

THE ELIJAH HISE AND EPHRAIM GEORGE SQUIER
MISSIONS TO CENTRAL AMERICA

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THE ELIJAH HISE AND EPHRAIM GEORGE SQUIER
MISSIONS TO CENTRAL AMERICA

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By

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INTRODUCTION

The missions of Mr. Hise and Mr. Squier to Central America were undertaken as efforts to curb British expansion in the New World. From 1800-50 the movement of American development to the Pacific Ocean and the consolidation of British influence on the Isthmus proceeded simultaneously. Each movement had its influence on the other. Great Britain, fearing that her commercial supremacy and position of dominance in the Caribbean would end if the United States succeeded in establishing a dense population on the Pacific coast of North America, hastened to bring under her control as much of the old Kingdom of Guatemala as possible. The reasons back of this were strategic as well as economic, for since the date of the Mosquito alliance (1670) it was in the contemplation of British Governments to build a canal communication to connect the Atlantic and Pacific Oceans. The United States interpreted as a threat to her own natural interests this extension of British power, and determined, early in 1849, to do what was necessary to end it. Accordingly Mr. Ephraim George Squier was appointed to replace Mr. Hise who had been sent to Central America the year before to investigate the nature, extent, and aims of British agents in their aggressions upon the Mosquito Shore and elsewhere.

Before Squier could reach his post Mr. Hise had entered into an unauthorized treaty with the representative of Nicaragua, Senor Selva, which gave the United States in return for the pledge of protection over the entire State exclusive rights over the isthmus of Nicaragua. Mr. Hise had good reasons for his irregular behavior, inasmuch as there were abundant goings-on about him which made it appear that

England would usurp all Central America if the United States did not act quickly to prevent it.

Following this example, but not because of it, Mr. Squier negotiated two unauthorized treaties, one with the State of Honduras, the other with Nicaragua.

The total effect of these three treaties was to bring into sharp and direct conflict the interests of the United States and Great Britain in the isthmus of Central America. The wishes and enjoyments of the countries of the isthmus were subordinated to the diplomacy of the two great Anglo-Saxon States. But fortunately for all concerned sober councils prevailed. Great Britain saved her face by a compromise embodied in the Clayton-Bulwer Treaty of 1850, the United States was appeased by the expectation that the way would soon be cleared for the extension of her own influence where that of England had formerly prevailed, and Central America remained politically free.

It is significant to note that looked at from a world point of view the most important aspects of the work of Mr. Hise and after him of Mr. Squier were those which were either not authorized or absolutely forbidden. Had Mr. Hise or Mr. Squier been less bold, however, there are strong arguments that the United States could never have forced from the British Government a treaty as liberal as that arranged by Secretary of State Clayton. For the Hise-Selva, the Squier-Guerrero, and the Squier-Zepeda Conventions gave the United States a bargaining lever with which to force Great Britain to make concessions or go to war to maintain her position in Central America.

The chief value of these unauthorized treaties was that they could and were used as means to the end of diminishing English and increasing American power and influence on the

Isthmus of Central America.

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Summary Outline
of Thesis

- I. British encroachments lead to American intervention
 - A. Mosquito Coast
 - B. Bay Islands
 - C. Honduras and El Salvador
 - D. Nicaragua
- II. The work of Elijah Hise and Ephraim George Squier in Central America.
 - A. Purposes of their missions; to what extent accomplished
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- III. Influence of the Hise and Squier Missions on the negotiation of the Clayton-Bulwer Treaty
 - A. The use to which the unauthorized treaties of Mr. Hise and Mr. Squier were put by Secretary of State Clayton.
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CHAPTER I
BRITISH ENCROACHMENTS IN CENTRAL AMERICA
LEAD TO AMERICAN INTERVENTION

Spain was the first state to attempt the large-scale colonization and occupation of the New World. By the middle of the sixteenth century her dominions included all of Central America and almost all of North and South America. It was not long, however, before other powers, England, France, and Holland, began to contest the right of Spain to the enjoyment of her vast and rich holdings. Of these states the most generally successful was England.

The origin of British claims to any part of Central America dates from the operations of buccaneers off the coast of Yucatan. There, in the Bay of Terminos, they preyed on Spanish commerce between Campeche and Vera Cruz until their depredations became intolerable. After a protracted contest, marked by great brutality and bloodshed, the Spanish succeeded in ejecting all Englishmen from their haven Bay. These now migrated to another Spanish holding, the mouth of the Belize River.

After establishing themselves on the Belize River by building crude hut dwellings the English buccaneers began to rob Spanish ships engaged in carrying dye-woods to the mother country and elsewhere. As time passed the occupation of cutting and shipping dye-woods became more attractive to the pirates and they took up the industry, providing for themselves the necessary settlements. This, of course, contravened the Spanish policy of excluding foreigners from the colonial realm. Hence expeditions were organized, and successfully carried out against

the English in 1717. All of their establishments were burned, or otherwise destroyed. This development seemed for a time to terminate the issues between Spain and England in this part of the world.

Shortly thereafter, however, Spain abandoned occupation, though not sovereignty, of that portion of Yucatan which borders on the Bay of Honduras, for the reasons that the hostility of native Indian tribes centering in the town of Bacalar was growing more intense, and that increased hostility toward the Spanish caused those tribes to provide sanctuary for smugglers and pirates. The most notorious of the latter was Peter Wallace, an English-Scotchman, who with eighty companions reentered the mouth of the Belize River and settled the surrounding districts. This location, protected by shoals, reefs and marshes, was so favorable for buccaneering that it was some time before Spanish authorities were aware of the nefarious activities and designs of the intruders. Once apprized, however, of these extensive encroachments, the governor of Yucatan, Don Antonio de Figueroa y Silva, acted with decision, and in 1725 the English were ousted. But the British, after a short delay returned with reinforcements and occupied their former establishments. With this reverse the Spanish forces withdrew. Senor Figueroa's expedition was the last one made against the British in Belize until 1754. In that year a poorly led force of 1500 men organized in Peten, Guatemala, were met by 250 wood cutters and completely defeated.¹ Now England's advantage in the area

¹ Hubert Howe Bancroft, History of Central America, VII, 628-9.

threatened to become the basis for a political severance of the province from other Spanish possessions in the New World. But the war with France was pressing hard upon English resources and in consequence the British Government made the proposition to Spain that in return for aid against France all English settlements established in Belize after October 1748 would be abandoned. Nothing, evidently, came of the scheme. It must have been clear to the Spanish Government that English activities in Belize before 1748 had been on a scale large enough to build numerous settlements, that those settlements would persist, and that with their inevitable expansion the right of occupation would be argued with more and more effectiveness. So the situation remained as it was. English activities and Spanish anxieties increased. Finally, the two countries being then at war, Spain decided, 1779, to rid Central America of the English once and for all. The governor of Yucatan, Don Roberto Rivas Ventanar, proceeded against them and enjoyed marked success, until three men-of-war fitted out in Jamaica arrived and reestablished the English. This ceaseless dispute was damaging to the material interests of both countries; and, arms having been tried for many years in the settlement of the issues involved, diplomacy was made a last resort. In 1783 the Treaty of Versailles was negotiated. This treaty defined the limits of Belize and the rights of English wood cutters therein, but specified that no stipulation in the treaty should be so construed as "derogating in any wise" the rights of Spanish sovereignty in the territory. The limits set forth in this document were too confining to the restless and aggressive wood

cutters, and were soon violated. Naturally these violations became the subject of diplomatic correspondence; out of which came in 1786 the Treaty of London. In this instrument England recognized all lands in question to belong to the Crown of Spain, and obtained only the concession to occupy them indefinitely for purposes of trade. It was not long, however, before limits were broken and affecting to forget that they were entitled merely to the usufruct of the country, the British set up a provisional government, raised troops, built forts, tilled the soil, and exercised every right implying full sovereignty. In 1798 Governor O'Neill of Yucatan made an expedition against the English with the object of compelling them to abide by the terms of the Treaty of 1786. He destroyed a number of settlements on the Rio Nuevo, but was afterward repulsed by the colonists and slaves of Belize. This circumstance England now employed to claim the right of conquest over the territory occupied by British settlers. But neither Spain, nor Mexico after her independence, recognized these pretensions. And on December 26, 1826 when another Treaty of London was negotiated, this time between Mexico and Great Britain, the latter subscribed itself to regard as valid and observe all the provisions of the Treaty concluded between the Spanish and British crowns, July 14, 1786. But, as before, British encroachments continued. Territorial extensions were consolidated in 1836 and a British Superintendent appointed by the Crown came to take charge of the administration of the colony. On November 2, 1840 Superintendent Colonel Alexander MacDonald set aside the laws and usages of the country, and declared that from that date the

law of England should prevail and that all local customs and laws repugnant to the spirit of the law of England and opposed to the principles of justice and equity should be null and void. From this time on gradual modifications in favor of becoming an integral part of the British Empire were introduced into Belize. These were climaxed, during the American Civil War, when in 1862 the settlement was decreed to be a British colony. A Lieutenant-Governor, under the Governor of Jamaica, was invested with general powers of supervision over the colony. In 1871 it became a Crown Colony and was separated from Jamaica in 1884.

As illustrating the character and course of British aggression in Central America the acquisition of Belize or British Honduras is an excellent case in point.

More directly related to the advent of American intervention against the designs of Great Britain in Central America was a long series of encroachments against Nicaragua through Mosquitia. Along the Atlantic shore of Nicaragua lived a roaming, warlike tribe of Indians never brought completely under Spanish rule. Their language, or rather a rude dialect, was spoken in an unbroken line from Cape Honduras to the Rio de Desaguadero, and inland as far as the Black River. After the Spanish discoverers, English buccaneers were among the first to visit the Mosquito shore, as this littoral came to be called. Here, as in Belize, were many natural shelters, and especially so around Cape Gracias a Dios, which soon became the headquarters of piracy in the New World. Settlements were established close on the heels of the pirates and by 1670 they had become a menace to the Spanish. But Spain was in no condition

to act forcibly in defense of her rights against the British, and so the Treaty of Madrid, in which the rights of the English in the area were both recognized and protected, was negotiated that same year. Also in 1670 a defensive--offensive alliance was concluded between Great Britain and Mosquitia. The latter became the ward, the former the protector. It was in this relation that the British Government regarded its new ally, and in 1744 Colonel Robert Hodgson was appointed superintendent of the shore. After he had obtained from the Zambo or Chieftain of the Mosquitos an outright cession of all his territory to the British, forts were erected and ordinance mounted throughout the territory and the Union Jack hoisted. This high-handed procedure offended and aroused the Spanish, and in 1750 they threatened to remove the English. To meet this unexpected turn of affairs in a way not damaging to their own and satisfactory to Spanish interests, Hodgson was instructed to represent that his presence in Mosquitia was for the sole purpose of preventing native depredations on Spanish settlements. This "plea" was accepted at its face value for a short time, but continued English-Mosquito encroachments forced the Spanish to the reluctant conclusion that they had been deceived. At once steps were taken looking to the forcible removal of all British authorities from the region. This object was accomplished by the Treaty of Paris, 1763, which stipulated that England should destroy all forts which she had caused to be erected in Spanish provinces, including Mosquitia. Upon the exchange of ratifications the English did withdraw from Mosquitia. But only in a military sense. Civil settlements remained, and these, in

anticipation that England would sooner or later acquire the area and provide for it a provisional government, bought a large tract of land, thirty square miles on each side of the Polly River. The expectations of the settlements were fulfilled when Lord Dartmouth was commissioned to frame a new system of administration for Mosquitia. This system was put into effect by Sir Basil Keith, Governor of Jamaica. Affairs were generally reorganized, and Hodgson, who had been only temporarily successful in his representations to the Spanish, was replaced by Colonel Lawrie. This renewal of English pretensions to a part of the New World which had long been recognized as belonging to Spain was resented by her as unjustifiable in its intent and unworthy in its sponsorship. Accordingly, in 1782 Matias de Galvez, captain-general of Guatemala, marched against the English and expelled them. He, himself, was then forced to retire by the relief expedition sent out against him from Jamaica under the command of Colonel Despard. The following year a treaty was signed, by the terms of which England agreed to abandon all her settlements on the Spanish continent, but not on the American continent. Results of the agreement were indecisive for both powers, but more particularly for Spain, because England was yet unremoved from Mosquitia, and there were no indications that she would leave. This fact constantly irritated the relations between the two countries during the next three years. Finally in 1786 another treaty was arranged. By its terms England recognized Spanish sovereignty over the usurped area and agreed to and did evacuate it. From that time England maintained no relations with the natives of Mosquitia until

Spain had lost all her possessions in the New World.

Against Spain in Nicaragua English aggressions were never so extensive as in Mosquitia. Nevertheless some attempts were made to expel all but English influence from the Desaguadero. At the mouth of the Rio de Desaguadero (later changed to Rio San Juan de Nicaragua) is situated San Juan, the commercial center of Nicaragua. To protect this key city, the Spanish had erected twelve military stations extending from the mouth of the River to the Gran Lago de Nicaragua. The most important of these from the standpoint of conducting military operations was San Carlos. In 1769 a British military expedition of 200 men with 50 vessels attacked that station. Its governor, Pedro de Herrera, lay at the point of death and surrender to the British appeared certain. But at the critical moment his sixteen-year-old daughter assumed command and the Spanish were able to repulse the invader with great loss. Not discouraged, the English made a second attempt in 1780. The expedition was this time organized more elaborately and with greater attention to detail. Major John Polson was in command. He was assisted by Post-captain Horatio Nelson, later the hero of Trafalgar, who had charge of 200 marines. The objective of the expedition was to capture Fort San Juan, which protected the city of San Juan, take possession of the Desaguadero and Lake Nicaragua, occupy the cities of Leon and Granada, and thus to sunder the Spanish provinces of Central America. Another object in view was the capture and retention of the route for an interoceanic canal, a project then dear to the heart of the English nation.² After a siege of ten days during which the

² Ibid., 609.

British had had the earnest assistance of George King, Chieftain of the Mosquitos, and a large number of his subjects, San Juan was taken by storm. But this success was in vain. With the advent of the rainy season Polson's forces were so severely decimated that out of 1800 men only 380 were left; and these were in such a state of weakness that burying the dead was neglected. A retreat was imperative. And when it was finally ordered the relieved men gathered strength enough to straggle into Jamaica and thus escape the heavy hand of death.

These relations with Nicaragua were but an interlude in British aggressions upon Mosquitia. Great Britain renewed direct relations with Mosquitia shortly after Colonel MacDonald had been appointed Superintendent of British Honduras in 1840. Since 1807 there had been some connection between the Kingdom of Mosquitia and Belize, but none directly between that Kingdom and Great Britain. The occasion for the resumption of the relationship of 1670 was the "discovery" by Superintendent MacDonald and his subsequent dispatch to Great Britain of certain papers and documents taken from the archives of Belize and purporting to show that for nearly two hundred years the King of Mosquito had been the faithful ally of Great Britain. When these papers and documents had served to recall this alliance, H. B. M. Government "determined to take the King and Kingdom of the "Musqueto Shore" under its special care and protection," and to "defend the King in the possession of his Throne, and his Heirs after him, as well as Kingdom from all encroachments whatever."³ Regarding the extent and boundaries

³William Ray Manning (Editor), Diplomatic Correspondence of the United States, Inter-American Affairs, 1831-1860, III, 162.

of the Mosquito Kingdom neither Colonel MacDonald nor any British agent in Central America could tell with any degree of certainty, but it was generally presumed that the Kingdom extended along the Atlantic coast from Cape Honduras near Truxillo to Boca del Toro and inland three hundred to four hundred miles.

Acting on this presumption MacDonald decided to attempt to obtain Nicaraguan recognition of the relation between the Kingdoms of Mosquito and Great Britain and the extent of the former's boundaries. Diplomatic efforts toward this object failing it was decided to employ more efficacious and speedy means. On August 12, 1841 MacDonald arrived in the port of San Juan del Norte aboard the frigate, Tweed. He was accompanied by another armed sloop under the command of Captain Peter Shepherd. Immediately after weighing anchor MacDonald sent a messenger to the Comandante of the Port, Lieutenant-colonel Quijano, requiring his recognition, on behalf of the Government of Nicaragua, of the Mosquito King as the ally of Great Britain. Quijano refused, and persisted in his refusal until August 15 when he was seized by British troops and carried away by the Tweed to a desert island several miles from shore and stranded there. The Nicaraguan Government protested in a note to British Vice-Consul, John Foster, denounced the acts of the British officials at San Juan as high-handed, accused MacDonald of usurping the name of H.B.M. in supposing her to be an ally of the so-called Mosquito King, and set forth by lengthy arguments the rights of Nicaragua to the Mosquito Shore.

This protest was ignored and on the following November 10, 1841, Mr. Patrick Walker was appointed to mediate

the boundary dispute between Mosquitia and Honduras (a dispute which the British had instigated) and to act generally as British Consul General to Mosquitia and the Regent of the Mosquito King. Early the next year (i. e., before April, 1842) Mr. Frederick Chatfield, H.B.M. Consul General resident at Guatemala City, boldly informed Nicaragua that the coast between Cape Gracias a Dios to the mouth of the San Juan River was comprehended within the territory of "His Mosquito Majesty".

Contemporary with these proceedings certain British subjects raised claims against the governments formerly composing the Federation of Central America to the amount of \$47,613 for alleged illegal seizure of property, etc. On April 16, 1842 Colonel MacDonald signed, together with Sir Charles Adam, Commander-in-Chief of H.B.M. Naval Forces of North America, a preemptory demand for immediate satisfaction of British claims, and directed to Juan Jose Flores, Foreign Minister of Guatemala.⁴ Neither Colonel MacDonald nor Sir Charles Adam had been accredited for the purpose of making such representations to the Government of Guatemala or any Government of Central America. Nevertheless the States of Guatemala and Honduras paid that portion of the claims levied upon them. San Salvador issued a decree convoking British subjects to appear before a Commission appointed to examine their claims. Nicaragua treated the subject of claims upon her in

⁴Ibid., 198.

a manner that was evasive and irritating to the British. In consequence Sir Charles Adam blockaded the port of San Juan on June 18, 1842.

This blockade was not rigorously enforced, but it remained in effect until the war between the United States and Mexico was drawing to a close. Partly as a consequence of that war Great Britain decided on more definitive measures to procure her objects in Nicaragua. Hence, relations with that Republic remained bad. Fundamentally there were two causes for animosity between the Governments of Great Britain and Nicaragua: first, the British use of force to collect claims; and, second, the relations of the Kingdom of Mosquito with England. The former was always impending if satisfaction was withheld, and the latter a constant source of embarrassment and irritation to Nicaragua. Respecting it the British Government announced, in a communication under date of September 1, 1847 from Pac (Patrick) Walker to Sebastian Salinas, Foreign Minister for Nicaragua, that having examined the documents appertaining thereto it had decided upon making Mosquitia a protectorate. Nine days later Mr. Frederick Chatfield identified the boundaries of the Mosquito Kingdom in a letter to Senor Salinas as "extending from the Cape of Honduras to the Mouth of the San Juan River" "without prejudice to the right which said King of Mosquito may have to any territory to the South of the San Juan River".⁵

To this despatch Senor Salinas, Foreign Minister for

⁵
Ibid., 250.

Nicaragua, replied in a long letter dated October 14, 1847.

He asserted that the Mosquito Indians lacked the characteristics of sovereignty and did not possess a nationality except as Great Britain gave them one, and added bitterly:

As a matter of fact, Sir, the whole thing is reduced to certain savages who roam the deserts and the forests of the coast of Honduras and Nicaragua, living by hunting and fishing, without buildings, without a known language, illiterate, without arts, without commerce, without laws, and without religion, which in accordance with recognized principles would give them the appearance before the civilized world, as constituting regular society, and, what is much more, an empire. What is unquestionable, if we are to speak frankly, is that a few British subjects, protected by the neighboring establishments of Jamaica and Belize, and in connection with the trade established by the Spanish Government and later by the Central Republic, were able to come to the said coasts and become acquainted with that tribe, and observing certain unexploited and abundant natural products in that part of the territory of Central America, and its advantageous geographical position, were seized with the desire to appropriate it, deciding as a means to this and to teach improperly their English language and part of their customs to some of the said Mosquitos, to take with them the son of some favorite family among them, to educate him in their fashion, and thus prepare that instrument which would serve their designs with the title of King. This fantastic personage has not presented himself nor can he present himself before the civilization of the nineteenth century, nor seek recognition by this government or other neighboring ones, since there neither can nor should be any sovereignty in that savage portion of the Central American people, as such a fact would confer a right on the savage hordes existing in various portions of the globe so that, under the protection of some other government they might form kingdoms, and, being placed on the same footing with the civilized states, set limits to civilization, and establish universal disorder and anarchy. Those who have announced and proclaimed the chief of the said tribe as a sovereign and ally of the English Government are subjects and agents of Her Britannic Majesty, but not one of those same agents has been able to present or has presented to any of the governments of Central America credentials showing him to be a proper and direct agent of the supposed King of the Mosquitos; nor has Great Britain herself accredited a single charge d'affaire to these cabinets in order that he might have raised questions of sovereignty, territory, etc.⁶

⁶Ibid., 251-2.

The protest was disregarded and subsequently Great Britain sponsored numerous protests against the "usurpations" of Nicaragua upon San Juan and "the territory of the King" of Mosquito. Finally, Nicaragua failing to comply with the "high principles governing the relations of States," it was decided by the "King in Council" to "give orders to remove the Nicaraguan establishment from its present position at the mouth of the San Juan River". This was accordingly done by George Hodgson, Member of the Council of State, in a communication under date of October 25, 1847 to the Comandante of the Port of San Juan, Senor Don Rafael Bermudez.⁷

There was no alternative left Nicaragua but to seek the friendship and alliance of some great power strong enough to resist the aggressions of the British. The United States was the logical power to turn to and on November 12, 1847, Pablo Buitrago, who was temporarily acting as Foreign Minister of Nicaragua during the illness of Senor Sebastian Salinas, addressed an appeal to James Buchanan, Secretary of State, for the mediatory and if necessary forceful intervention of the United States against Great Britain. Senor Buitrago represented it that the purpose of England in Nicaragua was not "to protect the trifling tribe of Mosquitos, but to establish her dominion at the Northern extremity of the line, affording the greatest facility for a canal connecting the two Oceans".⁸

As the time neared for the British to carry out their

⁷ Ibid., 256.

⁸ Ibid., 257.

threat against the port of San Juan agitation within Nicaragua increased. The appeal of November 12 was renewed December 15, 1847, this time by Jose Guerrero, President of Nicaragua, in a letter addressed directly to President Polk of the United States. This communication carried the salutation "Dear and Good Friend", and it plead for the United States to come to the aid of Nicaragua in her unequal dispute with England. To make his appeal stronger, knowing that a transisthmian canal was a part of the program of the Polk Administration, Senor Guerrero argued that it was "the well known design of the Court of London, to establish colonies on our coasts, and to render itself the master of the interoceanic canal for which so many facilities are presented by the Isthmus in this State"⁹. Senor Guerrero expressed the hope that this British design would not be allowed by the United States to be consummated.

On the same date that this communication was made to President Polk a similar one was directed to Henry Savage, United States Consul in Leon. In this one Guerrero contended that British aggressions in Central America and particularly Nicaragua were undertaken "with a view to establishing her mercantile, maritime and political preponderance on the American Continent, and to opening a more direct route into Asia and other important countries". And further argued: "A nomadic, weak and destitute tribe, whose established chief, a King of

⁹ Ibid., 259.

farce, provokes laughter even from those who have set him up to serve as their tool, is the pretext taken for usurping the most valuable part of the northern littoral of Nicaragua up to its best port, San Juan.¹⁰ In view of these considerations Mr. Savage was urged to use his influence with the American Government to the end that an alliance with Nicaragua should be perfected to guaranty the "Continental Right" of the New World.

The United States was sympathetic toward Nicaragua from the very beginning of her quarrel with Great Britain. As early as November 5, 1847, Mr. Henry Savage had written Senor Noberto Ramirez to say that the preponderant strength of Great Britain, made it inadvisable for Nicaragua to undertake war against her, but ought rather to attempt to settle all issues by means of diplomatic channels while at once seeking an alliance with the United States. Senor Ramirez was a private but influential citizen of Leon who was thought to have the confidence of his Government, and he was expected to convey the counsel of Mr. Savage to those quarters where it would do the most good. He did so, and the Nicaraguan Government was thus persuaded against a course which could have and was recognized not to have any other end than war. On December 15, Senor Ramirez reported to Savage that Nicaragua would have recourse only to diplomacy in relations with Great Britain over the impending seizure of San Juan, but intimated that the Nicaraguan Government was ready to seek admission into the

¹⁰ Ibid., 260.

Federal Union of the United States. It was also urged upon Mr. Savage to become the Agent of the Nicaraguan Government to negotiate with the United States for the best means of preventing the consummation of British Schemes.

So far as Nicaragua becoming a part of the American Union no results were realized from this correspondence. And on the following January 1, 1848, Mr. Patrick Walker, acting under orders from Lord Palmerston, with 150 men and two war vessels, the Cutter and Vixen commanded respectively by Captains Harry and Rydder, occupied the port of San Juan del Norte, tore down the flag of Nicaragua and "trampled upon" it in the streets and "abused the employees of the Government of Nicaragua in their own quaters"¹¹. Before retiring from the port with his forces Walker appointed George Hodgson, Governor, and J. W. Little, Captain of the Port, and left to support them one subaltern and four soldiers.

This act of insult following upon usurpation, though not unexpected, completely stirred the Nicaraguan citizenry. To a man the sentiment seemed to prevail that to be wiped off the face of the earth was preferable to sitting by and doing nothing while their country was raped by a power which had no more of an excuse for subjecting it to such treatment than that it could do so with impunity. An army was hastily gotten together, and by January 8, it was a small but determined band. Commanded by Captain Don Matso Pineda, an attack was begun against the British in San Juan the following day. It was

¹¹ Ibid., 267, 269.

completely successful. A battalion under Lieutenant-colonel Senor Don Antonio Sala captured Governor Hodgson and Captain Little. Pineda reestablished Nicaraguan authority in the port, and ordered the prisoners, Hodgson and Little, taken to Leon and incarcerated there.

For the time being the Nicaraguans were left unmolested. Mr. Savage took advantage of the favorable moment to reassure the Government of Nicaragua, February 11, 1848, on the good faith and pacific intentions of the British. He said:

I can scarcely persuade myself that the British Government would wish to take possession of any part of the recognized territory of the State of Nicaragua, the President of the United States having publicly proclaimed to the world that he would not consent to such usurpation. What is more, the English Government has made sacrifices in order to avoid war with the United States, in the settlement of the Oregon territory, and has yielded in the boundary question of the Northeast frontier of Canada, settling the disputes rather than to run the risk of undertaking war to uphold her Claims. In truth, I doubt that in her present situation, she would desire, by taking possession of all Central America together, to bring upon herself the burden of a war with the United States, when there is a moral certainty that she could not keep Nicaragua, even in case of having conquered it, if the inhabitants of the Country should not consent to it.¹²

These sentiments probably had the effect of returning Nicaragua to her former policy of treating with England only through diplomatic channels. Nevertheless on February 12, 1848, the British returned to San Juan with a formidable fleet, reoccupied the port, and Commander Granville G. Lock aboard the Alarm proceeded up the San Juan River with the object of destroying all Nicaraguan military establishments set up after January 9. About noon the battery of la Trinidad, situated at the confluence of the Serapiqui with the San Juan River, was attacked

¹² Ibid., 273.

and the guard defending it dispersed after a sharp action of about one hour and forty minutes. From thence Lock sailed up the River to the Fort of San Carlos, for the British were determined to exercise control over the Mosquito claim as far up the San Juan River as the Rapids of Machuca, and made himself master of that place. The Administrator of the Customs House and the Military Governor were taken prisoners. Now the British had a bargaining-lever with which to demand the return of Hodgson and Little. Besides they were in a position of complete domination over the principal part of the contemplated canal route. This gave them a bargaining capacity with the United States.

Neither opportunity was neglected, but the former was given first attention. Commander Lock invited the Nicaraguan Government to send commissioners to treat with him for a settlement of the issues raised in the recent controversy, but made it clear that the bases of the negotiations must be the release of Hodgson and Little and return of the articles taken from San Juan on January 9, the promise of satisfaction for "outrages" committed on the British flag, and a pledge of security that the inhabitants of San Juan should not in the future be disturbed.

Although these bases were utterly at variance with the calculations and desires of the Government of Nicaragua there was no alternative left it but to accept. Three commissioners, Dr. Juan I. Zavala, Dr. Francisco Castellon, and Dr. Jose Maria Estrada, were accordingly appointed to treat with Commander Granville G. Lock, British Commander-in-Chief

at San Juan. These commissioners met together on the tiny island of Cuba in Lake Nicaragua, and on March 7, 1848 concluded a treaty containing the following stipulations. First, Nicaragua agreed to surrender Hodgson and Little taken prisoners when San Juan was taken from the British. Second, Nicaragua offered an apology for having lowered the Mosquito flag which was under British protection. Third, the Government of Nicaragua solemnly promised not to disturb the peaceful residents of the port of San Juan, "with the understanding that such an act would be considered by Great Britain as a declaration of hostilities". Fourth, Nicaragua agreed that the British tariff system set up after January 1, should operate undisturbed, "and no custom house shall be established in the environs of port of San Juan prejudicial to its interests". Fifth, the British agreed to retire from Fort San Carlos to Fort San Juan. Sixth, the Government of Nicaragua, through its diplomatic representative near the Government of Her Britannic Majesty, might solicit a definitive settlement of the controversy between them.

By the third and sixth articles of this convention Nicaragua is restricted to a negotiation with England for a final settlement of their differences, and any attempt to disturb the latter's possession of San Juan was recognized by the Government of Nicaragua to constitute an open declaration of war.

This arrangement makes it appear that the immediate object of Great Britain was to humiliate Nicaragua into com-

¹³Ibid., 280.

mitting an act sufficiently grave to serve as the pretext for war, and ultimately to allege the right of conquest in taking over the entire territory of that state. But, under the guidance of American agents, Nicaragua maintained an exemplary forbearance until a final settlement was effected. And thus stoutly disappointed British hopes.

After March 7 the English authorities, headed by H.B.M. Consul General Mr. H. D. Christy, were in absolute control in San Juan. They ruled without written laws or regulations and Mr. Christy acted as a dictator, "his will being the law beyond which there is no appeal".¹⁴ The Mosquito flag was left flying, but there was generally no deference to Mosquito authority. The British, it appears, were watchfully waiting for a fit opportunity to throw off the shallow disguise of "Protector of the Mosquitos" and to declare the subjugated shore a British colony. As a first step in this direction Mr. Christy confiscated all land held by Nicaraguan authorities in San Juan preceding January 1, 1848, and sold it "not as the¹⁵ Agent of the Mosquito King, but as "H.B.M. Vice Consul". This act was protested by the Nicaraguan Government, but to no avail. Early in the next year (i. e., before April, 1850) Mr. James Green succeeded Mr. Christy and one of his first acts was to pull down the Mosquito and hoist the British flag over the Fort at San Juan. No explanation accompanied this proceeding, but it was generally regarded throughout Central America as confirming what was suspected to be the true British

¹⁴ Ibid., 381.

¹⁵ Ibid., 381.

policy toward Nicaragua as one of gross aggrandizement.

But British aggressions were not confined to operations against Nicaragua. In 1841 the "Colonial Government at Belize" took formal possession of the unhealthy but strategic Bay Islands (Ruatan, Bonacco, etc.). These islands derive their value from the fact that they command the entrance into Trujillo, the chief port of Honduras. A garrison of British soldiers was quartered upon them after notifications had been given of occupation "with the openly avowed object, and determination, to hold the Possession against all the World".¹⁶

Later circumstances developed which precipitated the English into making raids upon the Honduran ports of Trujillo and Omoa, and seizing the Tigre and other islands in the Bay of Fonseca. Both of these depredations took place in 1849. At the same time parallel movements against Salvador were being executed. On October 26, 1849 the port of La Union was blockaded and the islands of Minaguera, Conchaguita, Punta de Sacate, and Perez, all in the Bay of Fonseca, were seized.¹⁷

Since 1847 Great Britain had encouraged Costa Rica to raise claims to the north bank of the San Juan River. Without much hesitation Costa Rica fell in with this plan and late in 1849 concluded a treaty with Mr. Chatfield by which England pledged protection over all Costa Rican claims upon Nicaragua. This was designed to blanket any right-of-way which the American agents might acquire for the United States through the isthmus.

Such a state of affairs the United States was no longer willing to tolerate. But the fact that the State Depart-

¹⁶ Ibid., 164.

¹⁷ Ibid., 453.

ment did not possess sufficient information was a positive deterrent to the formulation of an adequate and enlightened policy. The appointment of Mr. Elijah Hise, for the purpose of gathering the needed information, was supposed among other objects to overcome this deficiency. The aim of his successor, Mr. Ephraim George Squier, was to negotiate a treaty with Nicaragua which should grant the United States certain rights over the isthmus for the purpose of constructing a transisthmian canal. If this should be achieved the designs of Great Britain would be brought to a halt and perhaps completely nullified.

Without mature consideration it appears that British aggressions in Central America were solely a matter of lust. But upon closer scrutiny it becomes clear that there were powerful incentives to the actions taken. The rapid spread of American influence to the Pacific coast, and its inevitable consolidation by means of an increasing population, threatened to displace the commercial supremacy of Great Britain in the New World. Moreover, it was clear to the statesmen of both countries that either the United States or Great Britain, must soon acquire control over a transisthmian canal. Such control would add, not only increased commercial and investment opportunities, but power and prestige to the nation possessing it. And Great Britain was not slow in realizing that, because of the great strides of progress made by the United States and the consequent diminution of her own chances for obtaining unrestricted control over all possible canal routes the time was then or never (during the 1840's). This recognition has its roots in historical facts. In 1846 the controversy with

Great Britain over Oregon had been settled to the advantage of the United States. Also in 1846 the United States negotiated a Treaty of Commerce and Amity with New Grenada by which rights across Panama were acquired in return for the guaranty of Grenadian sovereignty over that province. In the following year, 1847, the war with Mexico had been fought, and by 1848 the United States had established its influence on the Pacific.

These facts militated against the spread of British influence. But it was not becoming to the "enlightened Government of Her Britannic Majesty" to undertake schemes against Central America simply because the United States was expanding. In consequence old claims were raised and new arguments invented to palliate the elastic consciences of British imperialists.

Exactly in what those old claims consisted appears from a document prepared by Sir Gregor MacGregor for the British Parliament, 1847. In the first place it was contended that Spanish sovereignty had never extended over Mosquitia because the Xicaqui, Moscoe and Zambo Indian Tribes had never been subjugated. As evidence of this independence MacGregor asserted that English buccaneers though always willing to attack Spanish settlements never once disturbed the Indians along the Mosquito shore. This was because those Indians were not considered to be under the sovereignty of Spain. It was also argued that due to this independence of the Mosquitos and because they were sovereign in their own territory and had the capacity to do so an alliance with Great Britain was formed in 1670, while the Duke of Albermarle was Governor of Jamaica, that since 1744 the British had maintained a Superintendent of the Mosquito Shore

to have charge and watch over British interests there, that the pledge to withdraw from the Continent, given in 1786, referred to the Spanish Continent, not the American Continent, and in view of the fact that Mosquitia was situate upon the American Continent, English forces and influence were not subject to the article of withdrawal in the Treaty of London of that year. ¹⁸

These were the principal arguments advanced on behalf of the British claim to Mosquitia by Sir Gregor MacGregor and accepted by the British Parliament.

An official analysis of the same claim was made in a letter by Lord Palmerston under date of July 16, 1849 to Senor Francisco Castellon, Nicaraguan Charge d'Affaires to Great Britain. In this despatch two principal arguments were propounded: first, that the Mosquito territory did not form an integral part of the domains of Spain in Central America, and second, that in the Treaties of 1783 and 1786 between England and Spain, it was a question less of stating the rights of the latter than of regulating the relations of the British subjects who were engaged in commerce and industry on the coasts, with the inhabitants of the country and with the authorities which the Spanish Government had established there.

By these arguments Palmerston claimed to have proved that Nicaragua as heir to certain Spanish rights in Central America had no just claims to the Mosquito coast, and that in view of the temper prevailing in Nicaragua toward the claims asserted by and on behalf of the Mosquitos British protection

¹⁸British Parliamentary Documents, "Commercial Tariffs", 1847, LXIV, 27-40.

over that Tribe was indispensable to its security.

The duty of answering Lord Palmerston devolved upon Jose de Marcoleta, successor to Castellon. Each of the basic claims of the British was treated at length. Respecting the first Marcoleta showed from the recopilacion de Indias and other Spanish sources that Spain had always regarded the Mosquito Shore as a part of her territory and sovereignty in Central America, that furthermore no legal arguments to the contrary had been raised by the British. The second argument of Palmerston was disposed of by citing the language of the Treaties of 1783 and 1786, in both of which Spanish sovereignty over Mosquitia is recognized and British settlements therein permitted only in consequence of the generosity of the Spanish Crown.²⁰

From this interchange it becomes clear that British claims to the Atlantic Coast of Nicaragua were extremely weak, and that Spanish neglect of the area had given rise to the circumstances which later led to a question of Spanish sovereignty. Nevertheless it appears conclusive that title belonged to Spain and after her Nicaragua, and that English activities in Mosquitia were of the nature of usurpations.

¹⁹ Manning, op. cit., III, 370-74.

²⁰ Ibid., 447-49.

CHAPTER II
THE WORK OF ELIJAH HISE IN
CENTRAL AMERICA

Early in April, 1848, Elijah Hise, a Kentucky lawyer of exceptional talents, was appointed by President Polk Charge d'Affaires to Guatemala. At the time the United States Government was greatly disturbed over British aggressions in Central America, especially in Nicaragua, where the British Government had set up a protectorate over the Mosquito Indians. It was the aim of the Polk Administration to learn through Mr. Hise the extent of the British activities and to secure a general survey of the situation in Central America, with a view to adopting a specific policy. This was not, however, the only object of the mission of Mr. Hise. For due to the extension of the American Pacific coast and the likely settlement to follow therein the Government of the United States felt admonished to cultivate and strengthen, "in the spirit of wise forecast, relations of friendship and commerce with the other governments whose territories border upon that ocean". And for the sake of steady relations of commerce with the states of Central America, Mr. Hise was definitely instructed to impress upon them that domestic dissensions and political controversies could and should be settled by recourse to the ballot box. Of the states into which the former Federation of Central America had dissolved, Guatemala was the most populous and powerful. Mr. Hise was, consequently, instructed to facilitate the most friendly relation between that Government and the United States. Guatemala

was to be urged to accept the unperfected treaty of July 14, 1838 which was a renewal of that of December 5, 1826, and which provided for the regulation of commerce and navigation between the two countries. In his relations with the other four states of Central America Mr. Hise was directed to encourage a Federal Union with Guatemala on the model of that which had existed before 1839. Finally, statistical information on the Mosquito Tribe was to be gathered and compiled for the use of the Department of State; and a treaty of commerce and amity negotiated with El Salvador.¹ Mr. Hise was forbidden in his instructions to enter into treaties with Nicaragua, Honduras, and Costa Rica. The reason for being thus restrained was that Mr. Buchanan felt that not enough reliable information was possessed by the American Government to warrant it making or reciprocating commitments which might have the effect of embarrassing relations with any great power, notably England.

It is immediately discernible that the significance of this restriction upon the liberty of Mr. Hise was that he could not deal with a single power directly interested in the contemplated canal communication across the isthmus.

Due to a mistake in choosing the correct route to follow in proceeding to his post Mr. Hise did not arrive in Guatemala City until November 17, 1848. He was satisfactorily received by all of the countries of Central America, but Nicaragua and Honduras were most fulsome in their welcomes. The latter pledged to defer to any proposal Mr. Hise might consider expedient for the welfare of Central America and promised

¹Manning, op. cit., III, 31-5.

to second his wishes in any undertaking. In only one country was coolness toward Mr. Hise manifested. British influence had long been a factor in the affairs of Costa Rica, and when the American Charge arrived in the isthmus it was apparent that in any relations with that state English agents held the balance of power. Nevertheless, Joaquin Bernardo Calvo, Minister for Foreign Affairs, expressed a willingness to treat with Mr. Hise in arranging some sort of commercial plan with the United States.

This declaration by Senor Calvo was the result of a letter of January 10, 1849 from Mr. Hise, in which Costa Rica was urged to send a negotiator to conclude a treaty of "Commerce, Navigation and Amity". Though this was in direct contravention of his instruction upon how to conduct his mission with respect to relations with Costa Rica, the plan of Mr. Hise for a treaty failed only for the fact that there were so many difficulties in the way of communications with the Government of Costa Rica.

The same difficulties were encountered in dealing with El Salvador but to a lesser extent. By far the most troublesome obstacle to carrying out his instructions to form a treaty of commerce and amity with that state was the fact that its relations with Guatemala were exceedingly bitter and hostile. Shortly before Mr. Hise arrived in Central America there had been a revolution against Rafael Carrera's rule in Guatemala. Salvador was accused of aiding and encouraging this revolution, with the result that travel upon the roads of Guatemala was unsafe for Salvadorians. And it was not likely, in the estimation of Juan J. Bonilla or his successor in the Ministry of Foreign Affairs, Rafael Pino, that the Government of Guatemala

would pass over the opportunity to insult the representatives of Salvador even should they arrive safely in Guatemala City. This situation made negotiations in Guatemala City out of the question, and Salvador asked that treaty arrangements with the United States be postponed until more favorable circumstances arrived. Mr. Hise was impatient with this suggestion, and took occasion to say that if commissioners were not ready to confer with him by June 15, 1849, it would be fruitless for him to remain in Central America longer. The Government of El Salvador was unwilling to meet the terms of Mr. Hise and instead of sending commissioners to Guatemala City Senor Don Ignacio Gomez was dispatched to treat for the same object with the Government in Washington.

On January 4, 1849 Mr. Hise addressed the Governments of Nicaragua and Honduras through the Foreign Office of El Salvador. He intimated that the Government of the United States desired to persuade those two states not to yield any of their territorial rights to the Mosquito Coast by either the threats of hostility or the diplomatic arts of Great Britain. "This subject," he continued, "is of

immense importance to the whole of North and South America, and to the Whole Commercial World, when it is considered, that within the borders of Nicaragua lies the only practicable route for a Canal between the two Oceans."²

Honduras readily fell in with the advice of Mr. Hise and on May 11, 1849 Senor Don Pedro N. Arriaga was appointed Charge d'Affaires and given plenary powers to treat with the American Government through its Charge for a treaty of commerce and amity. Negotiations were completed within a short time and a treaty was

² Ibid., 299.

agreed to exactly like the one which had been arranged between Guatemala and the United States in 1838, except that the terms of the treaty with Honduras were of perpetual obligation unless either should give notice to the other, after the lapse of twelve years, counted from the date of the exchange of their ratifications, of their intention to terminate the same.³

Mr. Hise was aware of his instructions not to do so when he negotiated this treaty with Honduras. But he felt that a treaty of commerce was an instrument which did not have in it the seeds of an embarrassment to his Government, and that he could not do wrong in arranging for one. He also felt that such a treaty would facilitate commercial relations between the two countries and thus justify itself even though unauthorized. With respect to this kind of a treaty and with Honduras his conclusions were correct.

Special difficulties confronted Mr. Hise in his relations with Nicaragua. The mainspring of those difficulties was the fact that not only must the interests of Nicaragua and the United States be considered in any projected treaty but those of Great Britain as well. But that any treaty whatever should be arranged between the United States, through Mr. Hise, and Nicaragua was strictly in opposition to the instructions of the Department of State. Nevertheless there were more compelling considerations than instructions issued from more than a thousand miles away on a subject which required immediate attention if the whole of the isthmus of Central America were not to be delivered over body and soul to British aggrandizement. This was

³Ibid., 375.

the conviction of Mr. Hise from a very early date. From the Port of Omoa, Honduras, he wrote his Government under date of October 26, 1848, that "there can and will be no means of preventing the spread of British Dominion over the Whole of Central America, unless the Government of the United States interferes firmly and shall carry out" the Monroe Doctrine.⁴ The objects toward which British policy seemed to Mr. Hise to be moving in Nicaragua and elsewhere were to gain control of the termini points for any possible canal across the isthmus and then to consolidate the entire region into a British colony. Of the guise under which this scheme was taking shape Mr. Hise was especially contemptuous, and soon after his arrival in Central America he reported that the basis of all of the English claims in Central America originated from a "Pretended treaty, with a pretended King of the pretended Kingdom of the Mosquitos". And he asked:

Now will the United States Suffer Great Britain to Enact on the Stage of North America the Same Bloody Tragedy which she has a allready performed in Hindostan & Elsewhere and Stand by and Endure that She Shall have a Commercial Monopoly in all these fertile regions on this very Continent of North America Where in our days of Weakness we Shook her dominion and where in our Strength our Commerce dominion & Influence should predominate?"⁵

The Department of State did not return an answer to this interrogation but it registered the impression Mr. Hise wished it to convey. Late in December 1848, another report was sent to Mr. Buchanan, in which the seizure of San Juan and the blockade of certain ports of the State of Salvador were discussed. British

⁴ Ibid., 289.

⁵ Ibid., 290.

activities in these instances were described in language so biased as to persuade the American Government to take steps that would put an end to them. The counsel of Mr. Hise for the first step was to send an American Man-of-War to the ports of Central America where British ships were anchored. This would let the British know that they were under observation, and would encourage the States of Central America to resist intimidation. Nothing came of this proposal for the United States was yet undecided upon a policy.

Mr. Hise persisted, however, in his attempt to gain the adherence of the United States to the cause of Nicaragua, and on February 8, 1849 he sent the Department of State a very long and scholarly treatise on the question of British claims upon the Mosquito Coast. His conclusion was based on a review of the history of Spanish and English relations to the area and was to the effect that title clearly belonged to Spain, and after her independence to Nicaragua as the heir of Spain. Again the United States was prodded into taking more positive and effective measures against the English. Mr. Hise concluded his paper with these words:

Can it be possible that the United States will permit England to play out the Game she has Commenced in this part of North America, which will result in her Colonizing this Magnificent Country of Central America to Monopolise its Commerce and Either to Make herself, or prevent altogether the Making of a Canal through Nicaragua.⁶

As before the Department of State failed to send a reply. While this delay lasted the British Consul General, Mr. Frederick Chatfield, carried out intrigues in Costa Rica and was busy

⁶ Ibid., 306.

elsewhere in securing satisfaction for the claims of British subjects upon the States of Central America. These activities were of such a nature as to excite the suspicion in Mr. Hise that their true aim was to gain control over every practicable canal route. Under date of May 25, 1849, he warned the Department of State:

I have every reason to believe, from facts and evidence to which I have access here, their object is to have possession of the only practicable rout for a Ship Canal from Sea to Sea, and the possession and command of the ports on each side, at which the terminations of sd canal must, if ever, be made.⁷

Mr. Hise also pointed out that since he had been in Central America various obstructions had been put in his way in negotiating with Nicaragua. These, he asserted, were of English origin. And he was convinced that all the plotting and scheming of Mr. Chatfield had as its principal goal the occupation of the territories of Nicaragua and of all her ports on both sides of the state.

Two causes, then, induced Mr. Hise to carry on negotiations with Nicaragua toward the arrangement of a special convention whereby certain exclusive rights would be acquired to American investors across the isthmus of the country in return for a pledge that the entire territory of the State would be protected against the usurpations of any power. The first of these causes was that the Department of State did not send instructions as to how to proceed under the particular circumstances encountered in Central America. And the second relates to the activities of Mr. Chatfield to acquire for his nation control of the canal route. Mr. Hise sums up his position in

⁷Ibid., 323.

the following terms:

I had repeatedly in my despatches, written to the department of State, requested instructions to be furnished to me and again and again in my letters to the Secretary of State I urged the vast importance of this Subject, and the necessity of securing the interests of the United States by prompt action. To these communication to the Govt I never received a single line or word of reply, and concluded that, as the Republic of Guatemala was constantly in a revolutionary state, the country involved in Civil Strife and the paths to the coast infested with banditti, so that there was not any safe transportation of the public Mails or of Merchandise in the Country, all letters public and private directed to me must be either detained at Balize or intercepted and destroyed on the rout to the Capital: Under these circumstances, the necessity of the case, as I had just reason to believe being most urgent and pressing, I conceived it to be my duty, in view of the great interests involved, and of the stupendous results that might ensue, to seize the opportunity which offered, to secure those interests, and to insure those results by concluding this treaty the Hise-Selva Convention, see below with the State of Nicaragua in the absence of instructions or precedents to guide me...I was induced, with all possible despatch, to conclude this treaty, because I had information from authentic sources that English Companies were endeavouring to procure for themselves the privileges which I have thus secured, and that the British Govt by encroachments and aggressions at the Mouth and on the borders of the Rio San Juan de Nicaragua designed no doubt so to embarrass the subject, and to present such obstacles in the way as to defeat altogether the project of Making a Ship Canal between the two oceans."⁸

Mr. Hise had been in Central America barely more than a month when Nicaragua approached him with a view to negotiating a treaty of alliance with the United States against England. This object was embodied in two despatches under dates of December 22 and 24, 1848, composed by Senor Sebastian Salinas, and in which the argument was made that such an alliance was indispensable for the protection of the "Continental Right". Exactly what was meant by the "Continental Right" was left to the imagination of Mr. Hise. The implication of the term is

⁸ Ibid., 382-3, 385.

that England must be ejected from the Mosquito Coast if the countries of Central America were to enjoy all the rights of sovereignty they were presumably entitled to on the Continent of North America. But Senor Salinas did not take the trouble to define the term as having such a meaning. It was not defined at all. There was no particular necessity to define it, however, for in his reply of January 12, 1849, Mr. Hise agreed that Nicaragua and the United States had mutual interests in the isthmus, and urged that it was imperative not to yield to the diplomatic arts or the threats of hostility which Great Britain might practice "a single foot of...Territory & Dominion in and upon the Mosquito Coast and Country". The Government of Nicaragua was implored to send a commissioner to Guatemala City to treat with Mr. Hise on all the subjects relative to its commerce with the United States and its security against Great Britain. That the latter subject would not be neglected appears certain from the assurance of Mr. Hise to the Foreign Office of Nicaragua that the projected treaty of amity and commerce would include "Stipulations and terms of Agreement upon other Subjects of the deepest and Highest interest to the two Countries and to the World in General". There is no mistaking from the general tone of the communication that what was meant by "other Subjects" concerned means to bring an end to British aggrandizement on the Atlantic coast of Nicaragua. Senor Salinas was delighted with the proposals of Mr. Hise, and on February 13, he wrote that his Government was overjoyed that Mr. Hise had "been good enough to express frankly the sublime principles and profound

sentiments of the powerful Cabinet of Washington in favor of the territorial integrity of Nicaragua," and indicated an eager readiness "to negotiate, celebrate and conclude the great pact of national security; a pact such as the centuries perhaps have not seen".⁹ To hasten that event a commissioner was appointed to treat with Mr. Hise in Guatemala City. This arrangement shows to what extent the anxiety of the Government of Nicaragua had been driven by the aggressions of Great Britain, for not long before Mr. Hise had reached Central America the Honorable General Don Pedro Alcantara Herran had been authorized to carry on negotiations in Washington toward the same object as that it was designed to be achieved in treating with Mr. Hise. Senor Salinas explained this situation by saying that oversights or omissions were likely to be made in Washington, and that greater exactitude would result from negotiations in Nicaragua at the source of the issues to be discussed. At the same time it was made clear that the basis of the negotiations with the United States was the refusal of Nicaragua to surrender any of the rights of title to any of its territory to Great Britain, or one "single point of the eminent domain and sovereignty of this state".

On the following March 22, 1849, Salinas again wrote to Mr. Hise to say that Nicaragua expected whatever convention arranged to be one which would nullify "the stratagem and ambition of British subjects and agents," and that Senor Don Jose Sacasa had been appointed Charge d'Affaires and accredited to

⁹ *Ibid.*, 307. Italics mine--they indicate with what vision Senor Salinas would conduct negotiations looking to the exclusion of the British from the affairs of Central America.

the Nicaraguan legation in Guatemala City to confer with him. It shortly developed, however, that Senor Sacasa was too ill to undertake the tasks for which he was commissioned. But Mr. Hise was promised that another would take his place and that negotiations could begin about April 10. Three days before that date Salinas notified Mr. Hise that the Nicaraguan Charge had been inevitably delayed for the reasons that a national election was impending and that political upheavals in Guatemala made sending a representative to its capital dangerous. The hope of an early adjustment between the American and Nicaraguan Governments in the interest of curtailing British influence on the isthmus was kept alive by the description of the contemplated treaty as "the great security pact, required by the present commercial and political situation of the American Continent, relative to this Isthmus, called by Nature to revolutionize the world in all branches which influence the wellbeing of the human race"¹⁰. The suggestion of Senor Salinas for a delay in negotiations did not meet with favor from Mr. Hise. For it seemed to him that if the great object on which the interests of Nicaragua and the United States coincided were to be attained an expedition equal to that displayed by the British was required. In the event, Mr. Hise warned, Nicaragua did not care to cooperate longer in the work already commenced he would return to the United States. The threat alarmed the officials of Nicaragua, and on April 13, 1849 Senor Don Buenaventura Selva was commissioned Charge d'Affaires and accredited to Mr. Hise. A notification of the appointment was sent to the American Charge in the most charac-

¹⁰ Ibid., 313.

teristic Latin flourish of words:

...The undersigned Secretary of the Ministry of Foreign Affairs of the Supreme Government of the sovereign State of Nicaragua in Central America, has the honor to inform His Excellency the Charge d'Affaires of the Supreme Government of the United States of North America resident in Guatemala, that this Government, imbued with the noble idea of the common happiness, and with the object of satisfying the fervent wishes of the citizens whose destinies it controls, has been pleased to appoint on this date as its Charge d'Affaires accredited to your illustrious Excellency, Senor Don Buenaventura Selva, entrusted with the great and important object stated in his decree of appointment.

In his decree of appointment Senor Selva was informed that the purpose of his mission to Guatemala was to make whatever arrangements he could with the United States for the sake of eliminating the British claim to a protectorate over the Mosquito Indians, and to enter into a special convention which should provide for construction of a transisthmian canal.

From the date of Selva's appointment the Government of Nicaragua took it for granted that the United States meant to assist it in arresting the designs of the British. The day after the appointment was made Senor Salinas sent Mr. Hise a copy of a protest which had just been addressed to Lord Palmerston on the subject of the colonization of San Juan by Germans under a one, Bonlau, which it was alleged to have been undertaken at the instigation of Mr. John Foster, Vice Consul of the British Government in the port of Realejo, Nicaragua. It was the intention of the Government of Nicaragua in sending Mr. Hise this information to show that the British Government meant to embarrass negotiations between the United States and Nicaragua by throwing up obstructions of every conceivable variety, and by this means subtly to encourage an attitude of hostility between the United

States and Great Britain which would result in the advantage of Nicaragua.

This plan completely failed because knowledge of it did not reach Mr. Hise before April 22. On that date the letter of Senor Salinas written from Managua on the previous April 7, reached Guatemala City. In it was an authorized copy of a contract entered into between Nicaragua and a construction company of New York City, for the purpose of making a line of transit across the isthmus either by a canal or railway, or both. The terms of the contract provided that the Ackerman, Clapp, Howard and Son Company should have a right-of-way across Nicaragua for \$100,000 in cash and ten percent (10%) of the company's annual gross earnings. Although Mr. Hise recognized that the illiberality of the terms made it doubtful that the principals of the company would accept them he took the occasion to reprimand Senor Salinas very severely for neglecting to send him a commissioner to deal with the subject of a canal. He described the contract as "injudicious and premature" and added: "You should have sent me a Commr. with full powers and without delay. You should treat with the authorized diplomatic representative of the United States, and not with mere adventurers of whom I know nothing, and who have no authority from My Government."¹¹ Mr. Hise warned that if a commissioner and real results were not forthcoming soon he would not be justified in staying longer in Central America.

In the meantime Senor Selva had begun his journey to Guatemala City. But his progress was slow, and the Government

¹¹Ibid., 317. Note that Mr. Hise calls the men who framed the contract in behalf of the company "mere adventurers," but in the same sentence avers that he knows nothing of them.

of Nicaragua not wishing that Mr. Hise entertain a false impression of its real desires reiterated in a letter of May 11, 1849 its hopes for the speedy conclusion of a treaty of "Alliance and protection with provisions such as may surely promote the grandeur, power and wealth, as also the security, of this country". In this communication it is intimated that a military alliance between the United States and Nicaragua against Great Britain would be most efficacious in terminating the usurpative practices of British agents. But the long standing dislike for entangling alliances made this sort of an arrangement out of the question, so far as the Government of Mr. Hise was concerned.

Late in May, 1849, Senor Selva arrived in Guatemala City. He immediately took charge of the Nicaraguan legation in that city, and began work upon the bases he was directed by his Government to suggest to Mr. Hise for the pending negotiations. By June 5, the first draft of the proposed bases was completed and transmitted to Mr. Hise for his consideration. Briefly they were as follows:

1. The United States or its citizens was granted the exclusive privilege of opening an interoceanic canal across the isthmus of Nicaragua.
2. Nicaragua granted the United States or its citizens all the lands and materials owned by the State considered "absolutely necessary" for the construction of the canal; any lands or materials privately owned considered "absolutely necessary" for the construction of the canal should be paid for at a fair valuation by the United States or its citizens.
3. The United States was given the right in perpetuity to send its troops, arms, mails, employees, etc., across the canal duty free; and the same privileges should be enjoyed by Nicaragua.
4. The exclusive privilege granted to the United States in Article 1 should endure for ten years, counting from

- the exchange of ratifications; unless the works on the canal are begun within the said period, it should then be extended twelve years, that is, twenty-two years are allowed for completing the canal, and construction of the canal must begin within the ten years above referred to.
5. Nicaragua solemnly binds itself not to enter into negotiation with any other Government or private parties regarding the canal, since its spontaneous will is that this important work should be undertaken only by the United States or its citizens.
 6. If the Government of the United States should decide not to undertake the work of the canal, it may transfer its rights to a company composed exclusively of citizens of the United States, or of Nicaragua, and give to the said company the documents of incorporation by which the exclusive privilege of undertaking and concluding the works of the canal within the periods fixed in Article 4 is conferred on it, and, in addition it (the company) shall be allowed all the immunities, prerogatives and rights which may be necessary, useful or expedient in order to effect those important works; the part which Nicaragua shall have in the administration of the canal and its profits must be stipulated in the same documents, as also the fact that the United States shall not reserve to itself any privilege which is not made extendible to Nicaragua.
 7. The documents of which the foregoing article speaks, in order to be valid, need the approval of the two contracting parties.
 8. If the incorporation of the company should not take place because the Government of the United States undertakes the opening of the canal on its own account, the conditions, and everything else with reference to the execution of such enterprise, shall be regulated by means of a special treaty with the Government of Nicaragua.¹²
 9. In return for the privileges and rights which it acquires by this convention, the United States undertakes absolutely and efficaciously to protect the sovereignty, liberty and independence of the State of Nicaragua, and the dominion of all the coasts, ports, lakes, rivers and territories which may legally belong to the said State. And when circumstance so require, the United States shall use its naval and military forces to preserve peace, and maintain the neutrality of the said coasts, ports, lakes, rivers and territories under the dominion and sovereignty of the Government of Nicaragua or of the Political Body, of which Nicaragua may voluntarily form part, or with which it may unite of its own will; but the dominion and sovereignty of Nicaragua guaranteed, as here stipulated, shall not be exercised in any such way as to prejudice the rights

¹² In the text of this document the word "Guatemala" appears where the author has substituted "Nicaragua"; for obviously "Nicaragua" is intended.

and privileges assured to the United States or its citizens. And in order to prevent any misunderstanding, it is expressly stipulated that the United States is not required to assist, sustain or defend Nicaragua in offensive wars or wars entered into by it with foreign powers, or with the other contiguous States, outside of its just limits and beyond the territories under its jurisdiction; but it is added, for greater explanation and clarity, that if the State of Nicaragua should become involved in a war with any foreign power or contiguous State within its own limits, in order to defend the territories which may legally belong to it, or to recover territories which may have been taken from it, the United States undertakes to defend and assist Nicaragua in such wars, within its proper and legal limits, provided that such wars be just and that hostilities are not commenced without mutual, friendly consultations having first taken place between the two parties, and the consent of both Governments, given in conformity with their respective laws and Constitutions, obtained. And, finally, the high contracting parties undertake to use all their naval and military forces and all their means and resources in order that the State of Nicaragua may not be the theatre of wars, nor of bloodshed, and in order to preserve its pacific and perpetual neutrality, as also its tranquillity and order.¹³

These bases are quoted at some length because they show not only what the Government of Nicaragua was prepared to offer for what it mainly wanted, the protection of the United States, but also the manner in which it intended to dispose of and use its offer. It was plainly enough indicated to Mr. Hise that Nicaragua aimed to secure American protection over her territory and then bargain off the canal rights across the country to the highest bidder. He indignantly returned the memorandum of bases with the statement that if Nicaragua did not change her attitude the negotiations must fail. The first guaranty, he described as useless in view of the seventh. And indeed it is difficult to see what value it would be to possess the exclusive privilege to open an interoceanic canal if the charter under which it was

¹³Manning, op. cit., 324-6.

to be constructed depended for approval upon the Government of Nicaragua. Mr. Hise found the second section objectionable because no definition of the term "absolutely necessary" was offered, and also because he considered it important that Nicaragua should extinguish all private titles to 300 feet on each margin of the canal and two leagues square at the termini points as agreed on in conference, and then allow the United States to deal only with the Government of Nicaragua. The third section was judged admissible. The limitation to twenty-two years as the period during which the canal must be completed, as provided in the fourth section Mr. Hise thought unfair to both investors and the construction company. The fifth section was argued to avail nothing, because so long as Nicaragua's approval must precede any arrangement for the actual building of the canal capitalists could not be induced to invest in the enterprise. The sixth section Mr. Hise disapproved for lack of definiteness: why should Nicaragua have a part in the administration of the canal? and what should that part be? Why should Nicaragua share in the profits of the operation of the canal? and to what extent? That Nicaragua should presume to have a right to share in the administration and profits of the contemplated canal, Mr. Hise thought would deter capitalists from liberal investments in the project. And such investments would determine the success or failure of the work. It was therefore essential that these questions be put in such a way as not to frighten away capital, or the Government of Nicaragua must forego making any claims on the administration and operation of the canal. By far the most

objectionable of the bases proposed by Senor Selva was the seventh. This section gives Nicaragua control over the construction charter but leaves the United States fastly bound to protect all the territory of that country. Mr. Hise considered such a proposition "wholly inadmissible" and "utterly preposterous", and bluntly asserted that until better suggestions were made nothing could be accomplished. The eighth section was not favored for the reason that it deferred till a later time the determination of the precise terms under which the canal was to be built. The ninth was admissible but for the ¹⁴seventh.

From these negotiations it appears that, though the objects of the United States and Nicaragua were coincident, namely, first, that the canal should be built, and second, that the territories of Nicaragua should be preserved in peace, it was the purpose of Nicaragua to procure American protection and then auction off the canal rights to the highest bidder. This could lead only to sordid speculation by a few adventurers and gamblers who would cheat investors out of a few thousand dollars and the whole enterprise would descend to the level of a debacle. Mr. Hise regarded such an outcome of his labors most undesirable and threatened that if Nicaragua could offer no better terms he would leave for the United States. But Nicaragua was in no position to insist on a group of dishonest bases for negotiating with the United States in efforts to curb the equally dishonest aggressions of Great Britain. In consequence Senor Selva categorically agreed to every demand for revision made by Mr. Hise and on June 21, 1849 a convention was drawn up and

¹⁴Ibid., 326-331.

signed between the United States and Nicaragua.

The provisions of this treaty are summarized as follows:

1. The United States acquired the exclusive right to build a canal across the territory of Nicaragua.
2. Nicaragua ceded to the United States all the land and materials required for the construction of the canal, and agreed to extinguish private property titles to 300 feet along each margin of the canal, but the private owners were to be compensated on the basis of a just valuation.
3. If the United States should decide not to undertake the project a company was authorized to be incorporated, and which should have the object of completing the enterprise with the power to construct and own such works within the State of Nicaragua.
4. All privileges, immunities, etc., in the charter of the said construction company extended to one of the contracting parties should likewise be "held and enjoyed, to the same extent by the other".
5. The United States was given the right to fortify the canal zone.
6. During wars in which either Nicaragua or the United States was involved its enemies were to be excluded, both as to armed and commercial vessels, from the canal, and neutrals were not to be allowed to convey through the canal contraband to or for the enemies of either.
7. Nicaragua was granted the right to erect custom houses to collect duties anywhere on the route or margins or the points of termination of the canal.
8. The termini ports were to be free to both contracting parties and their citizens. No duties or charges or other impositions were authorized to be levied.
9. During the construction of the canal the labor force was to be placed under the protection of both Nicaragua and the United States, provisions for the workers were to be admitted duty-free, and so long as the building of the canal went on the workers were not to be subject to civil or military duty to either government. The construction company was to have full powers to survey all the lands and materials necessary to the building of the canal.
10. A free city two leagues square was designed to be set up at each terminal point of the canal, i. e., six miles square of land at the two termini points was ceded to the United States with the object in view of founding a free city at each. These cities were to be under the qualified dominion of Nicaragua, but were to have their own municipal governments and the residents were to be free from military service except to defend their cities.

11. The United States was granted the right to transport its arms, mails, public officers, etc., through the canal free of charge.
12. The United States agreed to protect and defend Nicaragua in "the possession and exercise of the Sovereignty and dominion of all the country," and was pledged to use all available military and naval resources to preserve the peace and dominion of Nicaragua over all coasts, ports, lakes, rivers and territories rightfully hers. But the United States was not pledged to aid Nicaragua in the prosecution of an offensive war, i. e., one without the boundaries of the country.
13. The contract signed between Nicaragua and David I. Brown, the agent for the Ackerman, Clapp, Howard and Son Company, on March 14, 1849, was disposed of. To be valid it was agreed that the treaty must be ratified within two years from the date of June 21, 1849.¹⁵

It can readily be seen that the sense of this convention was that (1) it obtained for the United States the right of way perpetually and without restriction through the territory and dominions of Nicaragua; (2) it secured for the State of Nicaragua the protection of the Government of the United States, and which by threatening England tended to give the ascendancy to the United States; and (3) it provided a plan and project for the speedy construction of an interoceanic ship canal. What is equally apparent is that it brought interests acquired by treaty to the United States directly into conflict with interests acquired to Great Britain by force. This meant that if the treaty were submitted to the Senate of the United States and adopted, there would result in Central America a situation requiring either the United States or England to back down or war. Neither country wanted war, but neither was willing to retract from the position it had obtained on the isthmus. For this reason the Hise-Selva Convention presaged an interesting diplomatic fight that resulted in the negotiation of the Clayton-Bulwer Treaty.

¹⁵Ibid., 376-82.

In his relations with Guatemala Mr. Hise was completely successful. On February 3, 1849 he opened a correspondence with Jose Mariano Rodriguez, Guatemalan Minister for Foreign Affairs, for acceptance of the Treaty of 1838 signed for the United States by Mr. Charles G. De Witt and for Guatemala by M. Alvarez. Senor Rodriguez replied February 11 by saying that the Government of Guatemala was occupied with "many matters of grave urgency" and that a delay in considering the matter of the treaty with Hise was necessary. This manana attitude, which prevailed throughout all Central America, irked the American Charge, and he sent the Foreign Minister a sharp note in which he declared, "the question is, simply will Your Govt agree or not agree to adopt the Treaty" of 1838? The Treaty "is just, equal, and reciprocal in its provisions. It can be examined in an hour, and the design of Your Excy in relation thereto be without delay made known to me".¹⁶ Hise further urged that his residence would be of short duration in Guatemala City and that it was desirable to conclude the Treaty if at all possible, and he intimated that there were "other important matters" he was instructed to confer upon with the Government of Guatemala in case the Treaty was accepted. Judging from the instructions issued by Secretary Buchanan to Mr. Hise on June 3, 1848 the mention of "other important matters" appears to have been a subterfuge, without any foundation in fact, which was turned into a device to hasten Senor Rodriguez' Government into accepting the Treaty of 1838. It accomplished the purpose to which it was put, for within thirteen days an agreement had been reached, and Mr. Hise reported to his Government that a treaty had been concluded with

¹⁶Ibid., 309.

Guatemala the terms of which were identical with those of the treaty formerly binding between the United States and the Federation of Central America. Both the Governments of Guatemala and the United States accepted this Treaty and it went into effect.

The work for which Mr. Hise had been sent to Nicaragua had now been performed. On June 21, 1849 he departed for the United States. He was unaware that on April 2, 1849 Mr. Ephraim George Squier had been appointed to take his place, and he did not know when he left for the United States that Mr. Squier was already enroute to Central America. It is improbable, however, that had Mr. Hise known this his conduct would have been any different, because he was sincerely convinced that what he did embodied the only practicable means to secure for the United States the interests he considered it had a right to on the isthmus.

The mission of Mr. Hise to Central America ought to be appraised as generally successful, and altogether indispensable to the later negotiations with England. He carried out the greater part of his instructions and effected the objects of those instructions. He conducted the affairs of his office with such straightforward honesty that he was able to bring to Central American politics a new concept of the meaning of public office. He refused to be bullied or stopped by British attempts to embarrass his negotiations with Nicaragua. He called the attention of the American Government to the nature, extent and objects of British designs upon the isthmus, and insisted upon active interference with those designs for the purpose of establishing American predominance over the New World. He signed,

together with Senor Buenaventura Selva, a special treaty between the United States and Nicaragua which gave the former exclusive rights to build, fortify and maintain an interoceanic canal across the isthmus. On the basis of the work of Mr. Hise the Department of State at Washington was able to decide upon a Caribbean policy with respect to Great Britain and the states of the Caribbean.

CHAPTER III
THE WORK OF EPHRAIM GEORGE SQUIER
IN CENTRAL AMERICA

Ephraim George Squier of New York was commissioned Charge d'Affaires to Central America to succeed Mr. Elijah Hise on April 2, 1849. Instructions were issued him the following first day of May. He was authorized to conclude treaties of commerce and amity with Costa Rica, Honduras, Nicaragua and Salvador. In his relations with Nicaragua Mr. Squier was directed to obtain if possible a joint right to any canal which might be constructed across the isthmus of that state. Mr. Clayton, the Secretary of State, was emphatic in asserting that it was not the object of the American Government to gain an exclusive hold over canal routes in Central America. "We only ask," he said, "an equal right of passage for all nations on the same terms, a passage unincumbered by oppressive exactions either from the local government within whose sovereign limits it may be effected, or from the proprietors of the canal when accomplished."¹ Mr. Squier was instructed to conduct negotiations with Nicaragua for this object in such a way as to keep the United States free from any "entangling alliance on the one hand or any unnecessary controversy on the other".

To facilitate a complete understanding of the problems raised by British pretensions to the port of San Juan del Norte and the Mosquito Coast Mr. Clayton reviewed for the consideration and study of Mr. Squier the whole history of British and Spanish relations to Central America. The British claim to the port of San Juan, and in effect, to the whole Mosquito Coast Mr.

¹Manning, op. cit., III, 50.

Clayton pointed out, was based upon the assumption that the Indians inhabiting that region were never subdued by Spain, by Central America, or by Nicaragua; that, in fact, they constituted a monarchy, entitled to the privileges, because capable of discharging the duties of a sovereign state. Although this statement of the status of the Mosquito Indians would ordinarily tax the imagination of the most cunning, deceitful, and Machivalleian statesmen, it was maintained with all earnestness by the British. It cannot be disputed, however, that Spain was the first European nation which discovered or occupied any part of the region of Central America. On September 15, 1543 Charles V appointed a Governor and Captain-general to reside at Guatemala with the same powers over the isthmus of Central America as that wielded by the Viceroy over New Spain (Mexico). The policy the Spaniards pursued in the New World was to settle and occupy those areas which offered the greatest wealth. It was in consequence of this policy that the so-called Mosquito Coast was never conquered, for it is barren and without precious stones or metals. But Spanish title over and to the land was not thereby invalidated. That title simply was not exercised to the same measure and for the same purpose as elsewhere. It was nevertheless just as binding as if occupation and settlement had followed discovery. In other words the principle of discovery came very early to be recognized as governing titles held by Europeans to land in the New World. On the basis of discovery Spain held a clear title to all land in and adjacent to Central America. The title bequeathed by discovery was consummated by occupation of San Juan. From the

establishment of Spanish dominion in Guatemala, the river, San Juan, had been the principal avenue to and from the Atlantic for at least that part of Central America lying around Lake Nicaragua; and to protect the commerce coming into and going out of the mouth of the Rio San Juan de Nicaragua the Spanish built a fort commanding the port of San Juan about the year 1665. Until some time after the conquest of Jamaica by Cromwell in 1656 the Kings of Spain enjoyed the undisturbed use of the San Juan river and the port at its mouth. In 1670 a treaty of alliance was celebrated between the Mosquito "King" and the Governor of Jamaica, the Duke of Albemarle, on behalf of Charles II of England. But this alliance was made in direct contravention of two treaties then binding between the crowns of Spain and Great Britain. One of these treaties was entered into in 1667, and it provided

that neither of the said Kings of Great Britain or Spain nor their respective peoples, subjects or inhabitants within their Dominions, upon any pretense, may, in public or secret, do, or procure to be done, any thing against the other, in any place, by sea or land, nor in the ports or rivers of the other, but shall treat one another with all love and friendship.

Again in 1670 it was agreed between the same parties that:

The subjects and inhabitants, merchants, captains, masters of ships, mariners of the kingdoms, provinces and dominions of each confederate respectively shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses, and in all other places whatsoever possessed by the other party in the West Indies, to wit, the subjects of the King of Great Britain shall not sail unto, and trade in the havens and places which the Catholic King holdeth in the said Indies.²

This makes it certain beyond a shadow of doubt that the Mosquitos were altogether incompetent to make any such alliance as that pretended by the British to have been made, and that if such an

²Ibid., 43.

alliance had actually been agreed on it could in no way negatively affect Spanish title to the Atlantic coast of Central America. Following Great Britain's conquest of Jamaica there sprang up an illicit trade between it and the Spanish Main. This led to captures of British ships by the Spanish guarda costas, and in retaliation Great Britain declared war on Spain in 1739. The conflict ended in 1748 with the Treaty of Aix-la-Chapelle, and the next year the British Government made Captain Robert Hodgson the Superintendent of the Mosquito Shore. With 100 men drafted from the troops at Jamaica, Hodgson took possession of the principal station at Black River, where he erected a fort, mounted it with cannon, hoisted the royal flag and kept up a garrison. This procedure was undertaken without the assent or objection of "His Mosquito Majesty", for that august personage was completely disregarded. It is difficult to see, and the British did not bother to make any explanation of the point, how such disregard could be compatible with the sovereignty of the Mosquito "King". That there was no sovereignty in the Mosquito "King" and that title over the Mosquito Coast belonged of right to Spain was recognized by Great Britain in the Treaty of Paris, 1763.

His Britannic majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of Honduras and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty; and His Catholic Majesty shall not permit his Britannic Majesty's subjects, or their workmen, to be disturbed, or molested, under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose, they may build without hindrance, and occupy without interruption the houses and magazines which are necessary for them, for their families and for their effects; and His Catholic Majesty assures to them, by this Article, the full enjoyment of those advantages and powers on the Spanish coasts and

Territories, as above stipulated, immediately after the ratification of the present treaty.³

Thus ran the 17th Article of the Treaty of 1763. Pursuant to this stipulation the British Government gave orders for demolishing the fort at Black River and withdrawing the garrison to Jamaica. Soon afterwards, however, the British Cabinet became convinced of the impolicy of this decision and although they declined to erect immediately the country into a British province, it was considered desirable to encourage and promote its commerce with this view in mind.

The effect of this procedure upon strengthening or weakening the British title to the Mosquito country or the claim to sovereignty set up for the Mosquito "king", may safely be judged from the fact that the British flag was voluntarily struck at the only part of the Mosquito country where it had ever been hoisted as an emblem of sovereignty. In spite of treaty commitments the British persevered in their encroachments on the coast. This was one of the grievances set forth by Spain as a motive for her war against England commenced in 1780. During three desultory years this war dragged on. It was ended by the "definitive" Treaty of Peace between Great Britain and Spain, 1783, by the sixth article of which it is declared that:

the intention of the two high contracting parties being to prevent as much as possible all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dying or logwood, and several English settlements having been formed and extended, under that pretence, upon the Spanish continent, it is expressly agreed that his Britannic Majesty's subjects shall have the right of cutting, loading and carrying logwood in the district (here the lines are mentioned; they include no part of the Mosquito coast) and His Catholic Majesty assures to them (the English) the

³Ibid., 44.

enjoyment of all that is expressed in the present article, provided that these stipulations shall not be considered as derogating in anywise from his rights of sovereignty. Therefore all the English who may be dispersed in any other parts whether on the Spanish continent or in any island whatsoever dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described.⁴

Notwithstanding this stipulation and after the most deliberate discussion of the subject, the British Government determined to retain the Mosquito shore under their protection and sovereignty. The only reason for this determination seems to have been that the words Spanish and not American continent were used; with the design of affording a pretext for further questioning of Spanish title.⁵ That this forced construction was never acquiesced in by Spain, is manifest from the fact that fresh disputes between the two crowns regarding the Mosquito shore arose soon after the conclusion of the Treaty of 1783. These difficulties were composed three years later in the Treaty of 1786, the first article of which provides that:

...His Britannic Majesty's subjects and the other colonists who have hitherto enjoyed the protection of England shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described.⁶

This line provided for an extension of the limits within which the British were allowed to cut woods and gather the natural fruits of the earth, but the stipulation was never to be used as a pretext for establishing any plantation; since all the lands in question were indisputably acknowledged to belong of right to the crown of Spain. The entire Treaty admits the Spanish title

⁴Ibid., 45-6.

⁵British Parliamentary Documents, "Commercial Tariffs," 1847, LXIV, 40 ff.

⁶Manning, op. cit., 46.

in the strongest terms. British subjects, it was agreed, should evacuate Spanish territory, and if they refused to do so His Britannic Majesty "so far from affording them succour or even protection, will desavow them in the most solemn manner as he will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish dominion."⁷ At the time this treaty was negotiated it was considered as ending British connections with the territories of Spain on the Mosquito coast of Central America. "Nothing can more clearly establish the sole right of Spain to these territories, than the treaty and convention" of 1783 and 1786, said a British writer of ability in the early 1820's.⁸ As late as 1825 Great Britain recognized (in her treaty of that year with New Grenada) that rights of the Mosquito shore had been inherited from Spain by the Federation of Central America. But as has already been shown when Sir Alexander MacDonalld became Superintendent of Belize in 1840 the British Government had decided to revive the Mosquito protectorate for the obvious reason that such a step would embarrass further American expansion.

With this history of the matter before him Mr. Squier was expected to meet the British agents in Nicaragua on equal terms, and to be able therefore to counter their projects with effective ones of his own. He was not unsuccessful.

Mr. Squier arrived in Central America early in June, 1849, and he immediately began a study of the tasks which lay before him. Making his way across the country leisurely he did

⁷Ibid., 46.

⁸Quarterly Review, October, 1822, XXVIII, 159.

not reach Leon, Nicaragua until July 5, 1849. There he was received with vivas la Estados Unidos, salvos of artillery, and compliments to an almost unanswerable extent. Mr. Squier was likewise received by Salvador and Honduras with every and all marks of satisfaction. But Costa Rica and Guatemala, both under English influence, were cool toward the American Charge. Of the two, Costa Rica indulged more fully in welcoming Mr. Squier in "Spanish superlatives" than did her northern cousin. Mr. Squier perceived, however, that the terms of welcome with which he was received in Costa Rica and Guatemala were empty of real sincerity and good feeling. He purposed nevertheless to be as friendly as these powers were cool, and thus hope to lure them from their attachment to the skirts of the British Empire.

One of the first acts of Mr. Squier, upon reaching Nicaragua, was to write to Senor Sebastian Salinas, Nicaraguan Minister for Foreign Affairs, to inform him that Mr. Hise had been superceded on April 2, 1849, and to request that the Government of Nicaragua take no action on the treaty negotiated between Mr. Hise and Senor Selva. On June 29, Senor Salinas replied to Mr. Squier by saying that on that date a letter had been dispatched to Senor Selva ordering him to suspend negotiations or if such had been concluded to remit them until a settlement could be reached with the new American Charge d'Affaires Mr. Squier, that Mr. Hise had been superceded April 2 ultimo. This arrangement was satisfactory, and subsequently the Government of Nicaragua officially and publicly disapproved of the Hise-Selva Convention. ...In general Mr. Squier was contemptuous of the work done in Central America by Mr. Hise. This animosity appears somewhat unworthy in view of the fact that the two men were not personally

acquainted, and in view, too, of the identity of their objects and the close similarity of the means each adopted to procure them. The explanation probably consists in the circumstance that Mr. Hise was from Kentucky and Mr. Squier from New York, and also the fact that in his disposition the latter had a sensitive and scrupulous notion of the way Mr. Hise should have behaved, without realizing that the same causes would lead to the same effects in his own experience.

Mr. Squier was unable to accomplish more in his relations to Costa Rica than had Mr. Hise. As early as June 10, 1849, the Government of Costa Rica was approached through its Minister for Foreign Affairs, Senor Joaquin Bernardo Calvo, and asked to make preparations for concluding a treaty of commerce, amity, and navigation with the United States. Senor Calvo replied on the following July 16, to the effect that Costa Rica would be pleased to receive Mr. Squier as the official representative of the United States and to make with him a treaty of commerce. This was a hopeful sign, for it indicated that a spirit of earnestness prevailed in the councils of the Government of Costa Rica, and that it trusted Mr. Squier to be what he represented himself to be, i. e., the accredited Charge d'Affaires from the United States, without requiring him to be first presented in the capital. This attitude was especially helpful since it tended to put the pending negotiations on an official basis and one of frankness and mutual trust. The Government of Costa Rica informed Mr. Squier that an agent had been appointed to treat with Mr. Hise for the arrangement of a treaty of commerce, but in view of the fact that Mr. Squier had superceded the late

Charge the agent commissioned to deal with him would be recalled. This was done and the way cleared for conducting the most friendly discussions leading to a treaty that would prove reciprocally beneficial to the interests of the two countries.

Before negotiations had really got under way a rupture developed which threatened to be permanent; Mr. Squier addressed to the Government of Costa Rica, under date of August 13, two categorical questions. First. "What are the boundaries which Costa Rica asserts for her territories in general but particularly on the North and East?" Second. "Is the Republic of Costa Rica under the protection, expressed or implied, or is it her present intention to place herself under the protection of any European power?" These questions were inspired, no doubt, by reports then current that Costa Rica had become virtually a protectorate of Great Britain, and in consequence had begun to lay claim to a considerable portion of the territory of Nicaragua.⁹ Mr. Squier's letter of August 13 was answered September 20, 1849. In his reply Senor Calvo acidly informed the American Charge d'Affaires that before he could presume to interrogate the Government of Costa Rica on its boundaries or intentions he must present his credentials and be accredited conformable to the usages of international law. However, Senor Calvo took pains to leave the way open to the continuance of the negotiations for a treaty of commerce, because he added and not as if it were an afterthought that his Government desired to cultivate frank and amicable relations with the United States. The tone of this communication makes it appear that Costa Rica was between two fires. On the

⁹ Manning, op. cit., 341-2; 345-6.

one hand she wanted friendly relations with the United States, but on the other she was not in a position to gain that friendship if it cost her the good standing she had with Great Britain. And it is also clear that she preferred her standing with Great Britain to the friendship of the United States. The appreciation of these implications in Senor Calvo's letter redoubled the desire on Mr. Squier's part to do something which would embarrass and perhaps put an end to the "too friendly intercourse" of Costa Rica and Great Britain. On October 1, Mr. Squier sent another note to the Foreign Office of Costa Rica. In this one he agreed with Senor Calvo that he was probably mistaken as to the correct forms to be observed in opening conferences with the Government of Costa Rica, but pointed out that the State Department at Washington copied only those usages which had the sanction of long and undisturbed practice by the old courts of Europe. Furthermore, Mr. Squier declared, etiquette was a matter of form, and was not essential, that if every Foreign Office had a different group of requirements precedent to the establishment of diplomatic relations, and could change those requirements without previous notice to the countries of the rest of the world then such requirements could be used as a pretext for refusing to treat with any but those states it was momentarily desirable to treat with. That Costa Rica would make a matter of form the basis for refusing further negotiations with the United States, Mr. Squier deplored in the strongest language. Although there was nothing in the situation which required his doing so Mr. Squier frankly stated to the Government of Costa Rica the reasons for propounding the questions he did. In the first place, it was

pointed out that a part of the purpose of his mission to Central America was to secure, in harmony with the desires of interested powers, chiefly Nicaragua and Costa Rica, a right of way across the isthmus for the object of building a canal communication from the Atlantic to the Pacific. Mr. Squier next mentioned that there were rumors everywhere he went to the effect Costa Rica intended to place herself under the protection of a "great monarchical power of Europe," and also to cede that power some of her territory. This, Mr. Squier was prepared to announce, would not be permitted by the United States. But it was his conviction he intimated to Senor Calvo that these rumors were false, for Senor Molina, the Minister of Costa Rica to Great Britain, had denied them to Mr. Bancroft the American Ambassador also accredited in London as early as October, 1848.¹⁰ Nevertheless if it were true that Costa Rica intended to "sell out" to Great Britain, then the Government of the United States must be considered free from the responsibility of terminating the negotiations with the Government of Costa Rica for a treaty of amity and commerce.

A digression at this point to explain the connection of the British to the Costa Rican Government and the origin of the latter's claim upon the territory of Nicaragua will be helpful.

By 1845 English agents recognized that it was not feasible to urge the protection over the Mosquito Indians as the basis for extending control over the entire line of the proposed canal across the isthmus of Nicaragua. It became

¹⁰This denial was probably oral. No document to support it can be found.

necessary to find other pretexts. Such were not long in appearing from the difficulties which had arisen between Nicaragua and Costa Rica over the province of Guanacaste. This province is situated on the Pacific and lies between the River Salto de Nicoya and the River Flora. Under Spanish sovereignty it was governed as an integral part of the Kingdom of Guatemala and attached to the Intendency of Nicaragua. When independence from Spain was won by the countries of Central America, Guanacaste remained with Nicaragua and no question was raised as to whether or not such attachment was proper. The problem of possession over it originated in a decree of December 9, 1826 passed by the Congress of the Federation of Central America, which separated Guanacaste from the State of Nicaragua and gave it to Costa Rica. The motive for this unprecedented action was the jealousy of other states for Nicaragua. When the decree had received the approval of President Arce and thus had become law, Nicaragua bowed to it, but energetically remonstrated against it as unjust and anti-constitutional. The inhabitants of Guanacaste did likewise and refused to take the oath of loyalty to the Constitution of Costa Rica. The Government of Costa Rica itself, on the ground that the annexation was provisional, prohibited its officers from selling the public lands of the department, "lest injury should result to purchasers upon its devolution to Nicaragua".¹¹

When the Federation of Central America dissolved in 1838-39, both Nicaragua and Costa Rica laid claim to Guanacaste. Negotiations were begun toward the object of effecting a permanent settlement. But various interruptions prolonged the dispute

¹¹ Manning, op. cit., 472. Italics mine.

until 1843, when Nicaragua sent Senor Don Toribio Tijerino to Costa Rica to conclude a treaty. By now new influences were at work among the Government of Costa Rica and it would agree to nothing more definite than to resubmit the whole question to the Legislative bodies of both countries with a view to working out new bases for agreement. This was accordingly done and by 1846 commissioners of the two countries had been appointed to treat, not only upon the subject of limits but also on commerce and general relations. The representatives of Nicaragua, Senores Juan T. Zarala and Laureano Pineda, could not persuade the commissioners of Costa Rica to give up their claims to Guanacaste. During the discussions it was freely asserted and as freely admitted that the sole basis for the claim of Costa Rica to the province of Guanacaste was the decree of 1826 and the fact of having administered it since that time. But her commissioners categorically disallowed the historical basis for Nicaragua's claim, and obdurately maintained that the issue should be settled favorably to the territorial expansion of Costa Rica. Nevertheless three treaties were arranged. The first provided for the general relations of the two States, and for the common defense. Nicaragua was given a pledge of support against any power which might have designs on the Mosquito Coast. The second provided for regulating the navigation of the San Juan River, and Costa Rica acknowledged the right of Nicaragua of general administration over it. In the third the "question of limits" was deferred to later settlement. The Legislative Chambers of Nicaragua ratified these three conventions in due

form, but Costa Rica, which had now become the theatre of the intrigues of Mr. Chatfield, the British Consul General to Central America, took no action whatever. Nicaragua urged that some formal disposition be made of these treaties, but Costa Rica refused to do so and would not listen to propositions for modifying their terms so that they would become acceptable. It was apparent, now, under whose influence the Government of Costa Rica conducted its foreign affairs.

On February 24, 1848, Mr. Chatfield concluded a treaty with Costa Rica, which gave to that country liberal privileges in the port of San Juan and placed it indirectly under the protection of Great Britain. Great difficulty was encountered by the governing faction in Costa Rica in securing ratification of this treaty. The method that was finally adopted was an extremely novel one. So far from presenting the treaty in open session the members of the Legislative Assembly who could be relied upon, were waited upon at their houses, and their signatures procured.

In the autumn of 1848 Senor Don Felipe Molina was named Minister to England from Costa Rica, and was given powers to visit Nicaragua on his way to London for the purpose of treating upon the subject of boundaries. The Government of Nicaragua showed a ready willingness to treat with Senor Molina, but when he raised claims to the entire south bank of the San Juan River from the Rapids of Machuca to the Castillo Viejo and from thence to the Pacific Ocean, he was reminded that Costa Rica had always recognized this territory as belonging to Nicaragua and therefore could not consistently raise pretensions

to it. Senor Molina responded by offering to Nicaragua a "pecuniary compensation" of \$100,000 for her relinquishment of title to rights upon the south bank of the San Juan. The Government of Nicaragua, through its commissioners, retorted that Costa Rica did not have \$100,000, and that she could have gotten it from only one source. This intimation that Costa Rica was the cats-paw of Great Britain greatly displeased Senor Molina who took it as indeed it was intended to be a point blank refusal to consider giving up the south bank of the San Juan River. The conference ended with nothing accomplished, and feelings between Nicaragua and Costa Rica were made more bitter than ever before.

When Senor Molina arrived in England he began to make contracts and arrangements of various sorts, and seems to have offered to place Costa Rica under British protection. For when it became known in London that a war threatened between Nicaragua and Costa Rica, early in 1849, Lord Palmerston dispatched Mr. Addington, Under Secretary of State for Foreign Affairs, to Senor Castillon, the Nicaraguan Charge d'Affaires to Great Britain, to ask explanations and to say that the Government of H.B.M. could not look with indifference upon such a collision "inasmuch as the Republic of Costa Rica was under the British protection".¹² This arrangement was often denied by both Senor Molina and his Government. But suspicions persisted in the highest circles of the Government of the United States and on the isthmus of Central America that it had been concluded. When Mr. Squier addressed his note of August 13, 1849 to Costa Rica to inquire if such had transpired and was indignantly refused a straightforward answer the evidence appeared to him conclusive, as showing

¹²Ibid., 369.

that Costa Rica had become England's pawn in the latter's struggle for control of all possible isthmian canal routes.

The letter of Mr. Squier to the Government of Costa Rica, just referred to, let the intriguants know that the United States was advised of their movements, and it had the effect of causing the Assembly of the State "to reject all the contracts and other arrangements which Molina had made in England".¹³ Among these was the contract for a loan of \$100,000 to the Government of Costa Rica bearing five percent (5%) interest and secured by "an hypothication of all the public lands". This meant that if Costa Rica should fail to keep up payments on this loan with full principal and interest the British Government might liquidate it by taking over the country and ruling it as an integral part of the eminent domain of Great Britain. Another contract entered into contained a proposition for the construction of a canal from the River Tempisque to the Bay of Salinas, and it gave future British occupants of terminal points separate municipal governments. A final arrangement was for the British to open the Serapiqui road and river to San Juan. All of these contracts and arrangements were rejected when it became known that the United States was aware of their existence, and hence would probably take strong measures to counter them. The rebuff of their rejection was felt so keenly by Mr. Chatfield that he completed the seizure of Tigre Island with more haste than he had intended, and proceeded at once for San Jose where he was under great need if his grand design should not altogether fall to the ground to prop up the waning British interests. When he arrived he found the Castro Government, with which the rejected

¹³ Ibid., 437.

arrangements had been made, repudiated by the people and a change of administration taking place. The result of the elections placed Senor Don Juan Rafael Mora, who was but the shadow of Castro, in the presidency. Mr. Chatfield began efforts to have the Molina contracts and arrangements reconsidered. He finally succeeded in negotiating a Treaty of Amity, Commerce and Navigation with Costa Rica, the terms of which placed that country under British protection and in return Great Britain secured virtually proprietary rights over the state. On December 1, 1849 a notification of this treaty was sent to Nicaragua and Mr. Chatfield issued a warning that whatever disputes existed between Costa Rica and Nicaragua must be settled amicably and through British mediation.¹⁴

This treaty protected Costa Rica's claim to the north bank of the San Juan River and thereby nullified any advantages of right-of-way which the United States might acquire over that stream. Nothing more is needed to show that it was the consummate design of the British Government to prevent the United States or any other nation building and to build for itself a canal communication between the Atlantic and Pacific.

The British and Costa Rican Governments exchanged ratifications of the treaty of Mr. Chatfield February 20, 1850. Shortly thereafter the Clayton-Bulwer Convention went into effect with the result that the English treaty with Costa Rica became of no consequence.

As early as October 12, 1849 Mr. Squier reported to Secretary of State Clayton that he was distrustful of the Government of Costa Rica. The then Director of the State, Senor Castro,

¹⁴Ibid., 483-4.

who had come to power three years before by means of a revolution, he described as a "vain and ignorant man" "seduced by the flattery, and corrupted by the bribes of the agents of Great Britain; in fact is their tool". Senor Molina, the Costa Rican Envoy to Great Britain, Mr. Squier analyzed as a "designing, avaricious man, looking first to his own interests, and ready to resort to any fraud or falsehood to promote them".¹⁵ Mr. Squier contended that there was a sufficient and increasing evidence of the duplicity of Costa Rica in that while denying that protection over the country was sought from Great Britain a treaty to that effect had actually been written, and submitted to the Department of State in support of his contention a letter from Mr. J. V. Clark, ex-Consul of the United States at San Juan, afterwards resident at San Jose, in which the terms of the Molina Treaty, as currently rumored in Costa Rica, were stated. The terms allegedly were: Great Britain was to receive the territory between the Serapique and San Juan Rivers; Costa Rica, a loan of \$500,000 and the protection of the British crown. These terms do not accord with the stipulations actually written into the Chatfield treaty, but they indicate the fundamental object of English isthmian diplomacy and the means employed to realize it by the British Government.

Taking all these facts into account Mr. Squier drew the following conclusions:

1. "The Government of Great Britain, not wishing to endanger her influence in Costa Rica, by insisting on the Mosquito pretensions, south of the San Juan, has procured a session of all the rights which Costa Rica has claimed over that territory, as also perhaps to the territory to which, under British instigation, she has recently set up claims, embracing the entire South bank of the San Juan and of Lake Nicaragua."

¹⁵
Ibid., 409.

2. "That in return for this; Great Britain stipulates to take Costa Rica under her protection, and to sustain her territorial claims against Nicaragua, and also (probably) to aid in opening some kind of communication between the Port of San Juan and the Capitol of Costa Rica, with the remission of duties on goods, entered at that port for Costa Rica."¹⁶

This arrangement reveals the basic outline of policy followed by British agents in their quest of unlimited control over all isthmian canal sites. The first step consisted in raising territorial claims on behalf of the Mosquito Indians, sustaining them to the point where to do so farther would have been a diplomatic error, and abandoning them when more efficacious means presented. Such were forthcoming from the protracted dispute between Costa Rica and Nicaragua, and these gave issue to the second step in the working out of "Empire policy". Costa Rica was encouraged not only to maintain but to expand its territorial demands upon the region along the San Juan River and around Lake Nicaragua. In case of difficulties which might ensue with Nicaragua, and it was generally expected that there would be difficulties and that these would become the pretext for war, Costa Rica was pledged the support of Great Britain. Thus stood the well-conceived British design upon Central America at the time Mr. Squier addressed his sophistical note to Costa Rica saying that "mere etiquette" ought not to be allowed to interrupt the friendly relations of that state with the United States. On October 20, 1849 Mr. Squier was answered by Senor Calvo, in as bitter and exacerbating tone as will be encountered in diplomatic correspondence. He argued that it was "prudent circumspection" and not "mere etiquette" which impelled his Government to insist

¹⁶Ibid., 410.

on the observance of proper diplomatic usages. But he very wordily made it clear that in no case would the Government of Costa Rica stoop to the use of such "ironical and immoderate words and expressions" as those recorded in Mr. Squier's latest dispatch.

Exactly one month from the date of this communication from the Government of Costa Rica Senor Calvo wrote Mr. Squier again, but in a totally different frame of mind. Sympathetic to the point of appearing solicitous Senor Calvo invited on behalf of his Government the American Charge d'Affaires to visit San Jose "as soon as it shall be your pleasure to come". This is quite as sudden a change of tone as the devolutions of Central American politics. It was occasioned by the change of administration whereby the Honorable General Senor Don Jose M. Castro withdrew from the Executive power and was replaced by Senor Don Juan Rafael Mora. Although there was no fundamental difference in the policies of these two men, the latter did appreciate the expediency of treating amicably with the representative of the United States.

Unfortunately the communication of Senor Calvo did not reach Mr. Squiers before December 19, 1849. On that day, writing from Leon, Nicaragua, Mr. Squier informed the Government of Costa Rica that a contract had been concluded between Nicaragua and the "American Atlantic and Pacific Ship Canal Company," September 26, 1849. And bluntly declared that the contract "in all of its provisions" was under the special guaranty of the United States, and that any pretensions Costa Rica should make to the territory of Nicaragua involved therein would be disallowed and not permitted by the United States. Mr. Squier also urged Costa Rica

to speedily compose whatever differences she had with Nicaragua.

Such a brusque manner could not fail to arouse resentment. Senor Calvo brooded over this "insulting announcement" until February 5, 1850. His wrath found outlet in a long letter to Mr. Squier in which he attempted to show that Mr. Squier was without legitimate mission "because Your Lordship has not exhibited to my Government your powers to treat of the matter in question"; without competent jurisdiction "because Costa Rica alone as a Sovereign Nation, with its personality already recognized, possesses the right to dispose of its territory"; and, that Costa Rica had not been heard because the titles to the disputed region were not investigated and mature judgement as to ownership was therefore impossible. All of these considerations, Senor Calvo averred, made the representations of Mr. Squier inadmissible.¹⁷

Not satisfied Senor Calvo wrote directly to Secretary of State John M. Clayton ten days later to protest the irregular behavior of Mr. Squier and to request information as to the intentions of the American Government regarding the settlement of the territorial dispute between the States of Costa Rica and Nicaragua. For some reason Mr. Clayton never replied to Senor Calvo, a commercial treaty was not negotiated, and the relations between the United States and Costa Rica came temporarily to an end.

The arrival of Mr. Squier in Central America and the fulsome praise with which he was received by Nicaragua, Honduras, and El Salvador combined to make it expedient for the British

¹⁷Ibid., 499-500.

to act speedily to prevent the negotiation of a canal treaty between the United States and Nicaragua. The most practicable means presenting itself to Mr. Chatfield was the seizure of Tigre Island commanding the Bay of Fonseca, for it was then the prevailing opinion throughout the isthmus that the transisthmian canal would terminate on the Pacific in the Bay of Fonseca. Mr. Squier was not long in recognizing what was afoot and on August 16, 1849 he wrote to Senor Don Francisco Ferrer, Supreme Director of Honduras, urging him to appoint a commissioner to treat with the representative of the United States for the purpose of concluding an agreement whereby the designs of the British would be frustrated. This request was at once complied with and Senor Don Jose Guerrero was made Plenipotentiary of Honduras with full and ample powers to effect, in conjunction with Mr. Squier, the necessary arrangements. On September 28, 1849 a Treaty was agreed upon. Its general terms extended to the citizens of the United States the right of holding real estate in Honduras, the right of free transit through Honduras and its territories, the right of drawback on goods taken out of the State which had previously paid duties, the right of passing merchandise through the whole or any part of the territory of Honduras free of export and import duties, the right of the free exercise of religion whether Protestant or Catholic. The principle of "Free Ships make Free Goods" was explicitly agreed to by Honduras, and a most-favored-nation clause was inserted in the treaty to regulate the commerce of the United States and Honduras. The real importance of this Squier-Guerrero Treaty, however, did not consist in its general provisions. The most significant features of the treaty as regards the relation of Great Britain and the United States to

the isthmus were its special stipulations. Honduras ceded the United States, in trust for a canal construction company, a section of land six miles long and three broad upon Tigre Island or any other island in the Gulf of Fonseca or upon the mainland within its territories for depots or other purposes. The employees of the canal company were freed of civil or military obligations during the term of their employment, and the right of cutting timber and taking necessary materials upon the islands and coasts was granted by Honduras to whatever company should build the canal. A section of land six miles long and one broad upon the mainland of Honduras was also ceded to the United States for the use of American lines of steamers on the Pacific. Finally, Honduras ceded a portion of its mainland six miles long and two broad to the United States for a naval station. In return for these concessions the United States recognized the rights of property which Honduras possessed over all the islands, coasts, and waters involved, and guaranteed their neutrality so long as the United States or her citizens enjoyed their newly acquired rights. On the same day the treaty was signed a special protocol was negotiated to accomplish immediately the prospective object of that treaty, and stipulated that the cession of Tigre Island should be for no longer a period than eighteen months and that a decree to that effect should be issued and published to the world.¹⁸ All diplomatic agents resident in Central America were notified of the transaction between the Honduran and American Governments, and informed specifically that the acquisition of interests in the western islands and coasts of Honduras would not

¹⁸Ibid., 393-407.

permit the United States to "look with indifference" upon any measures which should affect the then existing order of things in that quarter.

This notification, together with the fact that on October 9, 1849, the House of Government of Honduras officially provided for the transfer of the Island of Tigre to the sovereignty of the United States, caused Mr. Frederick Chatfield considerable anxiety. He determined upon the boldest stroke of power politics that was conveniently within his grasp. He would hoist the Union Jack over the Tigre Island and let it be known that his Sovereign would maintain it there. The ground work for this design had been carefully laid. For shortly after Mr. Squier's arrival in Central America, and directly because of it, Mr. Chatfield had renewed some and invented other claims upon the Government of Honduras. Under date of January 26, 1849, he warned that Government that if it should prove incapable of complying at once with British requisitions a lien on Tigre Island would be imposed. This hostile announcement was answered by the Honduran Foreign Office on April 7 of the same year. An offer was made to submit the claims to a Claims Commission, and Honduras promised to abide by the decision of that Commission whether favorable or unfavorable. Later, April 16, a commissioner was actually appointed to represent Honduras and notice of the appointment was forwarded to Mr. Chatfield. These plans Mr. Chatfield completely ignored. He did not accept or reject the offer to so dispose of the British claims, but he did fail to answer the correspondence of the Government of Honduras (and it is certain that that correspondence reached him). The most logical expla-

nation of this conduct is that it was to the interest of the British to prolong the quarrel with Honduras as long as possible in the hope that some incident would happen which could be used as the pretext for war. Then, in the event of a successful war, Great Britain could get what she wanted on the basis of conquest.

Whatever was the reason for his conduct the hand of Mr. Chatfield was "called" by Mr. Squier in obtaining for the United States a cession of the Tigre Island from Honduras. But the British agent had gone too far to back down with any grace, and with nothing agreeable with his disposition left to do Mr. Chatfield ordered the seizure of Tigre Island, effective October 16, 1849. On that day, at about 2:15 P. M. five armed vessels, in the command of Captain T. A. Paynter on board H. M. S. Gorgon, entered the harbor of Amapala (the chief port of the island). Under the protection of cannon a landing of troops was immediately made. Senor Don Vicente Lechuga, the Honduran Comandante of the Port, demanded to know the cause for this invasion. He was handed a letter from Commander Paynter in which it was stated that because the claims of British subjects against Honduras had not been satisfied it was considered by the Pacific squadron of the British navy desirable to establish jurisdiction over the Island of Tigre. Senor Lechuga was then required to acknowledge the receipt of this communication and to give, in writing, a testimonial that he had witnessed the act of dispossession. Senor Lechuga protested but to no avail. He was next commanded to haul down the flag of Honduras, which he had caused to be raised upon sight of the British, but this he refused absolutely to do. In consequence British troops were ordered to advance, and

directed to lower the Honduran and raise the British flag. This was done, under a British national salute, a discharge of musketry and with many cheers for Queen Victoria. After this ceremony Mr. Chatfield presented himself and asked Senor Lechuga many questions about the products and topography of the island. Then the commander of the English land forces declared to Senor Lechuga that the Honduran flag must not again be raised that the Island of Tigre "now belonged to England". The British flag was then pulled down, the officers and soldiers returned to their boats and embarked at three o'clock P. M. Thus in forty-five minutes another stake of the British Empire was driven--"temporarily" driven in the New World.

Characteristically the British did not confine their aggressions to any one point. Within the next ten days many acts of piracy and plunder were committed in a manner most unbecoming of the agents of a country which makes claims to being civilized. On the Island of Tigre surveys were carried out and points selected for the erection of permanent military works, and a garrison of one major, two marines, fifty-six privates armed with rifles, six cannon, and two launches stationed upon it. Its government was completely reorganized. Senor Carlos Dardano, a merchant resident thereupon, after declining many times, finally consented to become "Superintendent of Tigre" on pain of having all his property destroyed. Those citizens who had departed for Honduras in consequence of the rape of their island were ordered to return within eight days or all lands and other property that had been left behind would be confiscated.

The islands nearest Tigre, and belonging to Honduras, were Sacate Grande and Esposicion. Both of these were seized by British warships on the plea that security for the residents of Tigre Island was impossible so long as these islands remained in enemy hands. Besides those of Honduras all the islands belonging to El Salvador in the Gulf of Fonseca were seized: Minaguera, Punta de Sacate, Martin Peres, and Conchagueta. These systematic seizures makes it clear that it was the intention of Great Britain to control the western point at which it was thought the transisthmian canal would terminate as well as the eastern. Shortly after El Salvador's islands had been taken from her the chief port of the country, La Union, was blockaded--and at just the time when its being closed would have the most disastrous consequences. On the Atlantic coast of Honduras the ports of Omoa and Truxillo were seized. The behavior of the British in Truxillo was particularly odious and criminal. There the war vessel, Plumper, appeared and the commander presented certain correspondence relating to British claims on Honduras--what an unending and useful weapon "claims" were made to be!!!--and demanded the payment forthwith of upwards of \$110,000. This the Honduran Comandante could not do. And so British troops landed, occupied the fortress and some of the soldiers "committed excesses on the inhabitants" ("excesses on the inhabitants" is the diplomatic equivalent of the term ordinarily used to mean rape and other violent and horrible sexual compulsions). At wit's end the Comandante of the Port finally offered the English commander a bribe of \$1200 to go away and leave the town in peace. His offer was greedily accepted.

¹⁹ Ibid., 430-3.

News of these proceedings reached Mr. Squier on October 23, 1849. He immediately dispatched protests to the British Charge, and declared that the acts of the British in seizing upon Tigre Island could not be regarded as invalidating the rights of the United States previously acquired in that island. Mr. Squier then made it clear to Mr. Chatfield that the United States would expect him to give directions for the evacuation of the said island without further delay. On the same day, October 23, Mr. Squier forwarded a copy of his letter to Mr. Chatfield to Senor Don Jose Maria Rugana, Minister of Foreign Affairs for Honduras, and urged that as speedily as possible the obstacles to American occupation of Tigre Island be removed. Accordingly the decree authorizing the United States, through its Charge d'Affaires in Central America, to take possession of the island was prepared and transmitted to Mr. Squier October 29, 1849.

Mr. Chatfield's answer to Mr. Squier came on October 25 from aboard H. B. M. S. Gorgon, then lying in anchor at La Union. The American Charge was told that in a letter written from the British legation in Central America to the Government of Honduras under date of January 26, 1849, a lien had been placed on Tigre Island in the case of failure to satisfy British claims. Such claims had not been satisfied and therefore it was contended Honduras had become incapable of the act of cession without the consent of England, which had not been obtained. What was even more, Mr. Chatfield argued, Honduras was without "National Attributes" and for that further reason could not alienate any of its territory, that the weakness of government in Honduras did not exempt it from the penalties of impropriety

in its foreign relations. The reply of Mr. Squier, October 28, 1849, pointed out to Mr. Chatfield this inconsistency of argument, that while holding Honduras without "National Attributes" claims were levied upon that nation and it was otherwise treated exactly as if sovereign--except in the matter of whether it might not alienate some of its territory. Mr. Squier held that the British notice of January 26 to the effect that a lien would be imposed in no way affected the status of Honduran control over the disposition of the island, and declared that the principle on which its seizure had been carried out would not stand the test of international law. He said:

Sir, there is a grave principle in your pretensions of ability to seize forcibly, in the name of your sovereign, upon the territories of any nation, by way of indemnity for claims of British subjects--Such forcible seizure is a positive act of war...The recognition of this ability, on the part of any diplomatic representative, under whatever authority, would license universal robbery, and lead to general disorder--For paltriest sums, perhaps unjustly claimed by the subjects of a powerful nation, the weaker power might be despoiled of its most valuable territories,--its only ports,--deprived, in fact, of its national existence, and absorbed in the dominions of another nation. Such a right would permit of too dangerous exercise, and would be followed by too many abuses, to be lightly admitted--There is sir, as between civilized nations, but one mode of acquiring territory, viz: by Treaty; and it has come to be understood that, the rights of conquest require to be thus sanctioned, in order to be regarded as permanent.²⁰

Nevertheless the British continued to maintain that they had "proprietary" rights in the island (based altogether on the notice of Mr. Chatfield of January 26). Completely exasperated Mr. Squier served warning effective as soon as his communication should be received (his letter was written on November 2, 1849) that within six days the British must evacuate the Island of Tigre or the continued act of possession would be regarded as delib-

²⁰ Ibid., 428-9.

erately unfriendly to the United States. The British did not budge. On November 6, Mr. Squier was notified by the Government of Honduras that General Sastos Guardiola had under his command 1,000 men ready to proceed to Tigre Island and tear down the British and hoist the American flag. But Mr. Squier perceived that to do so would be to play directly into the hands of the British, for it was their purpose to provoke a war and accomplish their design by right of conquest. And so he urged temperance and a delay to last at least so long as communications with Mr. Chatfield were underway. Nothing was accomplished between Mr. Squier and Mr. Chatfield, but on December 26, 1849, Sir Phipps Hornby, Commander-in-Chief of British Naval Forces in the Pacific, ordered Captain T. A. Paynter to evacuate British troops and military supplies from off the Island of Tigre. The action of Admiral Hornby is explained by that fact that he was aware of the disapproval of Lord Palmerston of the seizure of Tigre Island, and he feared complications with the United States.

When the British left the island Mr. Squier made preparations to occupy it in the name of the United States. He directed, March 30, 1850, Senor Don Eusebeo Craesman, the then Comandante of the Island, to raise the flag of the United States and keep it flying until further instructions should be issued. The following day Mr. Squier wrote to Sir Phipps Hornby that intimations were spread about that the British intended to reoccupy Tigre Island. The basis for these rumors consisted in recent developments between the British and Honduran Governments. On December 29, 1849 a Claims Convention had been arranged, but the Envoy Plenipotentiary of Honduras, Senor Don Felipe Jauregui,

had acted beyond his powers and committed his Government to more than it could honorably agree to. In consequence the House of Government refused to ratify. This led Sir Phipps Hornby to remind the authorities at Tegucigalpa that if deemed necessary the Island of Tigre could again be taken as an indemnity for failure to satisfy British claims. In the midst of correspondence on this subject between Admiral Hornby and the Government of Honduras came the declaration of Mr. Squier to the former that the island was in the hands of the United States, its cession having been negotiated for September 28, 1849 and approved October 9, 1849. Admiral Hornby replied to Mr. Squier that the matter of the island would be treated upon by their respective Governments and no discussion of the issues was engaged in.

On April 2, 1850 Senor Craesman reported to Mr. Squier that the flag of the United States had been raised over the Island of Tigre and saluted with two discharges of musketry and would be kept a-flying.

The relations of Mr. Squier to Honduras were not confined to parrying the thrusts of British agents. For one of the objects with which the American Charge had been entrusted was to foster a Federation among the States of Central America, and particularly between Honduras, Nicaragua, and El Salvador. It is time to see how this project fared.

On July 9, 1849 Mr. Squier opened correspondence with the Government of Honduras toward the view of consummating the hoped-for union with Nicaragua and El Salvador. Honduras expressed willingness to enter into negotiations looking to that object and announced that Senor Don Felipe Jauregui had been commissioned with full and ample powers to treat upon that

subject. Negotiations were forthwith begun, and on November 9, 1849 the Articles of Confederation had been drawn up and agreed to by representatives of the three powers immediately concerned. These provided for a strong "General Government" with the sole power to manage "Exterior" relations, and in consequence assumed the obligations of the several states. Other important provisions contained in the Articles were: first, the General Government was to have the sole right of levying duties and imposts; second, the Confederation entered into was to be called the "Representacion Nacional de Centro America"; third, the capital of the Confederation was directed to be Chinandega, Nicaragua; fourth, Guatemala and Costa Rica were to be invited to become members of the Confederation; fifth, sovereignty over the Mosquito Coast was asserted to belong to Nicaragua and pledges were exchanged to maintain with all the military and naval resources of the Confederation that sovereignty. On February 28, 1850 Salvador ratified the Convention of the Articles of Confederation, making it the first to do so. Both Nicaragua and Honduras followed suit, on May 11, and June 25, 1850 respectively.

Despite this good beginning the joint legislature of the Confederation never met, for the reasons that the States composing it were sore beset with jealousies within and strife without, and no basic national sentiment existed to prompt carrying the project through. The circumstance of British aggressions rather than a true feeling of mutual fraternity was the fundamental cause for the Confederation to have ever been created.

So far as his Government was concerned, Mr. Squier had

two objects to effect in his relations with El Salvador. The first was to encourage the Confederation with Nicaragua and Honduras. This he did, and it was accomplished by a Decree of the Congress February 28, 1850. The second was to conclude a Treaty of Commerce between the United States and El Salvador. This proved to be the easier of Mr. Squier's two tasks. By December 31, 1849 he reported to the Department of State that such a treaty had been arranged.

The formal objects of Mr. Squier's mission to El Salvador were accomplished without difficulty. And there is little in the course of negotiations leading to their attainment which is of interest. But as showing the character of English diplomacy Mr. Squier's relations with El Salvador were both interesting and difficult. Because the Government of El Salvador contended, and with apparent soundness, that claims of British subjects upon it were founded upon illegal documents, and because in consequence thereof it declined to satisfy those claims, the British Charge d'Affaires, Mr. Chatfield, ordered a blockade of the port of La Union effective October 26, 1849 and the seizure of the Islands of Minaguera, Conchaguita, Punta de Sacate, and Perez. This action forced the Government of El Salvador to treat for peace, and by November a Claims Commission had been empowered to settle with the British Charge the long-disputed claims. Senor Miguel Montoya and Senor Don Juan Antonio Alvarada were appointed to represent El Salvador, and were instructed as follows:

1. That in their conferences with Mr. Chatfield they should allege most of the claims made on the Government of El Salvador to originate in illegal documents.

2. That they should plead that the time was inopportune for effecting a settlement because before claims could be recognized as valid the Legislative Chamber, not then in session, must pass upon them.
3. That in case of failure to win a delay in the settlement of issues arising from claims they should urge that either the American Charge d'Affaires or the French or both be the judge of all claims submitted.
4. That in case arbitration was agreed upon antecedent conditions should be the unconditional surrender of the islands taken and the lifting of the blockade of La Union.
5. That they should enter new and strong protests in the event the British Government declined to arbitrate claims.²¹

By November 12, 1849 an agreement had been concluded. But it went much beyond the instructions of the representatives of El Salvador to concede. All undisputed British claims (amounting to 89,192 pesos and 7 reales) were recognized, and others were reserved for subsequent settlement. On this basis the blockade was lifted and the sequestered islands devolved back to Salvadorian sovereignty, with this restriction "that the Government of Salvador can only dispose of them in favor of Salvadorians, while there is no formal agreement with Mr. Chatfield for the other English obligations."²² This restriction, at first glance, does not appear oppressive. But upon mature reflection it reveals the British design to maintain virtual control over the islands by protracting the dispute with El Salvador.

There were two reasons which impelled the Commissioners of El Salvador to agree to such a stipulation: first, their natural desire to relieve the blockade of La Union and thus facilitate the return of commerce, and; second, their having

²¹Ibid., 455.

²²Ibid., 455.

been deceived by Mr. Chatfield to the effect that El Salvador could expect nothing from her association with the United States. Mr. Chatfield read to the Commissioners letters purporting to come from Mr. Squier in which the seizure of Tigre Island and all other measures taken by Mr. Chatfield to "secure the British interest" were approved and "supplicating" Mr. Chatfield to arrange a visit with him at Realejo. This trick reveals the true character of Mr. Chatfield as a power diplomatist, a falsifier and forger, willing to countenance any fraud or fabrication to realize his purpose. This shabby trick had the desired effect upon its "victims" who were therefore led to believe that the "protection of the United States is very remote" and "the Americans would not be willing to pledge themselves to reconquer and restore to us our islands, without a previous indemnity of the millions which they might have to expend", and so reported to their Government the day following their signature of the claims convention. The Commissioners of El Salvador were also convinced that England had "no interest to take away from us, nor to possess a single palm of our territory, provided we should not cede to, or deposit in power of any other nation our islands, or any portion of our coasts".²³ The report of the Salvadorian Commissioners to such effects yields to but one or the other explanation: either Mr. Chatfield was a first-class liar or the men with whom he dealt were weak, simple, and ignorant souls. Probably a combination of these circumstances is responsible for the complete success of Mr. Chatfield's trick.

²³ Ibid., 457.

Mr. Squier was naturally embittered toward Mr. Chatfield for such a lack of principle, but it proved relatively easy to reestablish harmonious relations with the Government of El Salvador, which had never approved the conduct of its Commissioners, and by December 31, 1849 a Treaty of Commerce, Amity, Friendship and Navigation had been concluded.

As soon as possible after his arrival in Central America, Mr. Squier began an investigation of the practicability of a canal route through Nicaragua. Several other investigations, he discovered, had preceded his. The most important of these were the ones conducted by Dr. D. T. Brown and a Mr. Bailey, the former on behalf of the Hound and Company of New York. Mr. Squier, however, was not willing to accept in full the testimony of these men, and he had absolutely no confidence in the reports of natives. In consequence he himself surveyed the entire line of the proposed canal, and reported to the State Department October 10, 1849 that he had "no hesitation in saying that the project of constructing it the canal is entirely feasible"²⁴. His report is embodied in a ninety-page pen-written account of the historical, geographical, topographical, climatic, economic, and demographic factors to be encountered in the actual work of construction. The report though lengthy is not technical, and might, excuseably, be termed superficial. It was, however, written with an abundant enthusiasm, and the writer appears to have assumed that the canal would be constructed in the then very near future.

Three routes were pointed by Mr. Squier as possibilities, and each of them was carefully studied and discussed in

²⁴Ibid., 408.

communications to Mr. Clayton. The first and shortest, that from San Juan del Norte over the San Juan River, through Lake Nicaragua and terminating at the port of San Juan del Sur, was surveyed by Mr. Bailey. This route Mr. Squier examined and decided to be "wholly impracticable".²⁵ "It will require," Mr. Squier argued, "from one and a half, to four miles of tunnel,

and even if that was dug, of such giant dimensions as to allow the passage of ships----, it would be impossible to supply the canal with water----the mere leakage of a canal would consume double the amount of water which it would be possible to obtain at the necessary elevation. A supply from Lake Nicaragua is wholly out of the question."²⁵

These facts, Mr. Squier was sure, made further consideration of this route unnecessary. The second route was from San Juan del Norte, over the San Juan River, through Lakes Nicaragua and Managua (via Tipitapa River), and thence at a northward angle to the port of Realejo. The major problem involved with this route was to keep the Tipitapa River open to navigation. Mr. Squier decided, upon examining this stream, that it must be subject to intermittent interruption in its natural tendency. This was deduced from an analysis of the topography of the country through which it flowed. Mr. Squier's view was confirmed by the testimony of natives. (Here is one example where Mr. Squier found it profitable to use the advice of natives, although it was against his practice to do so.) In spite of this drawback, however, Mr. Squier was of the opinion that this was the best and most practicable route available. And he contended that the real difficulty in construction would come not from natural obstructions but from "cost and labor". The third route diverged from the second upon leaving Lake Managua and

²⁵ Ibid., 504.

proceeded from thence to the Bay of Fonseca. This was the longest route and had only one important advantage over the other two, namely, that its western termination, protected by the strategic Tigre Island, would be easier to defend than either Realejo or San Juan del Sur. Construction problems were not particularly more difficult over this than the second route, and for that reason the conviction was at one time almost universal throughout Central America that the third route would be the one finally chosen. It was this consideration, more than the existence of a few paltry claims, which led the agents of Great Britain to seize the Tigre Island and hold it for a ransom which it was hoped among them would never be paid.

Having assured himself that the construction of the interoceanic canal was a feasible enterprise Mr. Squier began serious discussions with the Government of Nicaragua toward the object of arranging a convention which would protect the company empowered to construct it. These discussions were constantly embarrassed by the activities of Mr. Chatfield and other British agents, and it was never certain that relations between the Governments of Great Britain and Nicaragua would be such as to allow the peaceful prosecution of the work of constructing the canal.

Feeling in Nicaragua had been hostile toward Great Britain even before the seizure of San Juan del Norte. After that act of usurpation and injustice the Nicaraguan hatred of everything British knew no limit. This was partly cause and partly effect of that act. Partly the cause from the fact that British agents were extremely insolent and overbearing. Their

"persuasions" were entirely based upon preponderant strength, not on right or reason.

Soon after the arrival of Mr. Squier in Central America the intimidations and menaces of British agents and particularly Mr. Chatfield were noticeably increased. In a letter dated August 20, 1849 and addressed to Secretary of State Clayton Mr. Squier reported that he had discovered new threats and more serious ones being made upon Nicaragua than ever before. He continues by saying:

My arrival here has been the signal for renewed insolence towards this State Nicaragua, the Government of which is in weekly receipt of communications, from the above-named official Mr. Chatfield making all kinds of demands, and loaded with threats in case they are not complied with. The tone of the communications is disgraceful in the extreme, and discreditable to the country of which Mr. Chatfield is the representative. He had demanded amongst other things, the immediate payment of certain debts of the State, due to British subjects, the liquidation of which has already been provided for, with Mr. Chatfield's approval, by the appropriation of all the revenues of the State. To give efficacy to this demand, a Steamer of war and a frigate, have been ordered before Realejo, the principal port of this State on the Pacific.²⁶

The fundamental disgracefulness of this kind of behavior results not from a few isolated instances of it, but from the general and typical practice by which "British subjects grow rich (as well as British Consul

Generals and other agents) in manufacturing claims against these Governments those of Central America -----duly enforced by blockades and other forceful means. I Mr. Squier have had an opportunity of looking into some of these claims, and I challenge the world to produce transactions more fraudulent."²⁷

Not only were fraudulent claims constantly being invented with which to persecute Nicaragua, but that State was kept under a heavy embarrassment in consequence of the seizure of San Juan.

²⁶Ibid., 349-50.

²⁷Ibid., 421.

The revenues of the country, at best inadequate, were diminished greatly through the loss of that port and the resulting diversion of duties formerly paid to Nicaragua to the British. During the fiscal year of 1848-49 a decrease of thirty-three percent (33%) in national revenue was attributed to the displacement of
²⁸
 Nicaraguan authority at San Juan.

These injuries were exasperating to Nicaraguans loyal to the interests of their country. But they were endured with forbearance and by virtue of necessity. Nevertheless a considerable body of opinion throughout the country stood for war with England in the expectation that thus England would suffer a collision with the United States. This sentiment made some gains during the early months of 1850, when the Mosquito flag, which had flown over San Juan since February 12, 1848, was replaced by the British and parties of Englishmen arrived in the port to make a thorough survey, plant buoys, and settle upon sites for building
²⁹
 permanent barracks for troops. The fact that all indications pointed toward permanent occupation of San Juan not by the Mosquitos protected by the British but by the British themselves had a perceptible influence upon those who had not favored war with England toward making them disposed to fight as a last resort to preserve themselves against the encroachments of the British. This disposition continued to attract adherents throughout February and March, 1850, and reached its highest pitch during the month of April, when the usurpers of the port of San Juan perpetrated the atrocious act of cruelly whipping and otherwise maltreating

²⁸Ibid., 405.

²⁹Ibid., 511, 533.

a party of Nicaraguan citizens who had gone there as passengers, under the pretext that they had no passports.³⁰ War was prevented by the Nicaraguan Government through asking for the recall of Mr. Chatfield and promising its subjects that all would be done that was possible to persuade the United States to mediate the dispute. For the time Nicaragua was pacified, but her militant attitude in favor of removing the British from San Juan remained unaltered. The new British Vice Consul, Mr. James Green, kept things stirred up for awhile. Better relations, however, were happily cultivated as soon as it became certain that under the provisions of the Clayton-Bulwer Treaty of April 19, 1850 Great Britain was expected to relinquish her hold on San Juan and the Mosquito Shore.

The relations of the British to Nicaragua embarrassed but did not prevent negotiations of a canal convention between the Governments of the United States and Nicaragua.

Preceding the arrival of Mr. Squier in Central America a contract for constructing a canal across the isthmus had been entered into between Nicaragua and Dr. D. T. Brown on behalf of the Hound and Company of New York. The terms of the contract were far from liberal, and it was Dr. Brown's opinion they would not be accepted by his principals. Before the executives of the New York Company had had time to examine the contract it was jeopardized by a protest from the British Government, delivered through Mr. Thomas Manning, Acting Vice Consul at Realejo, to the Government of Nicaragua. Mr. Manning "instructed" the latter that the Mosquito territory comprised the San Juan River up to the Rapids of Machucha, and "that no usurpation of those rights

³⁰ Ibid., 526.

will be consented to by H. B. M. government as protector of said nation".³¹ This protest launched negotiations which outlasted the time within which the contract could be accepted by the Company. At the same time new developments were taking place which made Nicaragua desirous of being relieved of the agreement. For soon after Mr. Squier reached Leon the authorities there began to hope, and not without foundations, that in any arrangement with a construction company the protection of the United States would be secured over the country. Acting on the presumption that this could be accomplished the Government of Nicaragua early in August, 1849, declared the contract of March 17, 1849 with Dr. Brown null and of no effect. This action cleared the way for the discussions with Mr. David L. White, agent of the Cornelius Vanderbilt, Joseph L. White, and Nathaniel H. Wolfe and Company of New York. This company had a stronger chance of being able to induce the Government of the United States to protect it than had Hound and Company. For this reason it was more acceptable to Nicaragua. On August 27, 1849, a contract was agreed to between the Company and Nicaragua for the object of constructing a canal communication across the isthmus.³²

While this contract was being drawn up negotiations toward a treaty to give it effect were being conducted by Mr. Squier with Commissioners of Nicaragua. Negotiations were completed and the treaty signed September 3, 1849 by Senor Don Hermengildo Zepeda and Senor Don Gregorio Juarez for Nicaragua and Mr. Squier for the United States. The basis of the treaty was the old one with the Federation of Central America. Three

³¹ Ibid., 336.

³² Ibid., 360-66.

special provisions, however, constituted as many exceptions. In Article III American citizens were granted the right to purchase and hold lands and real estate on the same basis as natives, and the Government of Nicaragua pledged that no privileges in manufacturing, trade, and mining should be granted to foreigners which were not common to American citizens. Article XIII gave American citizens the same and no more privileges in courts of law than those enjoyed by native citizens. But Article XXXV was entirely new and embraced the provisions respecting the proposed canal and the construction company. Section one stipulates that no vessels of the United States should be subjected to any port or other similar charges in the ports of Nicaragua, which ports should be "practically" free to the citizens of the United States; that right-of-way across the territories of Nicaragua, by any modes of conveyance then existing or which might thereafter be constructed, should be free to the Government and citizens of the United States; that no duties should be levied on vessels or merchandise passing in transit by such communications, and that all merchandise introduced for sale or barter, which might, within three years be exported, should be entitled to drawback. In section two both the Governments of Nicaragua and the United States agreed to protect the company styled the "American Atlantic and Pacific Ship Canal Company" "in order to secure the construction and permanence of the great work" contemplated. The United States distinctly recognized the rights of sovereignty and property which the State of Nicaragua possessed in and over the line of the canal, and guaranteed "positively and efficaciously the entire neutrality of the same" so long as the United States remained in control over it and so long as the citizens of the United States

should enjoy the privileges secured to them in section one of Article XXXV. Section three provides that in the contingency the American Atlantic and Pacific Ship Canal Company should fail to comply with the terms of their contract, within one year after the "official declaration of failure" another company might be organized to assume the obligations of the contract, "provided, the company thus assuming said contract, shall first present to the President and Secretary of State of the United States, satisfactory assurances of their intention and ability to comply with the same". The last section of Article XXXV provides that Nicaragua may not bestow any of the rights, privileges, and immunities extended to the United States and her citizens upon any other nation "except such nation shall first enter into the same treaty stipulations for the defense and protection of the proposed great inter-oceanic canal, which have been entered into by the United States, in terms the same with those embraced in the section 2d. of this article".³³

Mr. Squier's instructions on the point were very clear and he was in consequence particular to see to it that the United States would not become, by the terms of this treaty, party to an "entangling alliance". And although the Government of Nicaragua was very insistent that in return for the rights acquired the United States should guaranty the protection of the entire country nothing more was allowed than that the United States undertook to guaranty "positively and efficaciously the entire neutrality"³⁴ "over the line of said canal". Even this much was a departure from the settled foreign policy of the United States, but was

³³ Ibid., 360-61.

³⁴ Italics mine.

warranted by the admitted fact that without such a guaranty the canal could never be built.

In order to enforce a close relation between the Government of the United States and the canal construction company Mr. Squier had the following special terms incorporated into the contract: first, that the personnel of the company should always be citizens of the United States, and that a majority of stock should always be owned by American citizens; second, that the contract should be held inalienably by the company, and that the company should never become connected with or dependent upon any other country whatever its objects than the United States; third, that the citizens, vessels, etc., of all nations should be allowed to pass through the canal on the same terms as those of the United States provided such nations should first enter into the same treaty stipulations with Nicaragua for the protection of the canal; fourth, that the stock books of the company should always be open for inspection, and the tariff rates should not be changed except after six months notice in the chief ports of the United States.

This contract together with the treaty was despatched to Washington on September 10, 1849. Five days later both were submitted to the Legislature of Nicaragua and on April 11, 1850 were ratified in their final form.

Mr. Squier's relations with Guatemala during his so'journ in Central America were brief and inconsequential. Throughout his mission that State, under British promptings and distracted by an intestine war, intrigued against consummation of the projected union between Nicaragua, El Salvador, and Honduras. But soon after that union had been perfected by agreement upon the Articles

of Confederation the Government of Guatemala solicited the intervention of Nicaragua for the settlement of difficulties with El Salvador arising out of that State's refusal to recognize the independence of Guatemala. In consequence an arrangement was negotiated to the effect that El Salvador should acknowledge Guatemala's independence in return for the promise that Guatemala should never recognize the Mosquito sovereignty or the pretensions of Great Britain in San Juan, that she should subscribe fully to the principle of European or Monarchical non-intervention in the affairs of the Republics of Central America, and, that she should agree to submit all disputes which might arise between her and the other States of Central America to the arbitration of some one of the North American Republics. This last pledge was exacted of Guatemala so that she would not invite the intervention of some European power in the settlement of any trumped-up quarrel with any of the States of Central America.

The result of this agreement proved satisfactory to both Guatemala and the Confederation of El Salvador, Nicaragua and Honduras. And it had the happy end that good feelings were restored on the isthmus. Mr. Squier had no further dealings with Guatemala than to encourage her to abide by the spirit and letter of her international commitments.

Mr. Squier made a consistent effort while in Central America to interest France in the object of eliminating British influence from the isthmus. In this effort he was only partially successful at the first, completely so near the end of his mission. On August 12, 1849 Mr. Squier wrote to the French Charge d'Affaires in Guatemala to inform him that "An American

³⁵ Ibid., 513, 463.

Company, having the full confidence of their Government, and composed of the largest Capitalists of the Continent, have obtained from the Govt of Nicaragua a most favorable, and at the same time a reciprocally just contract for the construction of this canal".³⁶ (It will be noted that this communication was dated August 12. The contract between Nicaragua and Mr. David L. White was not signed until August 27, and the treaty between Nicaragua and the United States giving it effect until September 3, 1849. This trick of diplomatic deception through the use of the past tense for what had not yet been accomplished was employed by Mr. Squier for the purpose of securing prompt attention and ultimately of leading France to oppose the designs of the British in Central America.) The French Charge, Monsieur Dagobert Fourcade, was quite responsive to the intimations of Mr. Squier that it would be to the advantage of France to cooperate with the United States in its attempt to destroy British power in Central America. But he hastened to observe, in his reply of September 7, 1849, that he lacked instructions how to act "definitively".³⁷ This lack of instructions as to how to proceed more decisively than simply sitting idly by was deprecated by Mr. Squier in his answer of September 30, but he continued to urge upon the attention of Monsieur Fourcade his project for eliminating British influence from the isthmus and informed the Frenchman of what had been transpiring in Costa Rica as touching that State's relations with the Government of Great Britain. To this Monsieur Fourcade gave a satisfactory but cautious reply

³⁶ ibid., 353.

³⁷ ibid., 406.

late in October, but expressed indignation at what was then represented in Guatemala City to be the next step on the part of England toward complete dominance over the whole of Central America--the seizure of Tigre Island. However, Mr. Squier was advised by Monsieur Fourcade that no steps should be taken except to keep their respective Governments informed. ³⁸ But as it turned out both Mr. Squier and Monsieur Fourcade did more than that. The former concluded a treaty with Honduras, September 28, 1849, for the temporary cession of the threatened island to the United States, and Monsieur Fourcade, when it appeared in December, 1849, that Great Britain intended to reoccupy the Tigre Island after surrendering it in October, ordered a French vessel of war, the Serieuse, to follow and observe the movements of Admiral Hornby. ³⁹ This wakefulness was responsible for inducing caution in the actions of British agents in Honduras and El Salvador.

Throughout Mr. Squier's mission in Central America the French Charge d'Affaires was always friendly and near the last openly favorable to the objects of American isthmian diplomacy.

There are a number of striking similarities and contrasts between the missions of Mr. Elijah Hise and Mr. Ephraim George Squier to Central America. Of the similarities the following are judged the most important: first, both Mr. Hise and Mr. Squier encouraged a union amongst the States of Central America; second, both were hostile to and opposed British encroachments; third, both negotiated unauthorized treaties as means to end those encroachments; fourth, both enjoyed lively success in winning friendship and respect for the United States

³⁸ Ibid., 463.

³⁹ Ibid., 520.

from isthmian countries; fifth, both used the same methods and followed the same general principles of behavior in their conduct of the affairs of the American legation in Central America, and; sixth, both were power diplomatists in that they urged and persuaded and coaxed Congress to send a warship to visit the ports in which British ships were stationed. This would give "efficacy", they thought, to American diplomacy. The contrasts between the missions of Mr. Hise and Mr. Squier are not so clear-cut as are the similarities. Nevertheless it is distinguishable that Mr. Squier extended the work of Mr. Hise; Mr. Hise started from scratch. It is also true that Mr. Squier had a larger work than Mr. Hise and therefore faced a greater variety and complexity of problems. Finally, the character of Mr. Squier's purpose was primarily practical, while that of Mr. Hise was investigative.

The mission which Mr. Squier conducted in Central America must be evaluated as totally more successful than that conducted by Mr. Hise. But it must be remembered that Mr. Squier had a longer residence in Central America than did Mr. Hise. In view of this fact it is no more than fair to say that relatively Mr. Hise was as successful as Mr. Squier, but that totally Mr. Squier's work was the more significant. Mr. Hise was certainly not so extensive in his labors as was Mr. Squier. For the latter put a quietus to British expansion in Central America by acquiring rights for the United States which directly conflicted with British pretensions. And he insisted that the United States defend those rights, and the official disposition in Washington to do so gave Great Britain no alternative to continuing aggressions

upon the isthmus except war. Great Britain did not want war, and so a compromise was worked out in the form of the Clayton-Bulwer Treaty. Mr. Squier encouraged the States of Central America to adopt a policy of excluding monarchial-European powers from getting a position of influence on the isthmus. Nicaragua followed this advice and on October 6, 1849 the Legislative Chamber of that country passed a "Declaration of Liberty, Sovereignty and Independence" in which was pledged the inviolable adhesion to republican principles such as ought to animate all the "Republics of America". In consideration of the fact that ties between the United States and the isthmus promised to be increasingly important, Mr. Squier urged Congress to establish a permanent mission in Central America, and to endow it with more ample funds than it then enjoyed. The reason for this latter request was that uncertainties of communication--bad roads, the lack of adequate postal systems, the dangers of packets of letters and documents being intercepted by spies--made it necessary for couriers to transmit, sometimes over great distances, all important despatches. Probably the most lasting and significant contribution of Mr. Squier was that he gave a definite form and tendency to the policy of the United States in the Caribbean, through constantly emphasizing the advantages likely to accrue to the United States by establishing predominance over the region. By proving that his bag of tricks was as exhaustless as Mr. Chatfield's, Mr. Squier also checkmated the British and laid the basis for the realization of that predominance.

In June, 1850, Mr. Squier was granted a leave of absence from his post, and the following September was notified that the President had determined to appoint another to replace him.

CHAPTER IV
THE INFLUENCE OF THE HISE AND SQUIER MISSIONS
ON THE NEGOTIATIONS LEADING TO
THE CLAYTON-BULWER TREATY

The receipt at the Department of State of the Hise-Selva Convention, early in September, 1849, evoked a conversation between the Secretary of State and the British Charge d'Affaires, John F. Crampton. In this interview Mr. Clayton denounced the treaty which Mr. Hise had signed and described as an "absurd stipulation" that provision whereby the United States undertook to protect Nicaragua in the whole of her territory for exclusive rights across the isthmus. To give force to the denunciation a portion of the instructions issued to Mr. Squiers, May 1, 1849, in which he was directed not only not to negotiate any treaty with Nicaragua on the subject of a passage across the isthmus, but not to give his support or countenance to any contract entered into by private citizens of the United States with Nicaragua on that subject, was read to Crampton. Mr. Clayton declared the Hise Treaty to have placed the Government of the United States in a most embarrassing situation.

The circumstances which gave rise to this state of embarrassment are the following. General Zachary Taylor, a Whig, had succeeded to the presidency March 4, 1850, but his party was without a substantial majority in either House. This fact, together with the general feeling of truculence then prevailing against England for her barbarous usurpations in Central America, made it certain that the Hise-Selva Convention would be called for by Congress. By the time of Clayton's interview with Crampton

the substance of that Convention had found its way into the newspapers. This unleashed a popular clamor for the facts and correspondence back of what had been transpiring in Central America. Should those facts and that correspondence become public, through taking the Legislature completely into the confidence of the Executive, war with Great Britain, Clayton thought, would be the result. And if the Taylor Administration refused to call England to account, by war if need be, then its political enemies would condemn it as pusillanimous, cowardly, and Anglophilic.

Plainly Secretary of State Clayton was in a dilemma. He did not want war with England. But--he was not prepared to surrender the isthmus to English aggrandizement. The solution to his problem seemed the forbearance of both the British and American Governments, and the gradual withdrawal of the former from the affairs of the isthmus. This he urged for the consideration of the British cabinet.

The first discussion between Clayton and Crampton on isthmian problems with particular reference to the Hise-Selva Treaty took place on September 17, 1849. Thirteen days later a conference on the same subject was held between President Taylor, Mr. Clayton, and Mr. Crampton. The President had gone into Secretary Clayton's office on another matter of business, but when he learned that the Hise-Selva Convention was under discussion with Mr. Crampton, he waived all ceremony and joined in the conversation. Something of the stir in official circles created by the Hise Treaty may be seen from this circumstance. Because it embodied a policy of imperialism, from which the United States had always held aloof, and because its object was

to put an end to selfish British machinations, it was looked upon with favor by many groups, particularly those interested in discrediting Taylor. In this second interview between the English and American Governments Mr. Clayton made it clear what the position of the United States toward British occupation of Nicaragua was and would continue to be. He said that the United States did not wish for any exclusive advantages across the isthmus, but that it could not look with indifference upon the possession of such by any other great maritime power. It was from this attitude that he declared the United States Government to be entirely willing to disapprove of the Hise Treaty unless driven to accept it to counteract the exclusive claim of some other country. From this negative Clayton proceeded to a positive aspect of the problem and made the Government of Great Britain, through its Charge d'Affaires, this proposition: that the United States should abandon the treaty signed by Mr. Hise, and instead of ratifying it should propose simultaneously with H. B. M. Government, another treaty to Nicaragua by which no exclusive advantage should be conferred on any party, and the object of which should be to guaranty the safety of a company of capitalists especially empowered to construct the canal. The most important obstacle to the British Government accepting this proposition was its claim to a protectorate over the Mosquito Indians. That Great Britain would abandon such protectorate Mr. Crampton considered improbable. Mr. Clayton proposed then that, inasmuch as the Mosquito Tribe did not number more than a thousand souls, a cession of "Mosquito" territory along the proposed route might be effected through British influence, and that the Indians might be situated on reservations, and paid an annuity--by the British Government. This arrangement would not compromise British

pretensions, and would at the same time allow the canal negotiations to go on. If the Government of Great Britain refused this proposal then the United States would be forced to conclude that a monopoly over the isthmus of Central America was aimed at. Such a sentiment, even then almost universal, would force the President to deliver the Hise Treaty to the Senate with a view to its ratification. And ratification, of which there was little doubt, meant war, because it brought rights acquired by treaty to the United States into direct opposition to untenable claims of the Mosquitos supported by the British. Now the United States no more than Great Britain wanted war. To prevent it one or the other Government must give way, or each give partly way. Neither, however, were at the time in the mood for compromise. Mr. Clayton did propose a new basis for discussion. He is reported as having said: "let us both abandon all claim to what is called Nicaragua and Costa Rica, and lend the countenance of both governments to the construction of a ship Canal, if it be found to be practicable; if you refuse this offer, we are driven in self defense, to adopt the (Hise) Treaty"¹. This view of the matter was duly reported by Mr. Crampton to Lord Palmerston, who gave it his consideration without coming wholly to the American point of view.

From these discussions the chief value of the Hise-Selva Convention may be deduced. It was used as a lever to force from England a reconsideration and later a modification of her bold presumption of rights to meddle in Central American affairs, toward the object of monopolizing a canal passage across the

¹ Hunter Miller (Editor), Treaties and other International Acts of the United States of America, V, 719.

isthmus. Great Britain was made aware through the clamor for ratification of the Hise Treaty of the determination to sacrifice nothing of American interests to preserve the peace. This yen for war may have been induced mostly by political considerations. It probably was, but it accomplished what most Americans stood for, the checking of British influence in the New World. The Hise Treaty, because it offered the means, had a decided tonic effect upon those working toward this end. It raised hopes which had long been alive but inarticulate, and it gave the British "Govt" apprehensions of losing its commercial predominance over Latin America. It appears then that the first effects of the use to which the Hise Treaty was put were to sober the Government of Great Britain and induce it to negotiate a canal agreement based on some relinquishment of its extensive claims in Central America.

On September 24, 1849, William C. Rives, Minister to France, had a conference with Lord Palmerston on the general subject of isthmian affairs. He was instructed to do this, because Mr. Abbot Lawrence, successor to Mr. George Bancroft as Ambassador to England, was unable to proceed to his mission without a few weeks of preparation. But relations between the United States and England were such, most largely because of the Hise-Selva Treaty, that an understanding of the views of each respecting their interests in Central America was imperative if peace was to be maintained. Rive's interview with Palmerston took place in the Carlton Gardens, a beautiful setting for the "pleasant" interchange of ideas upon difficult questions. Palmerston won every point of issue between the two men, and so effectively that on the following day (i. e., September 25, 1849) Rives reported to his Government that what the British Government

had done in Central America was simply in the nature of a precaution against any other power monopolizing the canal passage across the isthmus. He was convinced that Great Britain had no desire to monopolize that passage for its own benefit. "We are bound to believe," he continued, "by the frank & manly declarations of Lord Palmerston" "that as to any idea of their (the English) holding exclusive possession of the mouth of the San Juan as the key of the contemplated communication between the Atlantic & Pacific, nothing could be farther from their minds."²

Mr. Rives was probably sincere in thus reporting his discussion with Palmerston, but that he was grossly duped becomes apparent from the following considerations. First, at the time Great Britain renewed interest in her protectorate over the Mosquito Indians, about 1840, there was no indication that the United States was seeking any control, much less exclusive control, over a canal route. Second, no advantages except control over a canal route could result from reestablishing the protectorate over the Mosquito Tribe, for its commerce and natural wealth were negligible. Third, Great Britain steadfastly refused to make any concessions to Nicaragua or the United States in San Juan toward moving the Mosquito Indians to reservations or making that port open to canal traffic free of exclusive "Mosquito" control. Fourth, British activities in Costa Rica, Tigre Island, Trujillo, etc., clearly indicate a determination to control all key points on the isthmus which might affect the contemplated construction of a canal.

Mr. Rive's untrustworthy report was received by the Department of State October 19. Six days previous Mr. Ephraim

² Ibid., 725-6.

George Squier's treaty with Nicaragua had come to hand. This treaty, the Squier-Zepeda Convention, like the Hise Treaty before it, contained provisions which ran flatly counter to the Mosquito claim of coastal sovereignty and to the de facto situation in San Juan. The day after the Squier-Zepeda Convention was received at Washington it was the subject of a conversation between Mr. Clayton and Mr. Crampton. Objections to the Treaty were fewer and of less consequence than those raised against the Hise Convention. But Mr. Clayton informed Crampton that the United States Government would suspend their decision on both treaties until the views of the British Government were learned.

By October 20, 1849 Mr. Lawrence was ready to proceed to England. He received instructions to the following effects. He was to urge Great Britain to make a treaty with the United States guaranteeing the independence of Nicaragua, Honduras, and Costa Rica, acknowledging the limit of those states on the east to be the Caribbean Sea, with compensation to the Mosquito Indians; Great Britain was to be encouraged to make a treaty with Nicaragua similar to the Squier-Zepeda Convention; a written assurance from Lord Palmerston to the effect that Great Britain disavowed any intention to colonize any part of Nicaragua or Costa Rica was to be sought; and, Lord Palmerston was to be informed that the United States was ready to form a treaty with Great Britain binding both nations never to colonize, annex, settle, or fortify any part of Nicaragua, Costa Rica, Honduras, and the entire Mosquito Coast. The contingency that the British Government refused to accede to these proposals was dealt with in the following terms:

"If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid and despite her opposition or hostility. With a view to this alternative, we have a treaty (the Hise-Selva Convention of June 21, 1849) with the State of Nicaragua, a copy of which has been sent to you, and the stipulations of which you should unreservedly impart to Lord Palmerston. You will inform him, however, that this treaty was concluded without a power or instructions from this Government; that the President had no knowledge of its existence, or of the intention to form it, until it was presented to him by Mr. Hise...and that consequently we are not bound to ratify it, and will take no step for that purpose if we can, by arrangements with the British Government, place our interests upon a just and satisfactory foundation. But if our efforts for this end should be abortive, the President will not hesitate to submit this...treaty...to the Senate of the United States for their advice and consent with a view to its ratification; and if that enlightened body should approve it, he also will give it his hearty sanction, and will exert all his constitutional power to execute its provisions in good faith, a determination in which he may confidently count upon the good will of the people of the United States."³

In this language Great Britain was given the choice of two courses: to give up her imperialistic aspirations upon Central America, or to involve herself in a war with the United States to uphold them. The pressure for making England inclined toward the former in consequence of the threat of the latter originated from the Hise Treaty.

On November 8, 1849 Mr. Lawrence made two inquiries of the British Government. In the first, he asked whether it intended to occupy or colonize Nicaragua, Costa Rica, the Mosquito Coast so-called, or any part of Central America. The second inquired if the British Government would unite with the United

³Ibid., 732. Italics mine. Nothing better illustrates how close to the verge of war the United States and Great Britain had been brought through their rivalries in Central America.

States in guaranteeing the neutrality of a ship canal, railway or other communication across the isthmus to be open to the world and common to all nations.

Palmerston replied in two notes, November 13, 1849. One of them dealt entirely with the Squier-Lepeda Treaty. This treaty he considered as incompatible with preeminent rights of Great Britain over San Juan, and warned that its adoption would have serious consequences for both the United States and Nicaragua. In his other note Palmerston stated that Great Britain was willing to enter into a mutual agreement neither to settle, annex, colonize or fortify any portion of Central America and cooperation with the United States in the construction of a canal was promised. But the protectorate over Mosquitia, he asserted, must be maintained. However, Great Britain did not claim, he said, dominion in the sense of sovereign authority over the Mosquito Kingdom, and pledged to use its influence to procure the right to the use of Greyton as a terminus for the canal. But by this arrangement it is clear that British control over the canal remained virtually unimpaired.

Clayton regarded Palmerston's communication unsatisfactory insofar as it showed that Great Britain still regarded the Mosquitos as a sovereign state and presumed to continue the relationship of a protectorate over it. In consequence Mr. Lawrence was directed to press the relinquishment by the British Government of any control, direct or indirect, which it may have over the port of San Juan.⁴ The inducement offered the British Government for such a relinquishment was the withholding on the part of the American cabinet of the Wise Treaty from the

⁴Sen. Ex. Doc. No. 27, 32 Cong., 2 sess., 51-2.

Senate. But when these instructions reached Lawrence he was ill and could not carry them into effect. Shortly thereafter negotiations were transferred to Washington.

On December 24, 1849 Sir Henry Lytton Bulwer presented his credentials to President Taylor as Envoy Extraordinary and Minister Plenipotentiary of H. B. M. Government to the United States. Three days later the news came to the Department of State that British naval forces had occupied Tigre Island October 16 under the orders of Frederick Chatfield, that proprietary rights were asserted over other islands in the Gulf of Fonseca belonging to El Salvador, and that the port of Trujillo, on the Caribbean coast of Honduras, was subjected to "temporary occupation". The receipt of Squier's despatch to these effects completely disillusioned Clayton. On that same day he wrote Mr. Lawrence in London:

"Lord Palmerston's declaration in his note to you of the 13th ultimo in which he disavowed any intention to colonize, annex, settle, or fortify any portion of Central America is utterly inconsistent with Mr. Chatfield's official acts and declarations, and I assume it, until otherwise informed, that Mr. Chatfield has acted without instructions from his own government, and that his proceedings will be promptly disavowed. I shall not distrust the honor of the British government on account of the conduct of an inferior functionary, which merits, and ought to receive, the condemnation of his own government; but I must say that it is now due, not only to the cause of justice but to the honor of the American government, that immediate explanations should be required by you of the British government in regard to the late proceedings of Mr. Chatfield...If Mr. Chatfield be indeed a proper exponent of the views of the British cabinet, which we will not believe until so informed from an authentic source, the sooner we are apprized of their intentions the better. You will, therefore, on the receipt of this, forthwith address a note to Lord Palmerston, setting forth the proceedings of the British naval and military expeditions, and the conduct of Mr. Chatfield...and you will ask him, in firm but respectful language, for a disavowal of all acts of interference by Mr. Chatfield or others, which have for their object to extend the British jurisdiction to any part of the Central American States. Should Lord Palmerston avow the seizure

or intention to occupy any portion of Central America, under any pretext or for any purpose, you will immediately enter the protest of this government against it."

Respecting the Squier Treaty with Honduras providing for the cession of the Tigre Island to the United States Clayton made this official declaration:

"That part of the treaty with Honduras relating to the canal negotiated by Mr. Squier...was made by him without instructions from this department; but if the British aggression upon Honduras be not promptly disavowed, that treaty will be speedily submitted to the Senate for ratification, without awaiting further negotiation. It is now palpable that our charge d'affaires at Guatemala (Mr. Hise) was right in his conjectures as to the intention of the British authorities in Guatemala to seize upon, and assert British jurisdiction over, other parts of Central America. We have not desired to annex or colonize any part of that country, but we shall not be restrained by any act of the British government from treating with Honduras or Nicaragua, and from the assertion and maintenance of any rights we may lawfully acquire by such treaties. We have frankly avowed to Great Britain, and she must have fully understood it, that our object is to protect a canal across the isthmus. She is fully aware that the lakes of Nicaragua and Leon furnish the most eligible route and means for feeding such a canal; and whether that canal should terminate in the Pacific, at Realejo, within the confines of Nicaragua, or at the gulf of Fonseca, within those of Honduras, we mean to protect it, with the consent of the States through which it may pass."⁵

This was forceful language, and it clearly showed what evil boded a rejection of the disavowal required by Mr. Clayton. It also shows that this unauthorized Treaty which Mr. Squier had negotiated with Honduras was a powerful weapon with which to bargain. By its ratification in the Senate, war with England would be virtually a certainty, provided she had not in the meantime disavowed her encroachments which conflicted with inchoate titles acquired to the United States by that treaty. In a letter dated December 26, 1849, Clayton wrote Lawrence that:

"The conduct of the British Consul General in Guatemala in seizing upon Tigre island and extending British jurisdiction

⁵ House Ex. Doc. No. 75, 31 Cong., 1 sess., 313-5.

over it and his intrigues in Costa Rica have excited the disgust of the American people and if the outrages perpetrated under his orders be not disavowed without the least delay by Lord Palmerston there will be great danger of an immediate collision between the two Governments. When you address your note to Lord P. demanding the disavowal he may very probably demand of you the disavowal of the conduct of Mr. Squier about the Honduras treaty, which I have no doubt induced Chatfield to seize Tigre island. Your reply to him in that event will be, that it was no part of Mr. Squier's object in making that treaty to annex or colonize any part of Honduras but that in the belief entertained by him (a civil engineer) that the gulf of Fonseca would be a favorable point for the termination of the canal and for a depot on Tigre island. You will also then say to Lord Palmerston that we do not recognize the right of the British Government to interfere to prevent any treaty we may choose to make with Honduras. In this case Squier made the treaty and gave notice to Chatfield, whereupon Chatfield forthwith seized the very island in which we had acquired an interest by the treaty. This was evidently done purposely to bring his Government into collision with us. The British Government must make the first explanations to us and disavow all his acts extending British jurisdiction and they must agree to withdraw from all occupation of Tigre island before we proceed any further. If they do not I shall submit the Honduras treaty to the Senate.⁶

Soon after the news of British proceedings in Central America reached Washington, and due to the prevailing excitement resulting therefrom, Congressman Savage of Tennessee introduced a Resolution into the House of Representatives calling for all unpublished treaties and correspondence in the possession of the Executive bearing on those proceedings. This was laid on the table to await consideration by the Committee on Foreign Affairs. Pending action on it Mr. Clayton fretted for news of what England's action upon the required disavowal would be. On January 1, 1850, he wrote Bulwer the following short note:

"I recd. to day a letter from Lawrence in wh. he speaks as if he had great hope of obtaining the consent of the Brit Cabinet to our propositions. But the delay is dangerous Chatfields proceedings have embarrassed me exceedingly. See the resolution of Mr. Savage in the Ho. of Reps. This forebodes evil. Can nothing be done to prevent the bad

⁶ Miller, op. cit., V, 739.

feeling wh must flow from a public discussion of Chatfield's acts & of the Mosquito title? Appearances are gloomy & I am most anxious about the attitude of yr Govt. Cannot something be done promptly? I hear that France is ready to join in the treaty of guaranty with us & I have been censured for not proposing it to her. I have not as yet made any overture to France on the subject. My wish has been that England shd. originate the measure with us. If she will not I must lay Mr. Squier's treaty before the Senate."⁷

The most Clayton could elicit from Bulwer, who claimed to be without instructions on the subject, was the suggestion that the two Governments transmit similar instructions to their agents in Central America to the effect that

"neither Great Britain nor the United States proposes to obtain for itself any peculiar or exclusive advantages, nor extend its dominion in that part of the world; and that, consequently, it will be the duty of such agents, instead of attempting to counteract projects which do not exist, by placing themselves at the head of rival parties, to lend each other mutual assistance in the transaction of the business with which their respective Governments may charge them".⁸

This proposal was accepted by Palmerston and instructions according therewith dispatched to Clayton for his consideration; but no such instructions were issued to Squier, for reasons which are entirely not clear, until after the signing of the Clayton-Bulwer Treaty. At the same time the British Foreign Office so instructed Chatfield.

On January 24 and 28, 1850, that which Clayton had long anticipated with a full knowledge of its evil possibilities occurred. The House of Representatives and the Senate of the United States' Congress passed resolutions calling for all the information in the hands of the Executive dealing with the events which had recently been occurring in Central America. On the

⁷ Ibid., 749.

⁸ British Blue Book, 1856, 8.

⁹ Congressional Globe, XXI, Part I, 221-2; 233.

following February 13, President Taylor declined to surrender what the House and Senate called for, claiming that to do so was incompatible with the public interest. But promised that the information called for by the Senate Resolution (which was more elaborate than the House Resolution) would be cheerfully communicated to the Congress as soon as it should be found to be compatible with the public interest.¹⁰

During all this time conversations had been underway between Mr. Clayton and Mr. Bulwer. The chief obstacle to progress continued to be the refusal of Great Britain to give up her hold upon the Mosquito Shore. In spite, however, of this difficulty a tentative agreement was effected and embodied in what was known as the "Project of February 3, 1850". This "Project" consisted of a preamble and eight articles and was a compromise by which Great Britain promised never to colonize, settle, occupy, annex, or fortify any portion of Central America but tacitly admitted the Mosquito protectorate by ignoring it. The Government of the United States within a week after Clayton and Bulwer agreed upon the project disapproved it. But Bulwer persisted and finally sent alterations, proposed by "Clayton's colleagues", to London for Palmerston to consider.

During these negotiations the American Government had been steadily pressing for an authoritative statement regarding British occupation of Tigre Island and other acts in that region. On January 29, 1850 Lawrence had a long interview with Lord Palmerston in which he urged an early settlement of the issues arising from Chatfield's precipitate behavior. Palmerston in-

¹⁰James D. Richardson (Compiler), The Messages and Papers of the Presidents, V, 31-32.

formed him that orders had already--long ago--been sent out for the restoration of Tigre Island, but warned that the British Government did not recognize the right of the United States to interfere in the course it adopted for the collection of just debts. To this Mr. Lawrence answered that the United States did not recognize the right of the British Government to interfere with any treaty it might make with any of the states of Central America, and informed him that a communication in writing would be sent to the British Foreign Office asking for a disavowal of Chatfield's acts. This was done January 30. Palmerston answered it February 13, 1850, in which he virtually refused any concessions to the American demands. The United States Government was informed that Tigre Island had long ago been evacuated by orders of Lord Palmerston, but the act of seizure was not disavowed. The lien placed on the islands of Salvador in the Gulf of Fonseca, Palmerston wrote Lawrence, had been removed in consequence of that state making a satisfactory arrangement with her creditors, but the act of imposing a lien, and the principle of seizing (in virtue of superior strength) a nation's property to satisfy private claims was neither disavowed nor modified.

What Palmerston's answer to the requisition of Clayton for a disavowal of Chatfield's acts amounted to was a flat denial that thereafter Great Britain would be governed by the rule that no nation may seize the property of another for debts. This despatch reached Washington, March 14. After a thorough study of it President Taylor and Secretary Clayton agreed that it was a declaration that the British Government would seize and occupy, and claim dominion over any parts of Central America that it thought proper. They further agreed that it put an end to

negotiations then in progress with Sir Henry L. Bulwer, and decided upon the adoption of the policy of the Squier-Lepeda Treaty of September 3, 1849 with Nicaragua. Without notification to the British Envoy that treaty was submitted to the Senate with a view to its ratification, accompanied by a long message from the President, March 19, 1850. In his message Taylor said that his judgement was convinced that Great Britain was guilty of grave usurpations in Central America, and that for the object of building a canal across the isthmus the United States should uphold the claims of Nicaragua against her.¹¹

To make that support effective without delay the Senate was asked to ratify the treaty submitted to it. The Senate referred the treaty to the Committee of Foreign Affairs for consideration and recommendation. By March 25, a communication had come from Viscount Palmerston to the effect that the British Government had no intention to make use of the protection which was afforded to the Mosquito Indians to colonize, settle, occupy or fortify any portion of Central America, and authorizing Bulwer to sign a convention including that term. This was a happy turn in the negotiations, for by it the cloud of distrust with which the Government of the United States regarded that of the British was dispelled. Efforts toward negotiation of a canal convention were resumed and on April 19, 1850 Secretary of State John M. Clayton on the part of the United States and Sir Henry Lytton Bulwer for Great Britain signed the Treaty by which it was agreed that

"neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship Canal;

¹¹ Ibid., 33-41.

agreeing, that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."¹²

The Squier-Zepeda Treaty was the occasion of a brief diplomatic flurry characterized by a ubiquitous correspondence between Clayton and Bulwer late in March. Clayton insisted that an American note should accompany his signing the Convention which was being arranged saying that nothing contained therein should be construed to be an admission on the part of the Government of the United States of any right or title whatever in the Mosquito King to any part of Central America or the Mosquito Coast. This was regarded as indispensable by Taylor and most of his cabinet, but Bulwer thought it an unkindly manner of breaking off negotiations at the last moment. To prevent a rupture with the British Government the United States agreed to withdraw its note in lieu of a mutual pledge written into Article I in these words:

"nor will either (Government) make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or People for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection or influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other."

In this manner the Clayton-Bulwer Treaty was made ready for the signatures of the two Plenipotentiaries on April 19, 1850.

¹²William M. Malloy (Compiler), Treaties, Conventions, International Arts, Protocols and Agreements Between the United States of America and other Powers, 1876-1909, I, 660.

The Squier-Lepeda Convention remained in the Senate until, pursuant to a resolution of February 14, 1876 following a request made by Secretary of State Hamilton Fish in a letter of February 9, 1876 to Senator Cameron, Chairman of the Senate Foreign Relations Committee, it was returned to the State Department and filed in the division of unperfected treaties.

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CONCLUSION

There are two possible views which might be adopted respecting the influence of the Wise and Squier treaties on the negotiations leading to the Clayton-Bulwer Convention. One is that the influence of those treaties was comparatively unimportant. This view is supported by the argument that the British were honest in representing that the sole object of their operations in Central America was to prevent any other power obtaining a monopoly across the isthmus for a canal. Some grounds for making such a contention result from the expansion of the United States to the Pacific, but to adhere to it would be to impute omniscient vision to English statesmen. That it was so clear to them it would be the policy of the United States to obtain exclusive privileges across Nicaragua that England was placed thereby under the necessity of seizing the chief port of that country does not appear from the correspondence preceding the renewal of British pretensions to a protectorate over the Mosquito Indians. What is much more, the whole history of the growth and expansion of the British Empire lends itself but poorly to the claim of philanthropy and noble selflessness that was boasted by Palmerston as his guide in ordering the aggressions upon the defenseless states of Central America. It is impossible to believe that Great Britain had any other aim than to dominate all possible canal routes across the isthmus. Her disposition to share any valuable holding would more logically result from being forced to it than because of a generous impulse to serve mankind. If this be so then the

English claims to disinterest in a monopoly of canal sites in Central America were without foundation and dishonest.

The second view of the influence of the Hise and Squier Treaties in the negotiation of the Clayton-Bulwer Convention is that those treaties were virtually decisive. This seems to be the correct view. Without them the United States would have had no practical bargaining instruments. Of course the interest of humanity, the ideal of service and generosity might have been plead. But it would have been impossible to say to Great Britain: "the United States has acquired from Nicaragua and Honduras certain rights of an exclusive nature for the purpose of facilitating construction of a canal. These rights were acquired by treaty, a lawful and peaceful means. We do not recognize the right of the British Government to interfere with our asserting and maintaining the terms of these treaties. And if we do assert and maintain the terms of these treaties which give us rights which come into direct conflict with pretensions which the British support the Mosquitoes in making upon Nicaragua, war will be the result. But we do not want war; and if the British will give up their hold over the port of San Juan and disavow the protectorate over the Mosquito Indians and the acts of seizure committed by Mr. Chatfield, then we will abandon our treaties with the two States of Honduras and Nicaragua." The ability to offer something in return for something made it less difficult for the English to "compromise." Had the United States had no such offer to make it is improbable that the "rights of humanity and the ideals of service and generosity" would have fared so well.

The latter view is supported by the facts. Great Britain would not have been inclined to surrender anything to American interests in Central America except for the fact that the threat of war, contained in the possibility of the Senate ratifying the Hise and Squier treaties, forced her to do so. A brief review of the entire situation serves to make this clear.

The expansion of the United States to the Pacific was regarded by Great Britain as a threat of very grave consequence. Whether that attitude was the result of the fear the United States would be able to take over Great Britain's commerce in the Caribbean or was nothing more than malice and jealousy the Court at London took pains never to say. Beginning in 1841 with the seizure of the Bay Islands Great Britain initiated a systematic drive to possess herself of every strategic point which could affect the construction of an isthmian canal. During the war between the United States and Mexico, and under the shallow guise of a protectorate which had twice been repudiated by treaty the port of San Juan was occupied and the British flag hoisted. A few months later the Island of Tigre was taken from Honduras. As has already been shown the relation of Great Britain as a Protector of the Mosquitos was based on the fact that Spain had never occupied and thoroughly conquered the Mosquito Shore. But this did not invalidate Spanish title to the Shore, for according to international law, most of which has been written by England, title belonged to the discoverer. The basis for taking the island of Tigre was that Honduras owed

certain British subjects some money. This procedure was lawless, international robbery. And when those claims were put in the process of adjustment others of a more fraudulent and confiscatory character were "invented" by British agents and others in the British pay and generally collected, to the enrichment of the "inventors", by placing a lien enforced by the British navy on the revenues of the State. In fact everything that representatives of Great Britain did in Central America had the appearance of an attempt to colonize and occupy for the benefit of the "Mother Country" the most valuable portions of the isthmus. That this was the object of the British Government is confirmed by the refusal of Palmerston, throughout the negotiations leading to the Clayton-Bulwer Treaty, to abandon the protectorate over the Mosquitos. He was willing to procure "Mosquito consent" to use San Juan as a terminus, but he was not willing to give up British control over that consent. And after all that was the object of American diplomacy.

It cannot be argued that the Clayton-Bulwer Treaty was altogether a product of the Hise and Squier treaties. But it is true that the threat of the United States to use those treaties as a means to force England out of Central America or to involve the two countries in war was sufficient to persuade the British Government to compromise. Not all of the aims of the Americans with respect to the isthmus were realized in the Clayton-Bulwer Treaty, but it did check the spread of British power and laid the basis for the growth of American influence. And one of the most important influences, in bringing about this result was the series of unauthorized treaties negotiated by Mr. Hise and Mr. Squier.

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