexplained and unatoned for, will take decided measures to protect the lives of our citizens and vindicate the honor of the nation.

Rumors have also reached me that some fourteen or eighteen American citizens, four ladies, (one with an infant,) were recently murdered by your troops at Virgin bay.

I am slow to believe so diabolical an outrage.

John B. Lawless, esq., the bearer of this, is instructed to inquire, in the name of the United States, for this legation, into the facts touching this rumor.

I send him with my flag with this dispatch, and I pray that you give him a safe conduct through your lines, and a prompt reply to

Your obedient servant,

JOHN H. WHEELER,

Minister of United States of America.

His Excellency JOHN R. MORA,

President of Republic of Costa Rica,

*General-in-chief of the army marching to Nicaragua,
in camp at Rivas, Nicaragua.*

*Affidavits of Mahoney and Cooley.*REPUBLIC OF NICARAGUA, *Granada* :

This day came before me Charles Mahoney, a native and citizen of the State of Pennsylvania, aged thirty-three years, who, being duly sworn, saith: That he has been, for the last four years, in the employ of the Transit Company, on the Isthmus, as an engineer, and as such was employed as superintendent for building the wharf at Virgin Bay; that on Monday morning, the 7th day April, 1856, the army of Costa Rica, headed by John R. Mora, the president of Costa Rica, entered said Virgin Bay. This deponent was standing in front of the office of the Transit Company, in company with Aaron B. Cooley and John Brown, employes of said Transit Company; also, the troops of Costa Rica immediately surrounded the office, and an order to fire was given by the officer in command, when at least one hundred shots were fired; three of the balls struck this deponent, but not wounding him severely, and killed *Peter Malone*, a citizen of New York, a stone quarrier in service of the Transit Company, aged about sixty years old.

2. *Michael Long*, also a citizen of New York and in service of Transit Company, aged about twenty-two.

3. *Thomas Walsh*, also a citizen of New York and in service of the Transit Company, aged twenty-two years.

4. — *Wilson*, a native of Easton, Pennsylvania, and in service of the hotel of John Mylard, a carpenter by trade, aged twenty-six years.

5. *A lad*, native of New York, about sixteen; (name not known.)

6. *Thomas Hannegan*, a native of New York, in the service of the Transit Company, aged seventeen.

7. *Thomas Loydd*, citizen of New York, and in the service of the Transit Company, aged forty.

8. — *Ladd*, citizen of California, owner of saw mill, aged forty-five.

9. — *Kenan*, citizen of Pennsylvania, aged thirty; all of whom died immediately (except Long, who lived eight or ten hours) from the effects of said shots; also Michael Rutchford, a citizen of Jersey City, was wounded; and another man, unknown to this deponent, attached to Mr. Ladd's saw mill. None of these persons killed or wounded had any arms or made any resistance of any kind whatever. The forces then broke open the doors of the house, broke open trunks, and robbed the dead persons and others of money and valuables, watches and jewelry.

On the following morning the steamer Virgin came into the harbor, and this deponent was sent by an officer to request the captain to come ashore, which he did, and remained on board, and leaving the forces of Costa Rica in Virgin Bay, and came with the steamer to this place.

The conduct of the Costa Rica troops was barbarous and savage, for after the unarmed persons were shot, and lay gasping for life on the ground, they brutally stabbed the wounded through and through many times with bayonets and swords.

This deponent has heard since he left Virgin Bay that all the

American citizens left resident in Virgin Bay, including four ladies and one infant, have been also murdered by the Costa Rica troops ; but as there has been no communication since, he cannot testify to its correctness ; and he verily believes that the lives and property of all American citizens are in imminent peril and imperiously demand the protection of the United States.

He further states that he does not believe the life of the American minister is safe at this time.

C. MAHONEY.

Signed and sworn to before me, this 15th day of April, 1856,
JNO. H. WHEELER,
U. S. Minister, resident.

I, Aaron B. Cooley, native and citizen of New Jersey, aged 38 years, was present with Mr. Mahoney at the attack on the American citizens at Virgin Bay, and have read over the statement, and I solemnly swear that my own knowledge confirms the facts of said statement in every particular.

AARON B. COOLEY.

Signed and sworn to before me, this 15th April, 1856.
JNO. H. WHEELER.
U. S. Minister, resident.

Testimony of C. Mahoney continued.

REPUBLIC OF NICARAGUA, *Granada :*

In addition to his former testimony, made this day, Charles Mahoney appeared before me and testified, that in addition to the murder and robbery by the troops of Costa Rica, at Virgin Bay on the 7th inst., they set fire to the wharf built by the Transit Company, of which said Mahony was engineer, erected at an expense of one hundred and twenty thousand dollars, and it was completely destroyed by them.

The forces of Costa Rica have now the possession of the Transit route on this Isthmus, and the officers have declared that they are determined to exterminate every American now in the country ; and in this intention they were sustained by the authorities of England and France, from whence they could procure and had procured material aid as to guns and ammunition.

C. MAHONEY.

Sworn to and subscribed before me this 15th April, 1856.
JNO. H. WHEELER.

Mr. Molina to Mr. Marcy.

[Translation.]

WASHINGTON, *April 8, 1856.*

The nationality of the government and the independence of the people of Nicaragua having been destroyed by the pirates who sailed from the coasts of the United States, and in the month of October last succeeded in taking possession, by surprise, of the power of that republic; the other Central American States being threatened with the same ignominious yoke of those, who, in the insolent intoxication of triumph, have not hesitated in declaring, in language evincing the most insulting contempt for Central Americans, their well-known purpose of establishing, throughout the country, the supremacy of another race; and seeing the number of their natural and declared enemies constantly and indefinitely increasing, notwithstanding the neutrality laws of the United States, the prompt execution of which they requested in due time; peace between the republic of Costa Rica and the other nations of Central America, on one side, and the usurping and tyrannical power, which is domineering over Nicaragua, on the other side, is no longer within the pale of possibility.

The government of Costa Rica felt this from the beginning, and consequently, it abstained from all intercourse with the usurpers; it advised the inhabitants of the republic of the danger, and entered into an offensive and defensive alliance with the governments of Guatemala, Honduras, and Salvador.

In the meanwhile, the filibustering power, always hostile to Costa Rica, made attempts against the possessions and other rights of the latter, in the Costa Rican province of Moravia, formerly called Guanacaste, and having subsequently become irritated by the attitude of Costa Rica, and enchanted at the increase of his own forces, he accredited a commissioner, worthy of representing him on account of his antecedents, to go to San José to ask explanations of the government for its silence, notwithstanding the insidious communications which had been addressed to it from Granada. The government of Costa Rica could not fall into this snare, nor look upon the aforesaid envoy in any other light than as a spy, and did not allow him to enter the republic. The filibuster envoy returned immediately, declaring war in the midst of protestations and threats.

The most excellent president of Costa Rica, having been authorized by the legislative power, called the inhabitants to arms in the terms set forth in the proclamation of the 1st of March; and having transferred the executive power to the vice president of the republic, Don Francisco Ma. Oreamuno, he put himself at the head of the army, and marched toward the frontier of Nicaragua, determined to defend and sustain the national cause, as it appears from the documents, copies of which the undersigned has the honor of enclosing, marked respectively A, B, F, E, and D.

The piratical usurpation of Nicaragua is a flagrant act of aggression against each and all the consolidated States of the Central American family. It is sought to extend the usurpation, and to repeat the act

of aggression, by invading the territory of Costa Rica. The government of the latter has thus found itself under the necessity of resorting to arms in order to repel and punish the aggressors ; and it relies on Providence and its right.

The undersigned, chargé d'affaires of the republic of Costa Rica, has the honor of communicating the foregoing to the Hon. William L. Marcy, Secretary of State of the United States, declaring that the government of Costa Rica will exercise the rights of belligerent, so far as its forces and means, and those of its allies, may extend.

In order to avoid the complications which the exercise of the aforesaid rights might occasion in future, and desirous to preserve the good relations which exist between Costa Rica and the United States, the undersigned, in making this declaration to the Hon. Mr. Marcy, deems it proper to state, with candor and frankness, that the lawless conduct of citizens or inhabitants of the United States has been the sole cause of this determination on the part of Costa Rica ; that it was this alone which compelled the latter to undertake the war in which she is engaged, and imposed sacrifices which she protests she will reclaim from whoever may be responsible for the same. This is seen from the note, a copy of which, marked E, the undersigned has the honor of inclosing, addressed by the minister of relations of Costa Rica to the agent of the Transit Company, at Nicaragua, in view of its proximity, for his own private information, and in order that no plea of ignorance may be alleged.

The honorable Secretary of State is aware, that after the detention of the "Northern Light," filibuster recruits, destined for Nicaragua, have continued to sail from New York, New Orleans, and San Francisco, without any hindrance on the part of the authorities.

The undersigned, therefore, avails himself of this occasion to renew the reclamations of the 6th and 20th of December, asking for some preventive measure against the repetition of such piratical expeditions against the Central American States, which are at peace with the United States.

The war and devastation which weigh upon Nicaragua, the absence of any legitimate authority, and the violent suspension of the transit to California, render the only two legitimate objects—peaceful colonization or transit—which North American expeditions could have in view, impossible of attainment. If these excuses are alleged, *it is in irony*, showing that ships loaded with passengers for San Juan are engaged in transporting recruits and adventurers, whom, it is well known, it is sought to entrap in these States, under fraudulent promises.

The undersigned having performed his duty, by making the declaration and intimations contained in this note, has only now to request that the Hon. Mr. Marcy will be pleased to reply to it, with the least possible delay, in order that he may report to the government of Costa Rica.

The undersigned has the honor to renew to the Hon. Mr. Marcy his sentiments of distinguished regard and consideration.

LUIS MOLINA.

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

A.

Juan Refael Mora, president of the republic of Costa Rica.

Whereas, the immediate deliberations of the national representatives are required by matters of serious importance, now commending themselves to the consideration of the executive authority; in virtue of the 19th power of the 77th article of the constitution, I decree:

Article 1. The excellent, the constitutional Congress are called together, in order that, meeting in session to-morrow at twelve o'clock, they may please to inquire into such matters as may be submitted to them.

Art. 2. The minister of the interior will see to the execution of this decree.

Given in the National Palace, at San José, on the 25th day of the month of February, 1856.

JUAN REFAEL MORA.

JOAQUIN BERNARDO CALVO,

The Secretary of State in the Department of Government.

A true copy.

L. MOLINA.

B.

Juan Rafael Mora, president of the republic of Costa Rica.

Whereas, the excellent, the national Congress has decreed the following:

The excellent, the national Congress of the republic of Costa Rica, with the view of meeting the call for an extraordinary session, issued by the supreme executive power of the republic on the 26th instant, decrees:

Single article.—Authority, in every form, is conferred on the supreme executive power: Firstly, by itself, or in conjunction with the allied forces of the other governments of Central America, to advance its forces against the republic of Nicaragua, to protect its inhabitants against the ominous oppression of the freebooters, and to drive them from the face of the soil of Central America; Secondly, and consequently, to adopt all such measures as may within its power to secure the end proposed.

To the EXECUTIVE POWER.

Given in the session hall at San José, on the 27th day of February, 1856.

FRANCISCO MARIA OREAMUNO,
President.
NAZARIO TOLEDO, *Secretary.*
MANUEL JOAQUIN GUTIERREZ,
Secretary.

Let this decree, therefore, be carried into execution. National Palace, San José, February 26, 1856.

JUAN RAFAEL MORA,
JOAQUIN BERNARDO CALVO,
The Minister of State in the Department of Government.

A true copy.

L. MOLINA.

C.

Juan Rafael Mora, president of the republic of Costa Rica.

Whereas, according to all the antecedents, communications, and statements, lodged in the department of government, the independence of this republic and of the other republics of Central America is jeopardized by the horde of freebooters who have taken possession of the towns of Nicaragua; and whereas, it is an urgent duty not only to defend the rights of the country here, but also to drive the common enemy away from Nicaragua and to co-operate with the allied governments in sustaining the absolute independence of Central America and the integrity of its territories; therefore, in the exercise of the powers, of every character, with which I am invested, I declare and decree:

ARTICLE 1. The republic of Costa Rica recognizes no lawful mission in the government, now self-styled as the provisional government of Nicaragua, there established by the adventurers, who tyrannize over it. She will, on the contrary, take up arms to defend the natives of her neighboring and sister republic from the portentous oppression and bondage in which she is held by our enemies, even to their expulsion from the soil of Nicaragua and that of the whole of Central America.

ART. 2. With this important object the army of the republic shall be immediately set in motion, and both the Costa Ricans and the Central Americans, therein residing, are required to take up arms, under present circumstances, and afford every assistance that may be necessary to restore the nationality of Nicaragua and secure the independence of Central America.

ART. 3. Each and every person directly or indirectly assisting the enemy in the way of provisions, horses, arms, or of any other appliance, or placing himself in communication with said enemy, giving

him information or circulating false statements, or in any other manner obstructing the action of the executive or of any of his divisions, or refusing the authorities any of the means which the government may require for the campaign, shall be liable to the penalties provided by law against such misdemeanors, and, by the fact itself, be amenable to all the rigor of military ordinances.

ART. 4. All the authorities of the provinces, cantons, or districts, are held to the strictest obligation to provide such means as the government may require to subsist the army through the campaign now preparing; and the people of the settlements are required to furnish without delay the supplies of every nature which may be demanded of them.

ART. 5. In other respects the supreme authorities of the republic, as well as the tribunals, corporations, and officers, whether superior or subaltern, shall continue in the free exercise of their functions, in conformity with the laws.

Given in the national palace, at San José, on the 28th day of February, 1856.

JUAN RAFAEL MORA.
JOAQUIN BERNARDO CALVO,
the Secretary of Relations and Government.
MANUEL J. CARAZO,
the Minister of Finance and War.

A true copy.

LUIS MOLINA.

D.

Juan Rafael Mora, president of the republic of Costa Rica.

In the exercise of every power with which I am invested, and in view of the 6th section of the 77th article of the constitution, I decree:

ART. 1. The president of the republic of Costa Rica will command in person the expeditionary army about to march in pursuit of the freebooters, now attempting to usurp the territory and the independence and liberties of the Central American States.

ART. 2. From and after to-morrow, therefore, the president of the republic foregoes the exercise of the supreme power and commits it to the hands of his excellency the vice president, D. Francisco Maria Oreamuno.

ART. 3. The secretary of government will see to all requirements in furtherance of this decree.

Given in the national palace at San José on the 7th day of the month of March, 1856.

JUAN RAFAEL MORA.
JOAQUIN BERNARDO CALVO,
the Minister of State in the Department of Government.

A true copy.

L. MOLINA.

E.

The president of the republic of Costa Rica to all its inhabitants:

Countrymen, to arms! The hour foretold you has come! Let us march to Nicaragua and destroy the impious phalanx which has reduced her to a most opprobrious bondage; let us march to fight for the liberty of our brothers.

They call on you—they expect you—to rise up against their tyrants. Their cause is ours. Those who despise, rob, and murder them to-day, insolently challenge us, and presume to fling around us the same bloody chains. Let us speed to burst the shackles of our brethren, and exterminate the very last of their executioners.

Ours is not a fight for a strip of land—not to secure ephemeral powers—not to achieve a wretched conquest—not to back sacriligious factions. No; we will strive to redeem all our brethren from a most iniquitous despotism and assist them in the fruitful work of regeneration. We go to tell them: “Brethren of Nicaragua, arise! Annihilate your oppressors! Here we come to fight by your side for your country and for its liberties. Union, Nicaraguans, union! Sacrifice forever your resentments; no more fratricidal parties and discords. Peace, justice, and freedom for all; war for the freebooters only!”

To the lists, then, Costa Ricans! I march at the head of the national army—I, who exult this day in the exhibition of your noble enthusiasm—I who take pride in calling you sons. I am resolved to share with you in the perils and the glories of the fight!

Your mothers, wives, sisters, and children nerve your manhood. Under the influence of their patriotic virtues you will prove invincible. In struggling for the salvation of our brethren, we will also fight for them, for their honor, for their lives, for the existence of our cherished country, and for the independence of Spanish America!

All the faithful sons of Guatemala, San Salvador, and Honduras are marching against this horde of bandits. Ours is a holy cause and certain is its triumph. God will send victory down for us, and with victory, peace, concord, freedom, and the union of the great Central American family.

JUAN RAFAEL MORO.

SAN JOSÉ, *March 1, 1856.*

A true copy.

L. MOLINA.

F.

NATIONAL PALACE, SAN JOSÉ, *March 3, 1856.*

SIR: The government of Costa Rica, in concert with the other Central American governments, has resolved to fight until they shall have expelled from Nicaragua the bandits who, under favor of a fatal intestine war, have treacherously taken possession of that unfortunate country. The very authorities of the United States, as well as public opinion, unanimously proclaim that the steamers of the Transit Com-

pany have constantly transported these bandits to the shores of both oceans. In this posture of affairs my government gives you, as the representative of the company, public and private notice that, pending the hostilities against the invaders of the soil of Central America, the transit of the steamers plying on the river St. John and lake Nicaragua must be suspended, being ready to use all the means in its power to stop such transit, in the (not to be supposed) event that the company should contravene this notice. In this event, the government excepts against all responsibility for the consequences, however serious they be, which may result for the company or the passengers. To prevent an allegation of ignorance of this notice, I transmit a copy of it to the respective consuls of foreign governments.

God save you.

JOAQUIN B. CALVO.

To the AGENT OF THE NICARAGUA ACCESSORY TRANSIT COMPANY,
San Juan del Norte.

A true copy.

L. MOLINA.

Mr. Marcy to Mr Molina.

DEPARTMENT OF STATE,
Washington, April 25, 1856.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Molina, chargé d'affaires of Costa Rica, of the 8th instant, with the accompanying papers, stating the views and declaring the policy of his government with reference to the existing state of affairs in Nicaragua, and reflecting upon what he pleases to call the lawless conduct of citizens and inhabitants of the United States.

If the undersigned has not misunderstood the purport of Mr. Molina's note, it reflects upon the good faith of the United States in regard to their neutral relations, not only with Costa Rica, but the other Central American States. Mr. Molina must be aware that so grave a charge as this, affecting so directly the honor of the United States, should not have been lightly made, or presented without adequate proof to sustain it. That persons, formerly citizens or inhabitants of the United States, are now found among the enemies of Costa Rica, or any other of the Central American States, does not at all sustain such a charge. The right of expatriation is not, I believe, withheld from the citizens of any free government or from residents under its jurisdiction. This country has always been open to the ingress of foreigners, and those who have been free to come have also been free to go; and in respect to emigration, our own citizens are under no more restraint than foreigners who have come into the United States. The undersigned is not aware that the citizens or inhabitants of Costa Rica have not the same right of expatriation as those of the United States. The laws of neither country, it is presumed, have conferred the authority to examine into the motives which may lead any one to ex-

ercise the right of expatriation. The liberty to go where hopes of better fortune may entice them belongs to freemen, and no free government withholds it. It is, therefore, no cause of complaint against a neutral country that persons in the exercise of this right have left it, and have been afterwards found in the ranks of the army of a belligerent State; and yet it is believed that Mr. Molina has no better foundation than this for questioning the good faith of the United States.

The United States gave an early example to other nations in regard to its neutral duties, by enacting stringent neutrality laws; they certainly preceded Great Britain in legislating upon the subject. These laws have laid upon the citizens or residents of the United States such restraints as neutral obligations towards other States require, or are compatible with the spirit of free institutions. They prohibit enlistments for foreign service within the limits of the United States, or any agreement to go beyond those limits for the purpose of such enlistments; they denounce, under heavy penalties, the fitting out of privateers or the organizing any expeditions against foreign States or their territories. Mr. Molina will find it difficult to show an instance in which any other country, including his own, has done more by legislation than the United States to preserve with fidelity neutral relations with other powers. The execution of these laws is all that can be required of this government in maintaining its foreign relations.

Respect for Costa Rica, and for Mr. Molina himself, requires that his language should be so interpreted as that it will not imply the charge of connivance on the part of this government at the violation of these laws. Being resident within the country, it is to be presumed that he is not informed of the efforts which this government has been constantly and vigorously making towards discharging its obligations of neutrality, not only in respect to the belligerents of Europe, but the States upon this continent. Ministerial and executive officers have received repeated instructions to prevent the fitting out and to arrest expeditions organized within the United States for foreign military service. Numerous prosecutions have been instituted against alleged offenders, and convictions have been obtained in several instances. Whenever complaints have been made by the ministers of foreign governments, with any indication of the persons of the offenders, or specification of acts infringing our neutrality laws, prompt and vigorous proceedings have been instituted. No just cause for complaint has been shown against the officers of the United States for remissness in discharging their duties. The action of this government in this matter has been well known, and it is strange, indeed, that it has escaped Mr. Molina's particular attention, but that it has not attracted his notice is evinced by the tenor of his note of the 8th instant. While Mr. Molina was preparing his note addressed to the undersigned, and even now, prosecutions are going on against persons suspected of violating or evading the neutrality laws of the United States by recruiting men for military service in Nicaragua.

So far from being aware, as Mr. Molina assumes the undersigned to be, that "fillibuster recruits" have been permitted to sail from certain specified ports in the United States to Nicaragua "without any hin-

drance on the part of the authorities'' of the United States, the undersigned has good grounds for believing that these authorities have been vigilant to prevent the infringement of the United States laws of neutrality, and have visited vessels bound to Nicaragua for the express and determined purpose of detecting violators of those laws. With better information on the subject, it is believed that Mr. Molina, instead of reproaching this government for remissness in enforcing its laws, would have done justice to its fair intentions and vigorous efforts to execute them.

It cannot be supposed that Mr. Molina means to make it a ground of complaint that unassociated individuals have voluntarily left the United States with intention of entering into foreign military service. Such acts are not contrary to international law. Being the representative of a free State, Mr. Molina must be aware that it is not within the competence of any liberal government to hold an inquisition into the motives and objects which induce an individual to change his country. To do that would be the exercise of most offensive arbitrary power, which no government, however absolute its character, has ever attempted to enforce upon another as a duty of neutrality.

In the controversy which this government has had with Great Britain in regard to enlistments in the United States for the British service, the right of individuals to go voluntarily out of the United States for the purpose of entering into that service has not been questioned; but the complaint against the British government is, that it has employed agents to come within the United States to hire, retain, or entice persons to go away for that purpose.

When there was reason to believe that agents from Nicaragua were in this country to recruit soldiers, prosecutions against them were promptly instituted, which are still going on. This government has instituted judicial proceedings against those agents for doing what Great Britain contends her agents had a right to do within the United States.

If Mr. Molina means to complain of the insufficiency of our laws in regard to neutrality, the reply to such a charge is that these laws are as stringent as those of any other nation. If he intends to go further, and to imply the want of good faith on the part of this government in executing them, the charge is repelled as unfounded.

It is difficult to conceive what other object Mr. Molina could have had in addressing to the undersigned the note of the 8th instant, if it was not to enter a formal complaint against the inadequacy of our laws of neutrality or our want of good faith in executing them. The President believes that Mr. Molina will consider it due to the friendly relations now existing between the United States and Costa Rica so to explain his note as to repel either inference.

The President sincerely regrets the state of hostility which now exists in Central America. He has faithfully discharged the obligations of neutrality due from this government not only to the friendly State of Costa Rica, but the other Central American governments.

Cherishing sentiments of friendship for Costa Rica, and being convinced that he had sedulously maintained the duties of strict neutrality towards that State, the President cannot withhold an expression of

the surprise which the receipt of such a note as that of the 8th instant, from its accredited diplomatic agent, has excited in his mind.

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

W. L. MARCY.

Señor DON LUIS MOLINA, &c., &c., &c.

Mr. Molina to Mr. Marcy

[Translation.]

WASHINGTON, *May 2, 1856.*

The undersigned, chargé d'affaires of Costa Rica, pained at the charges contained in the official letter of the 25th of last month, which the Hon. W. L. Marcy, Secretary of State of the United States was pleased to address him, hastens to reply in the following manner.

The undersigned has read again, with the greatest attention, the notes which he had the honor to address to the Hon. Mr. Marcy, on the 6th and 20th of December, and on the 8th of April last, and he does not find in them any expression calculated to justify the aforesaid charges; and he has moreover the pleasure of declaring by this note, that it never was in any way his intention to criticise the municipal laws of the United States, by stigmatizing them as insufficient; nor to censure the conduct of the government or that of the authorities by imputing bad faith to them.

The undersigned is sufficiently conversant with his duties to know that either of those charges would be improper on his part; that the republic of Costa Rica, which he has the honor to represent, does not derive its right from the municipal, but from international law; and that the mission of its representative is to cultivate the best relations with the United States.

The undersigned, so far from venturing to cast the least imputation either directly or indirectly against the good faith of the government and authorities of the United States, has taken pleasure in acknowledging their efforts to enforce the neutrality laws, nor was it less remote from the intention of the undersigned to use the least expression which might have seemed personally offensive to the Hon. Mr. Marcy.

But the undersigned, on the contrary, would have deemed it an offence not to have taken it for granted that the Hon. Secretary of State was informed of occurrences which were notoriously known, and being convinced that such occurrences are in conflict with the international rights of Costa Rica, and are about to cause sacrifices both of money and blood, he could not, without neglecting his duty, avoid reproducing his reclamations of the 6th and 20th of December. Without relinquishing his right of again insisting upon this point, the undersigned will cite here, in support of his assertion, the "Daily Union," which, from the 27th of December to the 14th of March, contains notices of six expeditions of auxiliaries for the invaders of Central America. To make the government of the United States

officially acquainted with the state of war in which Costa Rica finds herself, by showing the exceptional character of that war, and the justifying reasons which the government of the undersigned took into consideration in accepting the contest which was imposed upon it as an imperative national necessity is the principal subject, especially a friendly one, of the note of the 8th of last month; and the ardent desire on the part of Costa Rica to avoid complications to cultivate the good relations subsisting with the United States, and to preserve the regard of this government, is the determining cause.

The undersigned appeals, without hesitation, to the literal expressions and to the honest meaning of his notes, and to the integrity of the Hon. Mr. Marcy, to repel the charge of having been pleased to call the conduct of the adventurers who have desolated and insulted Nicaragua, illegal. If such complacency had comported with the personal character of the representative of Costa Rica, he would have found sufficient words, much more severe, which he might justly have accumulated in designating the conduct of those whom the public calls, with perfect propriety, filibusters.

The undersigned proposes to reply on another occasion, stating his views at length, concerning the main points of the questions contained in the aforesaid communication of the Hon. Secretary of State; and through his respected medium he has now the pleasure of presenting his best respects to his Excellency the President of the United States, and to tender to the Hon. Mr. Marcy renewed assurances of his distinguished regard and consideration.

LUIS MOLINA.

HON. W. L. MARCY,

Secretary of State of the United States.

Mr. Marcoleta to Mr. Marcy.

[Translation.]

LEGATION OF NICARAGUA,

Washington, April 26, 1856.

The undersigned has the honor of transmitting to the Hon. W. L. Marcy, Secretary of State of the United States of America, a copy of the "*Cronica Española*" of the 23d instant, which contains the *protest* issued by the legitimate president of the republic of Nicaragua, in the city of San Fernando, on the 25th of October, 1855, as also the manifesto dated the 25th of last January, relative to the invasion of the pirate Walker and followers, with other important documents.

The undersigned is aware that said documents were addressed to him officially, and by duplicate by the secretary of state, Don Nicasio Castillo, together with other dispatches and special instructions for the occasion; but the situation and the circumstances under the weight of which the republic is and has been groaning since the invasion of the Vandals, who have hitherto restrained and stifled the expression of the national clamor and sentiment, have prevented the circulation of the mail, which, without the least doubt, has been intercepted.

For the furtherance of just ends, the undersigned hastens to communicate officially the aforesaid documents to the Hon. Secretary of State of the United States, whom he requests at the same time to be pleased to receive the assurances of his most distinguished consideration.

T. DE MARCOLETA.

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

[Translation.]

Manifesto of the legitimate president of the republic of Nicaragua, to the governments and people of Central America:

The fatal event which, towards the middle of last October, changed in an instant the political face of Nicaragua, is already a matter of notoriety. Strange as it may be, the fact is, that the stronghold itself of the place, which, but a little while before, had been able, with such limited forces, to hold out against and to triumph over more than eight thousand men, who had successively and for the space of nine months besieged and stormed it, without interruption and with the fury of desperation, was taken by surprise, without even the firing of a single gun, and by three hundred men only. Some error in the execution of the supreme orders; some carelessness on the part of subordinate officers; the ingratitude of several foreigners who are indebted to Nicaragua for a thousand attentions and benefits—forgetfulness, in short, of the sacred duties of fidelity which the native of the soil owes to his country, such have been the causes that have led to the catastrophe of the 13th. At a later period history will unravel them; all that we have to do at present is, to speak of the event and its consequences in what relates to the subsequent operations of the government. It seems very natural that the general-in-chief, D. Ponciano Corral, who, at that time, was at Rivas with more than eight hundred men, destined from the early part of September last to fight the filibuster William Walker in that department, should have fallen upon Granada with the whole, or the greatest portion of that force, as the point which had already been definitely fixed upon for the termination of the war, and with it the settlement of the fate of the republic; but relying unfortunately upon being joined at San Fernando by four hundred men at least from among those that were there, and the division which had just triumphed at Pueblo Nuevo, he only took with him three hundred and seventy-five men, with whom he reached the aforesaid San Fernando on the 18th of the same month of October—a day on which, although, in consequence of the threats of Leon, all the troops from Managua could not arrive, there were assembled over six hundred men, already well inured to field duty and in the best condition for rushing upon the enemy. Until then everything bore a favorable aspect; the filibusters and their allies did not yet number more than three hundred men, when the defensive line of Granada required five hundred at least.

On the very night of the 18th, the government spoke to the general-in-chief about the necessity of an immediate attack; to which he replied that he could not make the attack at once, owing to the want of indispensable information, in which state of inactivity he passed the three following days, notwithstanding his being repeatedly urged by the government, until the night of the 21st, when he received intelligence that the inhabitants of Leon, numbering eight hundred men, had attacked Managua; whereupon he resolved to send an auxiliary force of two hundred men on the morning of the 22d, without which General Martinez had already triumphed on that very night, with his force of only two hundred and fifty-four braves and three heroines of the people, who on that memorable day, and to the admiration of everybody, brought to mind the glorious times of the celebrated Joan of Arc.

Whilst this was taking place, the government was engaged in preparing a negative reply to the propositions for an arrangement made by the fillibuster Walker to the general-in-chief, confined chiefly to a recognition of himself as general-in-chief of the army of the republic, a provisional government being established. The first negative had the effect of causing the arrest, by Walker, of the very persons whose safety he had just guaranteed; and the second, the assassination of the minister of state, Licentiate D. Mateo Mayorga, at early dawn, on the morning of the 22d, with the further threat, that if, by eight o'clock in the evening of that very day, a satisfactory reply was not given him, he should cause as many as ninety other persons to be shot, all of the first consideration, although he had to deal with women, not to mention the evils that would be entailed by confiscations of property, without his being responsible for the excesses that his soldiers might commit amongst the population.

Everything conspired, then, to aggravate the circumstances in which the country was placed; the culpable timidity of the great majority of honest men, who, notwithstanding their favorable inclinations, fled to the mountains in order to avoid danger, instead of repairing to the army for the purpose of cheering and invigorating it, if only with their mute presence; the criminal abjection of some towns which, instead of sustaining the government with their arms and means, showed themselves indifferent to the great struggles of religion and country; the inhabitants of Leon attacking our forces at Managua, in response to the fraternal embrace with which General Hernandez, after his triumph at Pueblo Nuevo, had tendered them in the name of the government, with a view of effecting a fusion of all Nicaraguans against the common enemy; the absence of the two hundred auxiliaries who had been dispatched to Managua; the difficulty of securing the arrival of the other forces which were at that place; the impossibility of obtaining as soon as necessary the five hundred men quartered at Rivas; the distance at which several of the most popular and distinguished leaders of the army found themselves from head quarters; the preaching of some of the ministers of religion in favor of the fillibusters; the terror and consternation which suddenly overtook the city, in consequence of the murder of Mayorga, and the terrible threat which followed; and, lastly, the false intelligence that Walker

had increased his forces by the addition of four hundred riflemen, who had joined him on the evening of the 21st; all these circumstances, each of them of the most urgent character, and a hundred reflections, all of which conspired to present a most mournful picture of the condition of things, all seemed to unite in paving the way for a great catastrophe.

It was under such unfavorable impressions that the commissioners of Walker arrived for the third time with the ultimatum of the 22d, which had to be answered at once. Terrible struggle! One of the towns which had rendered most service to the cause of legitimacy, Granada, that heroic population, which of itself had supplied so many resources and so many arms for the support of an eighteen months' war against rebellion, those very people were to be coldly murdered and outraged on the night of the 22d if the government did not show itself pliable to the wishes expressed by the master of the place for a degrading arrangement. Cruel alternative! either to agree to a convention of peace over the innocent blood of an illustrious victim, or to witness the atrocious massacre and ill treatment of one of the principal towns of the republic. Even then the government did not hesitate, and there are many witnesses of the fact. Thoroughly persuaded that the independence, sovereignty, and liberty of the country are of more importance than the preservation of one of its towns, was firmly resolved that the place should be stormed at once, as he thus expressed it to the general-in-chief; but unfortunately this gentleman said, being backed by his major general, Don Fernando Chamorro, that, according to the last intelligence received, the rescue of the place was now impossible, and that the consequences of the loss would be terrible to the republic.

What then was the government to do in so painful and peremptory position? It was already five o'clock in the evening, and the reply must be sent to Walker by eight o'clock at night. The government being thus morally restrained in its convictions and desires, it abandoned the remedy of the position to the same general-in-chief who had caused it, investing him with power to that effect, in order that he might save the republic in the manner he thought most proper.

But for the very reason that he was obliged to act against his own will, in order to issue the decree conferring power, he subsequently issued another decree, in which, foreseeing the results, he appointed plenipotentiaries with a view of duly preserving the rights of the government.*

* This is the decree: The government being desirous to secure, by every possible means, the independence, sovereignty, and liberty of the republic, which are at present seriously threatened, in consequence of Granada having been taken by North American filibusters, and as it may happen that the sovereignty of the republic may, through some other event, unfortunately fall into their hands in virtue of the plenary powers conferred upon it by the constitution, decree of the 3d of last March, said government has determined, 1st. That the Licentiate D. José Sacaza, D. Francisco Dueñas, Colonel D. Fulgencio Vegas, Lieutenant Colonel D. Juan T. Ruiz, and D. Pedro Joaquín Chamorro be appointed envoys extraordinary and ministers plenipotentiaries near the governments of Central America, in order that each of them, in solidum, and in accordance with the instructions which will be communicated to them by the respective minister, may secure the independence, sovereignty, and freedom of Nicaragua, by concluding to that effect such conventions and treaties as they may think proper, which shall go into effect without the necessity of being ratified by this government

The simple text of this decree contains an implicit protest of the government against everything that the general-in-chief might do, by leaving the supreme command or that of the forces in the hands of the filibusters; but it was even more express and positive, when, on the 25th of the aforesaid month of October, the treaty of the 23d was communicated to it. No reply was ordered to be made, but the following protest, with the knowledge of several persons of note, and even of the general himself, was formally drawn up: "José Maria Estrada, president of the republic of Nicaragua, to the governments and people of Central America, and the other governments and people of the civilized world: Being convinced that, while the filibuster William Walker has the chief command of the forces of the republic, the independence, sovereignty, and liberty of Nicaragua and of the whole of Central America will be seriously compromised, and that individual rights and guaranties will in no way be respected, notwithstanding any pledges which might be given to that effect, therefore, I declare that in issuing the decree, in virtue of which the general-in-chief, Don Ponciano Corral, adjusted with the aforesaid Walker the terms of the convention of the 23d instant, which the former communicated to me this day, I only yielded to the force of circumstances, without being able to exercise any will of my own; and, consequently, I protest in the most solemn manner against the aforesaid two documents, reserving to myself all the rights which appertain to me as the legitimate representative of the nation, in order that I may vindicate the same in proper time; and from this moment I appeal to the other governments of Central America for means and assistance, in order that they may, without further invitation, intervene in the affairs of this republic, acting with arms in hand as if for their own cause, until all foreign power shall have disappeared and the legitimate authority been established. In faith of which I sign the foregoing in the presence of the minister of war, in charge of the department of relations and of government, *ad interim*, in the city of San Fernando, on the 25th of October, 1855.

" JOSÉ MARIA ESTRADA.

" The minister of war in temporary charge of the department of relations and of government.

" CASTILLO."

It will be seen by the above that the legitimate government of Nicar-

in the event of its ceasing to exist *de facto*, the supreme command, or that of the army remaining in the hands of the aforesaid filibusters.

2d. The Licentiate D. Luis Molina is appointed envoy extraordinary and minister plenipotentiary near the courts of England, France, and Spain, in order that he may act in the same manner as mentioned in the foregoing article.

3d. The present decree will serve as sufficient credentials to each of the appointees in case of their not being able to present a proper commission, the pressure of circumstances not allowing it.

4th. The appointees are authorized to designate other persons of well known integrity of character, to act for themselves in accordance with the instructions which they shall communicate to them, within the limits of those which they themselves shall receive from the department. The minister of war, (D. Nicasio del Castillo,) in charge of the department of relations and government, *ad interim*, will see that the same is duly executed.

ESTRADA.

SAN FERNANDO, October 22, 1855.

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agua remained in full possession of its rights, notwithstanding its disappearance *de facto*; and besides this natural remedy possessed by governments and individuals in situations of even less violent character, there are, in this particular instance, two grave considerations which lead to the same result.

The government transmitted to the general-in-chief the power conferred upon it by the constituent decree of March 3, 1853, for the purpose of saving the republic by such means as he thought most proper. To leave that republic, then, in the hands of foreigners is not to save it; it is to deliver it up, a thing which the government itself could not have done, nor yet the constituent assembly, because it is nothing less than suicide, both of itself and its constituents, the people; and no people delegate power for their own political annihilation and suicide. Thus it is that General Corral, in leaving the republic in the material power of the fillibusters, exceeded his trust, acted without authority, and consequently his treaty of October 23 must be null, as the offspring of an excrescence of power. On the other side, even supposing the treaty to be valid, it is already well known that Walker has not complied with any of its provisions, and, therefore, that it has become powerless by the very fact that the essential conditions which served as its basis have not been fulfilled. So that, whether on account of the protest or the transcending of power on the part of the general-in-chief, or, in short, the violation of the treaty, the fact is beyond all possible doubt, that the legitimate government of Nicaragua preserves its legitimate rights unimpaired, as the sole representative of the republic. There being deduced from this principle a consequence likewise irrevocable, which is, that the anomalous government created by the two military chiefs who signed the treaty is null in the fullest sense of that word, and, for the same reason, that all its acts and those of its subordinates are null, being answerable before the law, as guilty of usurpation of power and treason to the country, all those who may continue to serve that illegal government in whatever capacity; and I thus declare it again, in the most solemn manner, in fulfillment of the sacred duties which have been confided to me.

This publication could not be made while the public mind was still in favor of Walker, some because, probably in consequence of being naturally tired of the war, had attributed sentiments to him truly honorable, thinking him capable of securing the welfare of Nicaragua; others because they thought they saw his programme of dominion in that republic filled up, by the fact that the foreigner whom they had incautiously aided to enslave their country remained in the chief command of the forces. The appearance, therefore, of a protest under such circumstances, would not only have caused the evils which spring out of wrath, but would likewise have deserved the contempt and scorn of those whose rights it proposed to save. Now, matters have assumed a different aspect. Some became gradually convinced that the usurper of Sonora and the murderer of Mayorga could not be the friend of order; others have seen with their own eyes, that the adventurer to whom they entrusted their destinies and the fate of their country only thinks of himself and of those belonging to him. This unde-

ceiving of oneself is sad, but useful. It is yet time to find a remedy for the evil. This remedy is union. Will those who have declared themselves against the legitimate government still treat this union with contempt? However great and manifold may be the errors of the past, all Nicaraguans who, abjuring their errors on the altar of public interest, shall rush with determination upon the foreigners who now oppress Nicaragua, will show that they are not entirely strangers to the ideas of morality, religion, and country.

JOSE MARIA ESTRADA.

COMAYAGUA, *January 25, 1856.*

Mr. Marcy to Mr. Molina.

DEPARTMENT OF STATE,
Washington, May 2, 1856.

The President has directed the undersigned, Secretary of State of the United States, to communicate to Mr. Molina, chargé d'affaires of Costa Rica, the accompanying copies of documents just received from the minister resident of the United States in Nicaragua. These documents present a case of shocking barbarity, the slaughter of non-combatants by the troops of Costa Rica. If the transaction was as it is presented in these documents, the President is willing to believe that the government of Costa Rica will promptly condemn the perpetrators of the inhuman outrage and inflict upon them exemplary punishment. This she will feel bound to do in order to vindicate her claim to a position among civilized nations.

It appears by the statement herewith furnished, that the victims were citizens of the United States, and the President does not doubt that the government of Costa Rica will promptly examine into this affair, punish the offenders, and make ample provision for the families of the sufferers.

The President has seen with extreme regret, in the hostilities now prosecuted between Nicaragua and Costa Rica, a departure from the laws of war in force among civilized nations. The slaughter of captives taken in battle is not only a violation of these laws, but abhorrent to the feelings of humanity. The party which resorts to the barbarous modes of warfare long since abandoned and condemned by enlightened nations, forfeits its claim to all sympathy from neutral powers, and exposes itself to the enmity of those whose subjects and citizens may be the victims of savage cruelty. Against such a mode of prosecuting hostilities, from which it is the interest of all belligerents to abstain, it is the duty of all governments to enter their solemn protest.

The undersigned is directed by the President to call the prompt attention of the government of Costa Rica to the transaction at Virgin bay, and to ask for such proceedings on its part as the nature of the case demands.

The good understanding which now exists between the United States and Costa Rica, and which the President is desirous to cherish and perpetuate, induces him to expect from the government of Costa

Rica such measures in regard to this lamentable occurrence as will be satisfactory to the United States and are due to its own character.

The undersigned avails, &c.;

W. L. MARCY.

Señor Don LUIS MOLINA, &c., &c., &c.

NOTE by Department of State.—For the papers referred to in the foregoing note, see Mr. Wheeler's dispatch, No. 49, of the 17th April, 1856, *ante*.

Mr. Molina to Mr. Marcy.

[Translation.]

WASHINGTON, *May 6, 1856.*

The undersigned, chargé d'affaires of Costa Rica, has the honor to acknowledge the receipt of the communication of the Hon. W. L. Marcy, Secretary of State of the United States, under date of the 2d instant, and of the accompanying copies of documents transmitted by the minister resident of the United States at Nicaragua, relative to certain excesses which are alleged to have been committed by the troops of Costa Rica at Virgin bay against inoffensive North American citizens.

In the absence of instructions and of official information concerning the occurrences which may have taken place at the taking of Virgin bay, the undersigned, without the least delay, informed his government, by the steamer Illinois, which sailed yesterday from New York for Aspinwall, and has no doubt but that the government of Costa Rica will reply with all possible speed in a satisfactory manner to the government of the United States, with which it is its constant desire to maintain and draw closer the relations of friendship which happily subsist.

In the meanwhile, the undersigned can and must say that the government of Costa Rica will not authorize acts calculated to tarnish the good fame it has earned for itself, by the moderation and rectitude of its principles, as a recognized member of the family of civilized nations. On the contrary, it professes to have as much horror as the government of the United States for shedding the blood of unarmed people; and if it shall be proved, from the inquiries it will order to be instituted, that the report and declarations received by the Hon. Secretary of State are correct, the government of Costa Rica will, without the least doubt, bring the guilty parties to trial, in order that they may be punished as they deserve.

The undersigned must likewise observe that the war is not between Costa Rica and Nicaragua, but between the united people of the two States, or rather of Central America, against a band of unauthorized adventurers, who are impoverishing and oppressing the inhabitants of Nicaragua, and who are threatening to impose the same yoke upon the rest of Central Americans. Costa Rica cannot accord the rights of war to a band of men amenable to penal laws which certainly are not more severe in those States than in the other States of the civilized world. Nevertheless, the undersigned has reason to believe that it was not a sense of right alone which occasioned the severity of the

chiefs of the Costa Rican army, for he knows, through a trustworthy although a private source, that the persons taken at Santa Rosa were in safety until it was ascertained, by their own confession, that two days before the action the forces of Schlesinger had come up with a custom-house station, guarded by nine Costa Ricans, who made resistance, and two having been killed in the encounter, the other seven were taken prisoners and subsequently shot.

Finally, the undersigned is of opinion that the documents before him are not entitled to implicit confidence, and hopes, from the equity of the government of the Union, that it will suspend its judgment until it can be ascertained what has taken place at Virgin bay, and that it will not be too severe with regard to a nation that is defending her most sacred rights against those who have outraged and attacked her merely because she is weak.

The undersigned avails himself of this occasion to renew to the Hon. Mr. Marcy the assurances of his most distinguished regard and consideration.

LUIS MOLINA.

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

[Translation.]

Don Augustin Vijiñ to Mr. Marcy.

WASHINGTON CITY, *May 14, 1856.*

SIR: The unhappy situation of the country in which I was born, and the desire of exerting my best efforts to relieve it, have led me to leave my native shores to come to represent its interests in the capital of this blessed republic.

In your excellency's reply, declining to receive a former envoy sent by my government, you say:

“Those who were chiefly instrumental in suspending or overthrowing the former government of that State were not citizens belonging to it, nor have those citizens, or any considerable part of them, so far as is now known here, freely expressed their approval of, or acquiescence in, the present condition of political affairs in Nicaragua.”

If your excellency is not already disabused on this subject, I trust the explanation I now have the honor to make will place the affairs of Nicaragua in such a light as to induce you to view our circumstances in their true position.

Nicaragua, more than ever since her history began, for the last three years has been bleeding at every pore. The inauguration of Don Fruto Chamorro as the director of Nicaragua was the commencement of the storm. Shortly after it he began to show his tendency to despotism, and, usurping the sacred rights of the people who had elected him, he commenced to form the chain of their misfortunes. Fearing, however, a few citizens who had the interests and liberty of

their country at heart, he adopted a course calculated to render their patriotism useless, by commencing criminal proceedings against them. The greater part of these men were liberal members of the constituent assembly, which he had convoked for April, 1854, and possessed too much integrity to vote away the liberty of the republic. Among them were Don Francisco Castellon and General Jerez—the former a well known upright and influential patriotic citizen, a man of liberal views, of a superior education, and a correct knowledge of the world, that he had acquired during a long residence at different courts of Europe. The latter is also of similar character, views, and experience. These and other patriots Chamorro imprisoned, and banished subsequently to Honduras. General Jerez, at the head of a few courageous men, returned to Nicaragua, and at Chinandega, the first large town near the borders of Honduras, he organized a provisional government.

The popular masses joined him freely, they having become alarmed at the proceedings of Chamorro. The forces of the provisional government marched on Leon, where Chamorro had his camp, and as soon as both armies met the whole Chamorro force came over to General Jerez. Chamorro then took refuge in the city of Granada, and by sacrificing the wealthy portion of the population, he assembled together a force of one thousand men, to stand a siege of nine months in the Plaza, during which time a large portion of this beautiful city was completely destroyed.

The provisional government was compelled to raise the siege and invited American citizens to lend their aid to it. Ninety of them responded to the invitation and became naturalized citizens of that country.

Shortly after Chamorro died, and the constituent assembly, trampling on the very constitution and charter they had made but a few days before, arrogated to themselves the ordinary legislative power and appointed Don José Maria Estrada as the successor of Chamorro, whose footsteps he began to follow. This is the sort of government which has been styled legitimate, and which was not, and could not be so, according to the constitution of that State, because, Chamorro's term of office having expired, only the people of Nicaragua, represented by the juntas of the departments, and never the assembly, ought to have appointed the successor.

With the assistance of our brave allies things were soon changed, and our forces took possession of the city of Granada on the 13th of October, 1855. At this time the Americans in the service of Nicaragua did not number more than one hundred and fifty men, commanded by General William Walker. And what was the conduct of those who overthrew the government of Estrada? They used every effort, and successfully, to restore and maintain order, to protect the persons and property of the citizens, to gather up the elements which war and revolutions had scattered abroad, and to frame them into a new order of reconciliation and peace. They invited General Corral, the chief of the hostile forces, to a conference, and the latter being fully authorized by the government that styled itself legitimate, they agreed to appoint a provisional chief, for which office Don Patricio Rivas was selected, and that General Walker should be the general-

in-chief of the whole military force of the republic. It is impossible, sir, to describe the enthusiasm that prevailed on that day. Two armies that were hostile to each other the day before got merged into one, and the two generals marched, arm in arm, to the house of the God of peace to celebrate the blessed day of their reconciliation.

By virtue of said treaty the Hon. Don Patricio Rivas took possession of his office, and his election was approved of by the general voice in Nicaragua. His first step was to address a peaceful and friendly invitation to the chiefs of the Central American republics. The government of Guatemala deigned not to give an answer; the Salvadors manifested a disposition to form friendly relations; Honduras recognized the new administration; but Costa Rica declared a horrible war of extermination against it.

Thus situated, my government desires to maintain, by diplomatic intercourse, the good friendship that always united Nicaragua to this great republic on every ground, and especially because the great highway between the two oceans, that is equally interesting to these States and to Nicaragua, is embraced within the border of the latter.

Born and educated in Nicaragua, and now, for the first time, a visitor to the shores of this great republic, I have a right both to speak about the facts which have marked our past and to anticipate the happiness that we may expect in the future, as well for my own country as for these great States.

Your excellency may be positively certain that, during the seven months of President Rivas' administration, there has been no attempt at revolution against him, and that the whole people of Nicaragua form a united family, prepared to maintain order at home and to resist foreign aggression.

That my government has obeyed the institutions of the country has been lately manifested by calling the people to elect the supreme authorities of the country, which election began on the second Sunday of April last, and if the balloting has not taken place in the oriental and southern departments it was because of the hostile invasion of the Costa Ricans.

I have come to your country with the official character of the representative of the Hon. D. Patricio Rivas, the chief magistrate of the republic of Nicaragua, and I hope, for the interests of both countries, that I shall be esteemed worthy to represent near this government that republic, and that I shall find here a government friendly to our peace, prosperity, and permanence.

I have the honor to be, with the greatest respect, your obedient servant,

AUGUSTIN VIJIL.

To his Excellency WILLIAM L. MARCY,
Secretary of State of the United States of America.

President of Nicaragua to the President of the United States.

[Translation.]

MY GREAT AND GOOD FRIEND: I am desirous to cultivate with the government of your excellency the friendly relations that the people of Nicaragua is called upon to maintain with the government of the great northern republic, over the destinies of which your excellency is now presiding. I have, therefore, thought fit to accredit as the minister plenipotentiary and envoy extraordinary of this republic near the government of your excellency the reverend licentiate Don Augustin Vijal, a reliable person on account of his knowledge of public affairs and of his patriotic feelings, to the end that with that character he may enter into treaties of alliance, friendship and commerce with the government of your excellency, and devote himself to the other objects of his mission.

I hope that your excellency will deign to admit kindly the said minister plenipotentiary and extraordinary envoy, and believe everything he may propose in his official capacity.

I pray your excellency will accept my wishes for your happiness and prosperity, and the prosperity of the great people under your government.

Given in the city of Leon, in the government house, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and fifty-six.

PATRICIO RIVAS. [L. S.]
SEBASTIAN SALINA,
Secretary of Foreign Affairs.

To the HON. the PRESIDENT
Of the United States of North America.

CAPTAIN TINKLEPAUGH'S PROTEST.

UNITED STATES OF AMERICA, }
State of New York, city and county of New York, } *ss:*

By this public instrument of protest: Be it known and made manifest, that on the sixth day of May, in the year of our Lord one thousand eight hundred and fifty-six,

Edward L. Tinklepaugh, a citizen in the county of Columbia, in the State of New York, being about the age of forty-six years, having been first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, did thereupon depose and say:

That he is, and has been master of the steamer *Orizaba*, a steamer registered at the custom-house of the port of New York, of the burden of about 1,460 tons, owned by Charles A. Whitney, of New York. That she sailed from said port of New York on the 8th day of April, 1856, for the port of San Juan del Norte, Nicaragua, having

on board about 480 passengers, of whom about 420 had tickets for San Francisco, in California, and the remainder had tickets for San Juan del Norte. That the Orizaba arrived at San Juan del Norte on the 16th day of April, 1856, at about 11 o'clock, p. m. That soon after the ship came to anchor, the "Whceler," a small steamer bound up the river San Juan, came alongside, and this deponent commenced transferring to her the passengers from the Orizaba. That after all the passengers except some thirty or forty had got aboard the small steamer, and had delivered up their tickets for the transit passage, Captain Joseph N. Scott, the agent of the river boat, notified this deponent that Captain Tarleton, commander of the British sloop-of-war Eurydice, then lying at anchor at the distance of about one-fourth of a mile from the Orizaba, had given orders that the passengers should be taken back on to the Orizaba; that he would not allow them to go on board the small steamer, or to proceed on their way, and that the river boat must be hauled off from the Orizaba.

That this deponent thereupon gave orders to stop the further transfer of passengers to the river boat until he could ascertain if the said Captain Tarleton intended to enforce his said order; that deponent took a small boat and went ashore, and found Captain Tarleton about leaving shore in a gig or pinnace; that this deponent then asked Captain Tarleton if he had given an order to stop his passengers and prevent them going up the river. He replied, that Birdsall had informed him that the Orizaba had 500 men for Walker on board. Deponent answered that his information was not correct, that they had over 400 for California, that the others had only paid to San Juan del Norte, and that there were none who had tickets for the interior. That deponent then asked what he was to do with the passengers? Captain Tarleton replied, take them back. Deponent said he could not do that, that he hadn't provisions for them. Captain Tarleton said, then take them to Colon, meaning Aspinwall. Deponent said he could not do that. Captain Tarleton asked if he had a way-bill of the passengers on board the Orizaba? Deponent replied that he had. Captain Tarlton then said, "I will go aboard the Orizaba, look at her way-bill, and make further inquiries, before I decide what to do." He then requested this deponent to get into his, the captain's boat, and go aboard the ship with him. That deponent accordingly got into his boat and went on board the ship with the said Captain Tarleton and Captain Scott, above mentioned; that the said Captain Tarleton, Captain Scott, and this deponent, then went to the office of the purser, on board the Orizaba, and deponent inquired of the purser for the way-bill, which he produced. That Captain Tarleton took the ship's way-bill and examined it; he then remarked that it did not give the destination of the passengers. That deponent replied that the passengers for California had tickets for San Francisco by the Pacific steamer. That a passenger who was standing near them said, "I am going to Nicaragua." Captain Tarlton asked him what he was going there for; the man replied, that he was going there with his wife and two children to settle. That another man then said, he also was going there with his wife to settle.

That said Captain Tarleton then said he would allow the passen

gers to proceed on their way, and would not interfere. That the transfer of the passengers and freight of this deponent's ship was delayed for the space of about two hours, by the aforesaid acts of the said Captain Tarleton.

That the Orizaba laid at San Juan, aforesaid, until the afternoon of the 21st of April, 1856; that, on that day, the river steamer came alongside the Orizaba with passengers to be transferred to her, on their way to New York. That it was reported to this deponent that an order had been given from the British man-of-war that there should be no communication with shore from the Orizaba, and that this deponent then found that a boat from the said man-of-war was lying between the shore and the Orizaba, where she lay while the passengers were being transferred. That the Eurydice lay at the distance of about one-fourth of a mile from the Orizaba, in the port of San Juan del Norte.

And this deponent further saith, that on said 21st day of April, 1856, he sailed from said port of San Juan del Norte for the port of New York; that he suggested to the commercial agent of the United States at said port of San Juan, that he should then and there make his protest of the matters aforesaid, but that he was advised that it could be as well made after his return to New York.

And this deponent doth now PROTEST against the assumption of the right of search by said Captain Tarleton, and doth protest against his going on board of this deponent's ship without leave or right, and his searching and examining the papers of the said ship, and against his instituting an examination of the officers and passengers of the ship, and against the detention in the transfer of this deponent's passengers to the transit boat, and especially doth he protest against this insult to the American flag by a commander of a British ship-of-war.

E. L. TINKLEPAUGH.

Sworn to before me this 6th day of May, A. D. 1856.

GEO. F. BETTS,
United States Commissioner.

PANAMA PAPERS.

Mr. Ward to Mr. Marcy.

[No. 73.]

UNITED STATES CONSULATE,
Panama, April 18, 1856.

It becomes my painful duty to inform you of a most melancholy occurrence which took place here on the evening and night of the 15th instant, and regret that with this communication I cannot give you the full detail.

The passengers of the last steamer from New York, those from New Orleans, and those of the steamer Cortez, of the Nicaragua route, (which latter were landed here,) were most brutally assaulted and

plundered by the population of this place, on the 15th instant, without provocation or cause. The railroad company has suffered considerable loss; their depot building, freight houses, books, and papers, together with part of the track, has been materially injured and destroyed; also their line of telegraph and such books and papers of the Pacific Mail Steamship Company as were in their office at the railroad depot.

From the present demand made upon my time by the injured parties, I am unable by this mail to send you the particulars; but, so far as I can at present ascertain, fifteen Americans were killed and upwards of fifty wounded, with a total destruction and plunder of all the baggage found at the railroad depot and the adjacent hotels.

The affair grew out of a quarrel which one of the passengers had with a colored man (I believe a native) at an hotel near the railroad, when some injury was done to some persons who interfered. In this affair, so far as I can learn, two or three persons were killed and the house, with its contents, destroyed; no attempt being made by the police or authorities of the place to arrest the parties or protect the property.

On or about half-past six o'clock in the evening I had information that a general onslaught was to be made upon the railroad depot and the passengers, upon which I repaired thither with my secretary, on our way meeting several armed bands of the natives, who were threatening to revenge themselves upon the "Yankees."

Upon my arrival at the railroad depot, which contained over a thousand of our people, men, women, and children, my first care was to urge the American people who were outside of the enclosure of the depot to retire within and be careful not to give the slightest cause of offence to the natives, and not to display any arms, in which I was most implicitly obeyed, with the exception of a few men who had been separated from their wives and children through the first riot, the house where they had put up at having been destroyed, and they merely went to the house with a view of ascertaining if their families were not somewhere about the premises.

The natives by this time had assembled in large force and commenced firing upon the passengers at the railroad depot, upon which myself and secretary advanced towards the natives with a view of inducing them to discontinue. My secretary advanced before me a short distance and met the "governor," whilst I was engaged in preventing several bands of natives, who were in my immediate vicinity, from firing at our people in the railroad depot. Some bands out of my reach were under no restraint, although in the immediate vicinity of the governor, commenced the onslaught, and the governor gave orders to the chief of police to attack the Americans; yet, although on the converging point of four fires, I was untouched; my horse, however, received seven slight gun-shot wounds, and my secretary, Mr. "Dr. Sable," a shot in his thigh, which may have been fired by an American in return to the fire from the governor.

The police soon afterwards commenced a fire of musketry upon the defenceless people at the railroad, and covered the native mob in their plunder of the defenceless passengers and their baggage. Neither

men, women nor children were spared, and I assure you that I never witnessed as sad a spectacle as the dead and wounded presented; the mutilation was abhorrent.

The loss of property, such as the damage to the railroad and its appurtenances, destruction of hotels, freight, and passengers' baggage, cannot be estimated at less than half a million of dollars. An episcopal clergyman, by the name of John Sellwood, was shot, and his brother, who is also a clergyman, with a large family, all now here, left destitute of money and their effects.

It yet seems to be the intention of the natives to destroy the foreign houses in the vicinity of the railroad, and the coming night is appointed for that purpose. Our position is certainly, at the present moment, dangerous, from the fact that the natives are now laden with money and valuables, wrested from the passengers, which seems to incite them to further pillage. What the morning may bring forth God only knows. We are here defenceless and open to the covetousness and barbarity of as rude a people as exist upon the globe. From the governor we have nothing to hope, for it is a fully established fact that he ordered the chief of police to fire upon the passengers at the railroad depot. To myself I apprehend no personal danger, inasmuch as the mass of the natives treat me with every respect, but it is to be feared that the specie expected to arrive here to-night by the California steamer may be an incentive to further outrage.

I beg leave further to inform you, that the chief of police came to my office yesterday at my request, and in presence of a number of gentlemen stated that he received orders from the governor to fire upon the passengers at the railroad depot, which he obeyed, causing great slaughter, of which scene I was a spectator; and yet, notwithstanding which, my efforts were continued to prevent the passengers from returning the fire, under a supposition that a mistake had been made, and believing that no official would be guilty of such barbarous and uncalled for act.

At this moment I have obtained some assistance in my office, which will enable me to enclose herewith a copy of the statement made and sworn to by Mr. Center, superintendent of the railroad, which I know to be correct in every instance when he speaks of the occurrence of affairs, when I was present, which was throughout a large part of the scene.

I also am enabled to forward to you a copy of a statement which my secretary was required to make by an "alcalde," embodied in a letter from my secretary to me, received at this moment.

The United States sloop-of-war St. Mary's is expected to arrive here on or about the 25th proximo, from "Guyaquil"—may I therefore ask of you to obtain orders from the Secretary of the Navy to the commander to remain at this port during the emergency.

I have the honor to be, with much respect,
THOS. WM. WARD.

HON. WM. L. MARCY,
Secretary of State.

8 o'clock, P. M., *April 19, 1856.*

SIR: In addition to my statement of yesterday, I have the pleasure to inform you that the passengers, treasure, and mails, which arrived here last night upon the steamer "Golden Age," were landed at the railroad wharf a little after two o'clock this evening, and were permitted to depart without molestation; they were protected on landing and departure by a native force of militia, (about two hundred men,) by the prefect, the governor not having made his appearance.

Before closing this dispatch I must remark, that had the railroad managers have been a little more circumspect, this unfortunate slaughter of our people would not have taken place, for about the time I arrived at the depot a great display of useless arms was made outside of their buildings, such as halberts and rusty muskets, which I endeavored to correct by advising Mr. Center, the superintendent of the railroad, to correct, by ordering his people back into the buildings out of sight of the infuriated natives, which was not done. So far, however, as I could, I remedied the evil by applying to the passengers to put away their arms out of sight, until such time as they should be attacked by the natives, if at all. If, however, the governor had not ordered his police to fire, it is my sincere conviction that this to be lamented massacre and pillage would not have taken place.

I would further add from a report circulated since my statement of yesterday, that a ship-of-war, supposed to be the American ship "Independence," was coming into port, and it is my firm belief that out of the rumor grew the disposition, through fear and not philanthropy, to protect our people, mails, and treasure.

On Monday I intend sending my protest to the governor, in behalf of the railroad and the injured of our citizens.

The registry book of the United States special inspector of customs, R. Rannels, esq., was totally destroyed by the mob. Expecting to report further by next mail, and awaiting instructions from the honorable Secretary of State, I have the honor to be, most respectfully, your obedient servant.

THOS. W. WARD.

Hon. WM. L. MAYNY,
Secretary of State.

No. 1.

Alexander J. Center, superintendent of the Panama railroad, aged 48 years, a resident of Brooklyn, New York, deposes as follows:

I was present at the Panama railroad station at Panama on the 15th day of April, from the commencement of the massacre, until about 2 a. m. in the morning of the 16th. At about 6 p. m., on the day aforesaid, I was standing on the railroad pier with Captain McLane and William Nelson, esq.; I saw a disturbance and a running of natives and passengers in the Cienaga; some two or three shots were heard; a man was sent to enquire into the affair; he

returned immediately, saying that it arose from a trifling dispute between a native and a passenger.

Almost simultaneously with the commencement of this disturbance the bells of "Santa Anna" church commenced ringing an alarm, and immediately afterwards I heard and saw a number of natives breaking into and tearing down two American stores, occupied by Messrs. McAllister and McFarland. Between the first of this difficulty and the attack upon these buildings there elapsed a period of about fifteen minutes, and not more.

I immediately went to the station or freight house of the Panama railroad; many passengers were collected in front of it in a state of alarm. I went into the office where the employees of the railroad and Pacific Mail Steamship Company were occupied in their duties. The tearing down and plunder of the houses continued; I heard shots occasionally. I went out in front, where many passengers were who wanted to go to the rescue of the passengers, who, with women and children, were in the Ocean House. I advised those there not to go forward; a few went; some two or three went to the corner of the "Ocean House," about two hundred feet from the railroad station; shots were fired by those engaged in destroying and plundering.

I returned to the office, was asked to allow some fourteen old muskets, not belonging to the company, to be loaded for our own defence, but repeatedly refused, not supposing we would be attacked. But after going out to the front several times, fearing it might be made, I told them to load and keep every gun inside, and placed every man at the door for that purpose.

I directed men to force the door of the "Ocean House" to let out the passenger women and children inside; this was done. The destruction and plundering continuing some time, but finally ceased and all was quiet, I was told that the police was sent for, and so informed the passengers, which seemed to give much satisfaction. The passengers about the station seemed to have no disposition to take part in the matter, desiring only protection. Some two or three men only were excited, and against the earnest efforts and advice of T. W. Ward, esq., United States consul, A. McLane, esq., agent Pacific Mail Steamship Company, W. Nelson, esq., myself, and others, would run occasionally forward and fire a shot at random.

I was in hopes from the quiet at this time that it might pass over. Suddenly I heard shots in rapid succession from behind the old blacksmith shop and bushes, a short distance from the station. A bugle was sounding; I told the passengers it was the police and that "all was right;" myself and other gentlemen named got inside the fence of the station; the balls commenced falling around us; I saw one man struck; the balls increased and began to strike the building; I heard them.

I was then told that the "natives" were coming down the track to the attack on the other side or end of freight house; I immediately went there to protect it. Up to this time and commencement of firing upon the building, not one shot had been fired from it or from the railroad premises, to the best of my belief. One gun was discharged by the

man before stated as hit in the act of falling. I thought at the time it was accidental.

Previous to this, an old carronade had been brought forward in front of entrance to the railroad premises by our men; I placed it in charge of a responsible man, with orders not to fire, only in the event of the United States Consul giving similar directions. It was not discharged.

On my arrival at the end of freight house saw natives advancing; they fired into the freight house as they came on; one man near me attempted to fire; his gun flashed and did not go off. I think one gun was discharged towards the natives; this was after they commenced firing.

I then went into the freight room, saw many passengers, men and women and children, trying to conceal and protect themselves; they had no arms. The balls were then falling quickly on the side facing the blacksmith shop, &c.

I could not get out of the room by the doors, which were blockaded up by the crowd, in the wildest panic and confusion; could hear the balls strike; the natives at the same time trying to force the doors.

I continued in this room three or four minutes; then went through a broken door-panel into front office; saw many persons there—some holding the door; a man fell dead before me; the room was filled with smoke; saw others there, killed or wounded; saw no one firing from the rooms.

I returned through the panel, climbed up the side of the freight room, and got upon a plank resting on the beams above. I could see out towards the Cienaga, through a large open door; saw the police (so called) distinctly; they were outside, and near the freight house; saw them discharging their muskets at the house; saw Colonel Garrido, the commandant, with drawn sword, cheering and urging on his men; none but the police, I think, were on that side; heard the balls strike around me; I went into an open window leading into a room on second story.

I saw two passengers, unarmed, in the room; they were at the door; there were no others; I joined them to assist; both were immediately shot; one fell dead and the other soon died. I left this room and went into another, where I remained (except occasionally) until the firing ceased; stepped out two or three times into the other rooms; could see into a part of the freight room, and saw natives enter; the passengers threw themselves down, crying "mercy," "quarter," "money," &c. Saw the natives rifle the passengers and cut open the carpet bags, &c.; the firing from the police soon ceased, but the plundering continued.

I could see the rooms of the second story of the freight house fronting the "Cienaga;" not a shot was fired from them, none were fired from the freight room while I was there, to the best of my knowledge and belief; no shots were fired from the station, except those I mentioned before.

From my observations the chief desire seemed to be to secure safety from outside shots.

I saw the dead and wounded after the massacre; at that time I saw nine killed and eight badly wounded, and several slightly wounded.

I had the wounded (badly) collected and carried to the mess room.

I saw the freight room, offices, &c., after the butchery; everything was plundered, the papers and books dispersed, mutilated or destroyed, the safes of the railroad company attempted to be forced.

I saw where an attempt had been made to set fire to the freight house; this was done while many passenger women and children were in it.

I have examined the freight house since the *massacre*; it is perforated with bullets; they are chiefly on the side where the police were stationed; everything in the freight house and rooms above, occupied by officers of the company, was plundered, damaged or destroyed.

The railroad cars were cut and damaged; the room of Mr. Johnson and the telegraph apparatus alone were spared.

I saw the bodies of fifteen who had been killed; all were passengers except two; they were shot and generally mutilated by cuts; I saw seven badly wounded.

I saw also many slightly wounded, including one woman and some children, these went on board the steamer.

The bodies of the killed and wounded were rifled by the murderers.

In conclusion, I am of opinion, from my own observations, that the whole matter was organized and pre-arranged, chiefly with a view to plunder, but at the same time gratifying a feeling of bloodthirsty revenge for fancied wrongs.

A. J. CENTER.

UNITED STATES CONSULATE, }
Panama, New Granada: }

Be it known to all whom it may concern, that this day appeared before me, Thomas W. Ward, consul of the United States at this port of Panama, in the republic of New Granada, Alex. J. Center, superintendent of the Panama Railroad Company, who, being duly sworn by me on the Holy Evangelists, declared that the foregoing statement is true and correct to the best of his knowledge and belief, and in my presence signed his name to the same.

In testimony whereof, I hereunto sign my name and impress my [L. s.] official seal at Panama, this 18th day of April, A. D. 1856.
THOS. W. WARD.

UNITED STATES CONSULATE, }
Panama, New Granada: }

I, Thos. W. Ward, consul, do hereby certify that the foregoing is a true and correct copy of the original on file in this consulate.

In testimony whereof, I hereunto sign my name and impress the [L. s.] seal of this consulate at Panama, this 18th day of April, A. D. 1856.

THOS. W. WARD.

PANAMA, *April* 18, 1856.

DEAR SIR: The alcalde of the city came to my rooms yesterday and requested me to state where I was on the evening of the 15th instant, and how I received the wound which confined me to my bed.

In reply to his interrogatories I made the following statement:

At or about seven o'clock, p. m., I was at the United States consulate making up the mail for California, when I heard a rumor in the street that there was a fight at the railroad depot, and the cry "let us go to kill Yankees" (*vamos á matar Yankees*) having called my attention, I advised the United States consul and went out to get our horses and started with him for the place of the fight, in view to prevent any further disorder.

Whilst riding along the beach, nearly opposite the house known as the Hamilton Cottage, a band of men ordered us in Spanish to stop, threatening to shoot us down if we proceeded on. I then cried out (also in Spanish) that we were the United States consul and his secretary, Theodore de Sabla.

They nevertheless reiterated their threat but, having put our horses to a gallop, we passed without their firing.

Upon arriving at the railroad depot I left the United States consul and went to look for the governor, who was said to be in the "Cienega." I found him, told him who I was and that the consul desired to advise with him upon the means to stop the riot. I went back to the consul, who then advanced in the main street leading to the railroad depot, saying that he would wait for me there. I returned to where the governor was and found him in the midst of an infuriated multitude uttering cries of death. I requested the governor to come with me to where the consul expected him in the main street, and we moved on. When near main street, nearly opposite the Pacific eating house, I told the governor to stand back, that I would go ahead to prevent any mistake.

Upon my entering main street I saw a party of men, apparently natives, entering the same street above me, that is, near the house of Mr. McFarland, and then a firing took place between that party and some persons, apparently passengers, of the American steamers.

As I was advancing I received three shots, one of which was lodged in my thigh, another struck me above the knee but did not penetrate into the flesh, and the third passed through my coat without inflicting any injury. I cannot say by whom I was shot, because at that moment the night was somewhat dark, and the two parties between whom the firing took place were about the same distance from me, forming, so to say, a triangle, at the summit of which I was when shot.

The above is very nearly a translation, word for word, of my declaration taken in the Spanish language by the alcalde, in addition to which I may here state to you, that when I found the governor for the second time, there were with him, besides the chief of police and several of his officers, over twelve policemen fully armed, and the crowd

around him was very numerous and well provided with arms of every kind.

I am, very respectfully, your obedient servant,

THE. DE SABLA.

THOMAS WILLIAM WARD,
United States Consul, Panama.

—
CONSULATE UNITED STATES OF AMERICA,
Panama, New Granada.

I, Thomas William Ward, consul, do hereby certify that the foregoing is a true and correct copy of the original on file in this consulate.

In testimony whereof I hereunto sign my name and impress the seal of this consulate, at Panama, this eighteenth day of April, [L. s.] A. D. 1856.

THOMAS WILLIAM WARD.

—
Mr. Hoadley to Mr. Marcy.

OFFICE PANAMA RAILROAD COMPANY,
New York, May 1, 1856.

SIR: The deplorable events which have recently occurred on the Isthmus of Panama, of which full statements are published in the public prints of to-day, and my relations to the Panama Railroad Company, render it unnecessary for me to apologize for addressing you this letter.

The official letters which have been received at this office by the steamer Illinois, together with several affidavits accompanying them, show that the published accounts are substantially correct. I regard it as probable that you have been put in possession of all the material facts of the case referred to by the dispatches of the American consul at Panama, but, at the same time, it seems to me advisable that you should have as full knowledge of them as possible, and I therefore take the liberty of sending to you, enclosed herewith, copies of the following papers:

1. The affidavit of A. J. Center, the superintendent of the Panama Railroad Company.
2. A statement of Charles E. Bradley, one of the passengers per steamer Cortez.
3. An affidavit of William Nelson, commercial agent of the Panama Railroad Company.

I have observed with much satisfaction, in one of the papers of this city, a telegraphic dispatch, dated Washington, April 30, 1856, in which it is stated that:

“Mr. Marcy has recommended the selection of a judicious and competent person to proceed to the spot (Panama) immediately, for the purpose of inquiring into the facts, and with a view of governing the action of the public authorities as to reclamations in case claims for

damages or reparation can be sustained under the treaty with New Granada by virtue of international law."

It is for the purpose of urging upon your department the importance of some movement of the kind indicated by the sentence I have quoted that I address you this letter; and not only so, but to suggest the necessity that such action be given to the subject at the very earliest possible moment, if all the advantages which it is confidently believed would be derived from the step may be realized. Although at the date of our last advices the riot had been quelled and no fear was entertained that any further disturbance was likely to occur immediately, yet the native population of the Isthmus continued in a state of great excitement, and being flushed with what they considered a victory over "foreigners," and having had a taste of blood, and no efforts being made by the authorities of Panama to arrest the murderers, there is certainly some reason to apprehend a renewal of the terrible scenes which have lately been enacted. The danger of this will be greatly increased if the natives are left to feel that the difficulty is only between them and the railroad company and unarmed passengers crossing the Isthmus; and nothing, it is confidently believed, would so surely and so strongly tend not only to intimidate the murderers and robbers, but also to keep them in permanent and perfect subjection, as some suitable demonstration on the part of the United States government. The effect of such a demonstration, connected with the sending out to Panama an agent of the government to investigate the outrages which have lately been committed there, would also produce a most salutary effect on the minds of the faithless and pusillanimous authorities of that city. Without some prompt action on the part of our government, the men who have lately been guilty of violence and bloodshed on unoffending American citizens will be encouraged to repeat these crimes, and those in authority will be less disposed to make any efforts to prevent them.

This conviction is forced on my mind not only by the letters we have received, but also by the representations made to me to-day by a gentleman of intelligence and high character, who was at Panama during the time when the events referred to occurred, and a witness of some of the atrocities which were committed. Obligated to conclude this hasty communication by the closing of the mail, I will only add in behalf of the company I represent, and of the thousands of our citizens whose interests are so closely identified with the safe transit of the Isthmus, both for passengers and treasure, the earnest request that you will take some steps in this matter so early that official information of the same may be sent off by the steamer Illinois, on Monday the 5th instant.

I have the honor to be, sir, with high respect,

Your obedient servant,

DAVID HOADLEY,
President.

Hon. W. L. MARGY,
Secretary of State, Washington.

No. 1.

Mr. Center's affidavit.

NOTE by the Department of State.—A copy of this paper (marked No. 1) will be found with Mr. Ward's dispatch, No. 73, of April 18, 1856, *ante*.

No. 2.

CITY OF HAVANA, *ss*:

Charles E. Bradley being duly sworn, deposes and says: That he is about twenty-five years of age; that he is a physician and surgeon; that his place of residence is Caryersville, Henry county, Tennessee; that he was a passenger in the steamship Philadelphia from Havana to Aspinwall, at which place he arrived on the 13th instant; that, on the 14th instant, he took the cars for Panama, where he arrived on the same day, and stopped at the Pacific House; on the 15th instant, soon after the arrival of the cars with the passengers of the Illinois, deponent saw a person who was said to be a steerage passenger in the Illinois, and who was called Jack, at the Pacific House. He seemed to be intoxicated; he walked with a companion among the fruit tables in the vicinity of the Pacific House. Deponent saw said Jack go to a fruit table kept by a colored man; he picked up and bit a piece out of a slice of watermelon without paying for it, and threw it in the dish from which he had taken it. Jack then walked with his companion to another fruit table, three or four steps distant, kept by a colored woman, from which he took a piece of fruit and ate it. The woman demanded pay for the fruit. Jack refused to pay for it; and, after considerable altercation, Jack's companion paid for the fruit taken from the second table. About this time the person who had charge of the table first visited by Jack came up and addressed him in Spanish, in an angry and insulting manner. Jack drew a pistol and held it in his hand a moment, when his companion told him to put it up. Jack was in the act of putting the pistol in his pocket, when the native snatched the pistol and fired it, and run with Jack's pistol still in his hand. Jack followed him about one hundred and fifty yards, and failing to overtake the native, returned and passed deponent. When he passed, deponent observed wounds on his head. Deponent then went to his room, in the second story of the Pacific House. Almost immediately after, deponent saw a great number of natives armed with machetes, around the Pacific House. They soon commenced throwing stones, bottles and other missiles into the windows and doors of the Pacific House and into the window of deponent's room. Deponent passed into the room adjoining his, jumped from the window into the yard back of the house, and ran towards the railroad depot. When about opposite the Ocean House, deponent heard two

or three reports from guns or pistols. These were the first fired after the discharge of Jack's pistol. Deponent went to the depot and remained until the firing commenced there, and until he saw two or three Americans shot down. Deponent then went down to the dock, where the steam or ferry boat Taboga lay. Deponent remained on the dock about half an hour, when the firing in the vicinity of the depot became rapid. Deponent then passed on to the Taboga, tore off a door from the boat, and with it jumped into the mud in the bay of Panama, which is covered at high tide. Deponent then assisted in getting some females and children into a small boat, and in dragging the boat into the water. It was then rowed to a vessel at anchor in the bay, from which deponent and others were taken to the steamer John L. Stephens, where deponent remained until next evening.

At the time of the commencement of the difficulty between Jack and the native above mentioned, deponent was within a few feet of them, and had an opportunity of seeing all that occurred. And deponent further says that no difficulty or collision between the passengers and natives occurred until the happening of the events above mentioned, to the knowledge or belief of the deponent.

We hereby certify that we heard Dr. C. E. Bradley, above named, make the statement herein above stated, and avow a willingness to verify the same by his oath, but was prevented by the early sailing of the "Granada," in which steamer he took passage for New Orleans.

G. A. HOWARD,

Pastor of the Presbyterian church, Catskill.

F. JAMES FITCH,

Judge of Greene county, N. Y., Catskill, N. Y.

Commander C. S. BOGGS,

U. S. Navy, Commanding Steamer Illinois.

Mr. Hoadley to Mr. Marcy.

OFFICE PANAMA RAILROAD COMPANY,

New York, May 2, 1856.

SIR: Referring you to my respects of the 1st instant, I now send you, enclosed herewith, the remainder of the affidavit of Mr. William Nelson, alluded to therein.

I also take the liberty to forward to you the original of official communication received from the chief engineer of this company by the steamer Illinois, which was in the hands of one of the board when I addressed you yesterday, and who did not return it until to-day. When you have read it, which I think you will do with interest, be pleased to return it to this office.

At a meeting of the board of directors of this company, held to-day, a resolution was adopted instructing the officers to send out by the Illinois, on the 5th instant, fifty each of Sharp's rifles and Colt's revolvers, for the purpose of arming the employes of the company

against the attacks of robbers and murderers, should any attempt be made to repeat the atrocities which have lately been committed. I am directed by the board to make this statement to you, so that you may understand the motives which have governed them in the step now taken.

I beg to add that, should you determine to send a commission to Panama by the Illinois, it will give me much pleasure to furnish your agents with letters to the chief engineer, who will be instructed to tender them the freedom of the railroad.

I remain, sir, with high respect, your obedient servant,
 DAVID HOADLEY, *President.*

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

PANAMA, *April 19, 1856.*

DEAR SIR: On the evening of the 15th instant, the passengers per Illinois having come over the road that day, I received a telegraphic notice, about 8 p. m., that there was a rising of the negroes at this place and they were killing the passengers.

I had been indisposed for some days and on that day I was quite ill. On getting this notice, however, I immediately repaired to the telegraphic office and received the last notice given that night, which was about 8½ o'clock, and ran as follows: "The balls are coming through my room. Oh! oh! I shall be shot! I must go."

I remained in the telegraph office until past 10 o'clock, hoping to hear further, and particularly that the row was over.

At 2 a. m. of the 16th, the train containing the express goods returned to Aspinwall with Conductors Williams and Brinkerhoff, who had been witnesses of the riot and had escaped. From these I learned the particulars of the affray, up to 8½ o'clock; not so late as by telegraph, but more in detail.

Williams had saved the express train from robbery; he left the scene of riot, and came up the road for the purpose, I think, of stopping this train; arriving at the bridge over the Cruces road, he found about 150 natives collected there, who were waiting for this train; they stopped him, robbed him of his money, watch and pistol, and then one of them pointed a pistol at his breast with the intention of shooting him, but some of the party knew him and saved him. However, they made him show them how to take a rail out of the track, which they did in his presence, he helping them, in order to throw the train off the track. They then permitted him to go forward and bring the train up, which was close at hand, telling him that when the train stopped he must jump off and run and all would be right. He went forward, fortunately stopped the train, told them their danger, jumped on himself; the engine was immediately reversed, the train backed, and thus saved.

After the arrival of this train at Aspinwall we consulted together about the proper course to be pursued, whether or not to send men to

the rescue ; but we had few or no arms. The telegraph operator supposed that the telegraph remained uninjured, and I was constantly hoping to receive further intelligence through it. The conclusion of our consultation was that, as we had no amount of arms, we could be of little or no assistance and had better wait further intelligence. On the morning of the 16th we could still get no telegraphic intelligence, and came to the conclusion either that the wires were broken or the Panama operator killed or wounded.

The intelligence which I received the night before I had communicated only to Mr. Bowen, desiring to keep it quiet so as not to produce an excitement in Aspinwall, and to be able to make my own arrangements without creating a disturbance. But in the morning I found that the workmen who came in during the night had spread the news, and that the prefect of the department had armed the natives. I immediately remonstrated with the prefect on this course and urged him to disarm them again, and to permit no one to carry arms in the street that day, which he agreed to do. But I perceived that the people were excited, and that it was necessary to be prepared for protecting ourselves there.

Not getting any telegraphic or other advices from the scene of riot, I was at a loss what to do with the express train ; I supposed that the riot was over, and that the goods would be required to go on board of the steamer ; I therefore put a few armed men on the train, and started it over the road with directions to feel their way ; not to get into any difficulty, but to protect themselves as far as possible. The train in coming over the night before found that news of the riot had reached the summit before them, and I feared that there might be some rising of the natives along the line.

On the arrival of this train at Mamai they met a train coming from Panama, with directions from Mr. Center not to have any freight sent to Panama ; that the steamer had sailed, and the freight and some baggage, which fortunately had escaped robbery, would be kept over.

The excitement of the night before and the exertion I made the morning of the 16th laid me up for that day. I intended to have accompanied the freight train, but found I was not able to do so, and moreover I feared that my presence might be required in Aspinwall. I feared, also, that I might hear news from the scene of riot which would require me to raise such force as I could and proceed to Panama, for all which I prepared as best I could under the circumstances.

On the 17th I came here, where I have since remained.

I have made a protest to the governor, and have corresponded with him in regard to the future protection of the company, copies of which I send you. Messrs. Center and Nelson send you detailed accounts of the riot, and the consul has been taking the requisite depositions for laying the matter before the government.

The San Francisco passengers, per *Golden Age*, started from here this 4 p. m., a guard of the citizens of Panama having been stationed in and about the depot.

The governor and citizens of Panama are thoroughly terrified at the result of the riot, although some of them did what they could to excite it. They know that the *St. Mary* is expected here daily, and they

fear the retribution they deserve. The charges brought against the governor in my protest are all substantiated by indisputable evidence. The captain of the police himself made the declaration to Consul Ward, in the presence of seven witnesses, that the governor ordered him to fire upon the depot, and is to extend his deposition to that effect before the proper authority.

It is proven beyond a doubt that the affray originated in a native firing at one of the passengers, who had some words with a woman about the purchase of something.

And, from all the facts, there is no doubt that the riot was *premeditated*; the time between the firing of the first pistol, the ringing of the alarm bell, (which is over a quarter of a mile distant,) and the rush to pull down the houses being variously stated at from five to ten and fifteen minutes.

The authorities have not yet, nor do they appear to, make any arrests of the rioters. I have taken pains to collect such names as I can, and when the St. Mary comes in, it appears to me, that we should demand their arrest. My list will include some citizens of Panama, who are considered respectable and influential, one of whom made the mob a speech against the passengers, and furnished them powder and balls. But I consider the governor most culpable of all. He gave way to the mob, fearing his own life, it is true; and the balls of the police caused the greatest slaughter. The firing upon the depot, filled, as it was, with passengers, was a horrid act, which no threats by the mob can excuse him for ordering, or even permitting. He should have risked his life in its defence, if by so doing he could have prevented it.

20th.—The Uncle Sam came in this morning, and the passengers (four hundred) will go over to Aspinwall this afternoon, whom I shall accompany.

Very respectfully,

G. M. TOTTEN,
Chief Engineer.

DAVID HOADLEY, Esq.,
President Panama Railroad Company.

No. 3.

Mr. Nelson's affidavit.

NOTE by Department of State.—This document will be found with Mr. Hoadley's letter of the 2d of May past.

I am commercial agent of the Panama Railroad Company. I live in Panama. I was at the railroad station all day on the 15th instant. A little before dusk, on the afternoon of that day, I was standing on the railroad pier conversing with Captain A. McLane, agent Pacific Mail Steamship Company, and A. J. Center, esq., superintendent of

the railroad, when I saw a commotion among the passengers who had just arrived from Aspinwall to embark on the steamer John L. Stephens. The passengers were near the railroad office, getting their tickets registered. I saw several natives and passengers running from the station towards the town. Captain McLane ordered the master of the steamer Taboga, James Coopland, to go and inquire what was the matter. He returned and stated that a difficulty had occurred between a passenger and a native; the native attempted to steal a watermelon; a pistol had been discharged, and a man was very slightly wounded. While still conversing with Captain McLane and Mr. Center, I heard the bell of Santa Anna toll an alarm for fire, and almost simultaneously saw groups of natives running towards the station, through the Cienaga and by the beach. I heard and saw the mob of natives breaking open the frame buildings near the depot; I heard several shots fired. I am satisfied that, from the time the difficulty arose till the time of the plundering of the frame buildings, not over fifteen minutes elapsed. The passengers commenced running to the wharf to embark on board the steamer Taboga; I left the wharf with Mr. Center and Captain McLane. Several of the natives employed by the Pacific mail company jumped from the wharf and tried to run to the seat of the disturbance. Captain McLane ordered the men to return and stay on the wharf; they did so; Captain McLane then told a boatman in the employ of the Pacific Mail Steamship Company, called Marcelino, to run to the town and inform Colonel Garrido, the chief of police, of the disturbance, and request him to come as quickly as possible to quell it.

We proceeded to the office of the railroad company, found many passengers still there much alarmed at the disturbance. We heard the mob was plundering Captain McAllister's store, and the Pacific House, and was coming to attack the station; we heard shots from time to time in the Cienaga. I entered the railroad office; it was filled with passengers, asking for arms and ammunition—all much alarmed. There were no arms in the office belonging to the company, but I saw a double-barrelled gun, a pair of pistols, and a sabre, belonging to some of the officers, about a couple of pounds of gunpowder and a few pistol bullets, fourteen old muskets, the property of H. H. Munro, were stored in the office; they were old and dirty, had been hanging up in the office at least four months, and must have been rusty and unserviceable. I know this from having been in the office nearly all day. There were likewise a pistol, a small sized revolver, and a rifle, in the office, in a state quite unfit for use. The muskets were loaded by the persons inside of the office, and I saw several passengers with some of these muskets afterwards. I left the office and proceeded to the yard in front; Colonel Ward, the United States consul and his secretary, Mr. Sabla, arrived on horseback; a few of the passengers were then outside the depot, armed with pistols; some of them insisted on going to the Cienaga in search of their wives and children, (who had been left in the hotels near the station when they were attacked by the mob,) as they feared they had been murdered by the natives. Colonel Ward, Mr. Center, and Captain
tried to prevail on the men to be quiet, and wait with pa-

tience, but the men would not listen, or come inside the gate as requested. An old carronade, half buried in the sand, was loaded with gunpowder and a few rivets by some men in the yard and dragged outside the gate. I heard Colonel Ward, Mr. Center, and Captain McLane give orders that the gun should not be fired. Colonel Ward desired his secretary, Mr. Sabla, to go to the Cienega, see if the governor was there, and request him to come and see him. Mr. Sabla left for that purpose; everything was quiet then at the station; there was no firing going on, and we all endeavored to allay the excitement of the few persons outside the gates of the depot, who wished to march to the Cienega to look for their friends who had been left in the hotels.

After waiting some time, and Mr. Sabla not returning, I went with Colonel Ward into the Cienega. We entered to a few yards beyond the Pacific House; saw that place, and Captain McAllister's store broken open and plundered; while standing in the street, saw a group of natives armed, advancing towards us from among the cane huts to our right; I cried to them in Spanish not to fire, that we were friends; but almost immediately heard discharge of fire-arms, and the balls whistling past me and through the cane huts; saw the Colonel's horse rear as if he had been struck; I jumped to the right to get out of the line of fire; saw many armed natives among the huts; I expostulated with them and said Colonel Garrido and the police had been sent for, and not to fire as they were doing, but to wait till the police came; I was ordered to leave; they would not listen to me; I turned to go back to the depot. On the way saw a native posted behind a large tree loading a musket which he had just discharged at the freight house; I remonstrated with him; he replied he had been fired on by Americans, and would revenge himself by firing on them. Heard many shots from the Cienega; saw and heard more from the railroad premises. The man with the musket who appeared to recognize me, told me to go home and not go near the station that night, as it would be attacked, and I would probably get killed; I walked off towards the freight house; the man I had conversed with, cried to me to keep the path to the left; I did so, and got to the track about 100 yards beyond the freight house. I entered the freight room, and while there, a passenger had his arm broken by a musket ball fired from the Cienega. I left the freight house and proceeded to the yard, where I found Colonel Ward, Captain McLane, and D. M. Corwine, esq., and others. I told them the depot would be attacked. An incessant fire was kept up from the Cienega on the houses and the yard; I heard the balls crashing into the boards; many balls came though the yard; a man in the employ of the Pacific Mail Steamship Company was wounded by my side; saw others wounded; got under the lee of the soda water shop of a man to be out of the range of the balls; shortly afterwards, finding the balls came in a more slanting direction, as if the persons firing were surrounding the station houses, I, together with Colonel Ward, Captain McLane, and D. M. Corwine, esq., who were with me in the yard, got under the shelter of the end of the company's old mess house; the fire still continued from the Cienega, and was not replied to from the station, so far as I could perceive or believe; it increased in rapidity, and balls came whistling

through the covered part of the track in the depot to where we were; got behind the mess house; heard the bugle of the police in the Cienaga. We all said "the matter is now at an end, the police has come to our assistance." The firing became more rapid, and the sound of the discharges was like the volley of troops, the bugle of the police sounding all the while. Waited in the expectation of the police putting a stop to the outrage; heard the sound of breaking into the freight room; supposed then the police had joined the mob or protected them; the firing ceased and the plundering commenced. Aware that nothing could be done by us then to stop the plundering, and being unarmed, we returned to the city by the beach, with the intention of supplicating the governor to come to the Cienaga, to stop further outrage if he could. Colonel Ward, Captain McLane, D. M. Corwine, and myself, were together; the consul was on foot. On passing by the ice house we were challenged by several natives lying on the beach; they were armed, and pointed their muskets at us; told them my name; they allowed us to pass; they appeared to us as guard or outpost to the mob or police. We entered the city by the market gate; we went immediately to the governor's house to request his influence and assistance; the people in the house told me he was not at home. On getting to the door found about a dozen or fifteen men armed with muskets; they told us they were going to the Cienaga; had come to see the governor, who had promised them ammunition, but as he had not given it them, they were going to buy it themselves at their own expense. We were told that the governor was in the street of San Juan de Dios by a gentleman we met; Colonel Ward, Captain McLane, and myself proceeded there; found the governor surrounded by armed men, to whom he was talking. We explained to the governor our motives for calling on him, and our wish that he should accompany us to the railroad station, to use his influence to put an end to further outrages. The governor told us he had already been to the Cienaga, and that while walking towards the station, in company with Mr. Sabla and Mr. Obarrio, to meet the American consul, he had been fired at by the Americans; Mr. Obarrio and Mr. Sabla were wounded, and he escaped with a ball in his hat. We told him that there were many inoffensive and defenceless women and children at the station, who would be murdered unless some steps were taken to quiet the mob. The governor told us he would go to the Cienaga with us and do all he could; Captain McLane and myself accompanied the governor; the armed men went with us to the Plaza St. Ann, where we left them; they appeared to be very insubordinate, and showed little respect for the governor. On passing the Ocean House of Lestrade, saw men engaged plundering it; behind the house and on the beach we saw an iron rannon; a person named Dolores Urriola was pointing it at the Taboga and her passengers; he said he had loaded it himself with five thousand buckshot; we remonstrated, and told him there were many helpless women and children on board; the governor told him if he fired he would kill his own countrywomen, as two were on board the steamer, mentioning the names of two ladies from Panama. The governor ordered the gun to be removed; the men refused to obey him; Urriola said the

gun was his property, and no one had a right to give orders respecting it; although the men refused to remove the gun, they promised that it should not be fired. From these men we learned that Colonel Garrido had sent or gone on board the Taboga and taken away the arms of the passengers and a small gun belonging to the steamer.

Captain McLane and myself left the governor and proceeded to the depot by the beach; found Colonel Garrido and the police drawn up in front of the steps leading to the track; the police were armed with muskets and bayonets; I could hear the noise of the mob, pillaging the freight room; the police were much excited, and wished to attack the upper story of the building; they wanted to fire into it; they alleged a shot had been fired at them from the upper story. We spoke to Garrido, asked him for a lantern, and told the police we should go up stairs and guarantee no more shots should be fired from above. We mounted the staircase and found some of the upper rooms crowded with men, women and children; one of the rooms contained murdered men. We told the people not to fire, but to remain quiet. They said they had never fired on the police or from these rooms. We returned and saw Colonel Garrido and told him what we had seen; Captain McLane and Colonel Garrido then returned up stairs to release the passengers there; I, myself, remained below with a sentinel to prevent others of the police from entering the building; many of them wished and attempted to do so. The feelings of the police appeared to be unfriendly to the passengers, and it was evident to me that the slightest pretext would lead to another butchery and outrage. From the door where I stood, I could see into the office; the floor was covered with dead and wounded; one of the latter lying near the door moved; the sentinel lifted up his musket and asked, looking at me, *le doy?* shall I kill him? On expressing my horror, he desisted. While posted at the door, Captain McLane and Colonel Garrido being still up stairs, the police suddenly and from some cause unknown to me, presented their muskets at the upper story and were going to fire. I rushed to the edge of the platform and induced them to desist, by crying that Colonel Garrido, their chief, was up stairs and would be killed by their fire. About seventy men, women and children were removed from the upper story and sent on board the steamer Taboga; Mr. Center also came down from the upper story. Captain McLane, Mr. Center and myself then entered the office of the company; the floor was covered with killed and badly wounded; the bodies were horribly mutilated; the persons of all of them had been robbed. I saw the bodies of several others who had been butchered and wounded, lying on the track. The desks and furniture of the office were broken, the papers and books destroyed and torn and scattered over the floor; a hole had been punched into the large safe. During all the time I remained about the building I could hear boxes being broken open in the freight room; the police did not interfere to prevent it; I saw where the mob had attempted to set fire to the freight room; one of the boards was burned and some coals piled there; it was set on fire while the passengers were still in the upper story; the place was pointed out to me by a young man named Feuillet, who told me he had extinguished it. The badly wounded were carried to the

company's mess-room and attended to; others were sent to the steamer "Taboga" and into town.

On leaving the depot we learned that many passengers had fled along the beach, towards Paitilla, and that several natives had been seen to go off in that direction, armed with machetes, who were probably going after them to rob them. Captain McLane, D. M. Corwine, Mr. Hollman, and myself, procured the assistance of the prefect, the second in command of the police, and a few others, and went some distance along the beach and through the bushes; found a few passengers; the prefect and lieutenant of police returned with them; the lieutenant of police assured me most positively that the governor, Mr. Tabrega, gave Garrido orders to fire on the depot; the name of the lieutenant of police is Zeferino Nuñez. After the prefect left us we walked as far as the Black rocks; we picked up many passengers on our way who had hid themselves in the bushes; one party of ten or twelve declared they had been robbed by a party of armed men who represented themselves to be policemen; they were forced to pay five dollars each to save themselves from violence. I returned home at about 2 o'clock, a. m.; I saw fifteen dead bodies; I saw many wounded and horribly mutilated; the depot is riddled with balls. No excuse can be made by the government or people of Panama for the horrid butchery and massacre that took place, as the police, at any moment, would have been hailed as friends and defenders had they come on the ground to restore peace; instead of this, they made common cause with the mob by firing into the railroad buildings, which were crowded with defenceless passengers. From my own observations, I should judge that nearly all the killed and wounded were hit by the musket-balls of the police; and it was under cover of their fire that the mob attacked, took, and plundered the freight-house, and office, and the passengers who had sought refuge there.

W. NELSON.

PANAMA, *April 18, 1856.*

I further state that it is my conviction, based on my personal observations and from what I have heard, that the whole outrage was an organized and premeditated attack on the passengers and the railroad for the purpose of robbery and pillage.

W. NELSON.

PANAMA, *April 18, 1856.*

UNITED STATES CONSULATE, *Panama, New Granada:*

Be it known, to all whom it may concern, that this day appeared before me, Thomas W. Ward, consul of the United States, at this port of Panama, in the republic of New Granada, William Nelson, esq., who being duly sworn by me on the Holy Evangelists, declared that the foregoing statement is true and correct to the best of his knowledge and belief, and in my presence signed his name to the

[L. s.] In testimony whereof, I hereunto sign my name and impress
my official seal at Panama, this 18th day of April, A. D. 1856.
THOMAS W. WARD.

CONSULATE UNITED STATES OF AMERICA,
Panama, New Granada.

I, Thomas W. Ward, consul, do hereby certify that the foregoing
is a true and correct copy of the original on file in this consulate.

In testimony whereof, I hereunto sign my name and impress the
[L. s.] seal of this consulate at Panama, this 18th day of April, A.
D. 1856.

THOMAS W. WARD.

Mr. Marcy to Mr. Ward.

DEPARTMENT OF STATE,
Washington, May 3, 1856.

SIR: I have received your dispatch of the 18th ultimo, and various
other documents relative to the revolting outrage committed upon our
citizens and the destruction and pillage of their property, committed
at Panama on the night of the 15th ultimo. I am directed by the
President to express to you his approbation of your conduct on that
trying occasion. It appears to him to have been marked with prudence,
firmness, and energy. Measures have been already taken by
this government to provide for the future security of passengers crossing
the isthmus, and the protection of their property. Vessels of
war have been ordered to Aspinwall and to Panama, with proper instructions
to their commanders to afford efficient aid in any emergency
imperilling the lives and property of passengers or American citizens,
at either place.

The conduct of the local authority and the natives, or resident people,
at Panama appears, by the account this government has received,
to have been to the last degree reprehensible on the disastrous night
of the 15th of April. The government of New Granada will be held
responsible and required to make adequate satisfaction for the injuries
and outrages perpetrated against the persons, property, and rights of
our citizens.

As there will doubtless be great discrepancy in the statements of
the sufferers, and the persons implicated in the massacre and pillage,
it is important that you should avail yourself of every opportunity to
obtain full, precise, and authentic evidence of the conduct of the parties
who participated in the wrongs, tracing as far as practicable the
successive events from the beginning to the end of that calamitous
scene. As reclamations will be made for the property destroyed or
lost by the passengers and resident American citizens, evidence of the
amount should also be collected. You will afford to the sufferers all

the aid you can give, to enable them to establish their claims to indemnity.

Steps have been already taken to exact of the government of New Granada, not only the punishment of the offenders in the outrage, but indemnity to those who have been maltreated in their persons or stripped of their property.

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

W. L. MARCY.

THOMAS WILLIAM WARD, Esq.,
United States Consul, Panama.

Mr. Marcy to Mr. Bowlin.

[No 19.]

DEPARTMENT OF STATE,
Washington, May 3, 1856.

SIR: The government has just received information of the massacre of several of the passengers across the Isthmus, and of resident Americans at Panama, on the night of the 15th ultimo, by the natives or resident population at that place. To these revolting cruelties are to be added the pillage and destruction of a large amount of property. There is not time before the next steamer—which will leave New York on Monday—to furnish you with a statement of the accounts which this government has received of that cruel outrage, in which several lives were sacrificed, and a large amount of property destroyed. You will, doubtless, have received accounts of the lamentable occurrence long before this dispatch will reach you, and will probably have anticipated the instructions herein contained. The evidence here received directly and deeply implicates not only the people, but the civil authorities of Panama, in the barbarous cruelties committed upon the railroad passengers and American citizens, and in the plunder and destruction of property. The president does not doubt that the government of New Granada has acted promptly in this affair; that it has taken the necessary steps to punish the guilty, and that it will be ready at once to indemnify those who have suffered in their persons and property.

You will take the earliest opportunity to make known these expectations of the President, and to express to that government the pain it would give him to learn that there had been any remissness on its part, either in punishing the guilty or indemnifying the injured.

It is important, not only to the United States but to New Granada, that the passage across the Isthmus should be secure from danger of interruption. For this purpose, as well as for the ends of justice, exemplary punishment should be inflicted upon the transgressors, and the responsibility of New Granada for the misconduct of its people should be recognized.

In this case the complaint against the local authorities goes beyond the neglect of their duty, they are charged with active participation in the wanton destruction of human life. It is probable that different versions will be given to the lamentable affair of the 15th ultimo, and

that each party concerned will attempt to shift the responsibility of the outrage upon the other. The President may send from the United States a person to Panama to enquire into the facts on the spot where they transpired, yet he deems it proper that you should, after presenting the case to the consideration of the government of New Granada, repair to Panama and carefully examine into the transaction. If you shall find there on your arrival a person sent from the United States you will co-operate with him in the investigation.

This is, as you will at once perceive, a very grave matter, and if not properly conducted may lead to serious consequences. In this light you will present it to the consideration of the government of New Granada. You will make to this department full reports of everything which comes to your knowledge upon the subject.

I am, sir, your obedient servant,

W. L. MARCY

JAMES B. BOWLIN, Esq., &c., &c., &c.