

## MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In compliance with a resolution of the Senate, information respecting the bombardment of San Juan de Nicaragua.*

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JULY 31, 1854.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States :*

In compliance with the resolution of the Senate of the 28th instant, requesting information in respect to the bombardment of San Juan de Nicaragua, I transmit reports from the Secretaries of State and of the Navy, with the documents which accompanied them.

FRANKLIN PIERCE.

WASHINGTON, July 31, 1854.

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DEPARTMENT OF STATE,  
Washington, July 31, 1854.

The Secretary of State, to whom was referred the resolution of the Senate of the 28th instant, requesting the President to "communicate to the Senate all the information in his possession respecting the bombardment of Greytown, or San Juan de Nicaragua, by Captain Hollins, in command of the United States ship Cyane, with copies of all orders or instructions, if any, given by the Executive to said Hollins in relation thereto," has the honor to lay before the President the documents mentioned in the subjoined list.

Respectfully submitted,

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

*List of papers accompanying the report of the Secretary of State to the President, of the 31st July, 1854.*

Mr. Borland to Mr. Marcy, (with accompaniments,) May 30, 1854.

Mr. Marcy to Mr. Fabens, June 3, 1854.

Same to same, June 9, 1854.

Mr. Fabens to Mr. Marcy, with accompaniments May, 15, 1854.

Same to same, May 30, 1854.

Same to same, June 16, 1854.

Same to same, July 15, 1854.

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*Mr. Borland to Mr. Marcy.*

WASHINGTON, May 30, 1854.

SIR: Having arrived in this city from my mission in Central America, I beg leave to submit the following statement of occurrences, which I regard as important, and ask for it your early consideration.

Inclosed herewith, and marked (A,) is a printed slip, cut, by me, from a New York newspaper, which purports to be a statement of those occurrences, prepared by the officers of the steamer Northern Light, and which I find to be correct in all material particulars. I present it in lieu of any separate statement of my own, and adopt it as such.

Inclosed, also, marked (B,) I hand you a copy of the agreement made by me with the persons I employed to remain at Punta Arenas, as a guard over the persons and property of our citizens.

In addition, I deem it proper to remark: That although I was personally cognizant of the conduct of Captain Smith, for which he was charged with murder, and sought to be arrested by the so-called authorities of San Juan, or Greytown, and was (as I now am) clearly and decidedly of opinion that he was justifiable in all he did, the question of his guilt or innocence did not enter into the considerations for which I interposed to protect him. He was a citizen of the United States, and the persons who sought to arrest and claimed the right to punish him, were not recognized by the United States as a government possessed of the right, or invested with the power, to exercise jurisdiction over any portion of Central America, or to determine any question involving the persons or property of our citizens. This ground I was not only authorized but required to assume, as well by the precedents of interposition to protect our citizens at the same place and against the same persons, heretofore directed and sanctioned by our government, as by the special instructions under which my mission was undertaken. Besides, even supposing the so-called authorities of San Juan, or Greytown, to be a government invested with the rights and powers I have denied over the territory embraced within their town limits, they certainly had no jurisdiction over that portion of territory upon which the obnoxious act of Captain Smith had been done, as that was, although on the north bank, yet some ten or twelve miles above the mouth of the San Juan river. So of the place where his arrest was attempted, (Punta Arenas,) on the south bank of the San Juan

river, and the opposite side of the bay from San Juan, or Greytown. The act, then, of Captain Smith, whether criminal or not, was done within the territory of Nicaragua, and for it he is amenable to Nicaragua alone, if to any authority; and the place of his attempted arrest (Punta Arenas) is territory in dispute between Nicaragua and Costa Rico, so that no legal process, civil or criminal, could rightfully be executed there, unless by authority of one or the other of those powers.

It will be observed that at one moment I resorted to a threat of violence to repel the armed men of San Juan from the steamer. I wish it to be distinctly understood that I did this from no impulse of passion, nor with the expectation that my threat would have to be executed, though, if unheeded, it would have been. My course was adopted from a conviction of its necessity as the only mode then at my choice to prevent a collision which could hardly have ended without the destruction of many lives.

It is true that the mayor (Sigaud) came to me and disavowed the acts of those who arrested and assaulted me. But it is equally true that he presided at the meeting at the station house, (town hall,) in which it was proposed (by Martin, the ex-mayor,) and resolved to arrest me; that the authorities took no steps to prevent it; and that armed men who arrested me were composed, mainly, of the police guard of the town, and were armed with the muskets of the corporation. Their leader declared that he came by order of the mayor to arrest me.

From the best information I could obtain, the population of San Juan, or Greytown, numbers about three hundred, of all sorts, and consists of a few Englishmen, Frenchmen, Germans, and men from the United States, but mainly of negroes from Jamaica, and some natives of the Mosquito shore. There are also some two or three natives from the interior of Nicaragua. When I reached that place, last September, the number of negroes was much smaller than at present. This number has been increased, as I am informed, by recent arrivals from Jamaica; until now they constitute the majority, and exercise the greater influence. At the last elections and corporate organization, no American (except one mulatto man from New Orleans) was included.

Of these people, I am informed that some seventy-five to one hundred can be mustered for military service, and they have in their possession three brass cannon—one 18-pounder and two 12-pounders, and some two hundred muskets. With the exception of a few persons, these people own no property, and have no ostensible means of livelihood. In their anomalous condition, without a government which any civilized nation recognizes—indeed, occupying, by usurpation, territory which our government recognizes as belonging to Nicaragua; being persons, almost without exception, of notoriously bad character—some of them discharged penitentiary convicts and refugees from justice, habitually manifesting evil dispositions towards our citizens, and indulging those dispositions to the injury of persons and property, whenever they are not restrained by force, I am unable to regard them in any other light than as pirates and outlaws, upon whom punishment, to the extent of extermination, may be rightfully inflicted by any hand

that has the power ; and, in my opinion, the interests of good government and humanity impose the duty, upon any offended party, of inflicting such punishment in a manner at once summary and effective. Heretofore, when these persons have committed their lawless acts upon our citizens, the armed hand of our government has been interposed, not to punish for the past offence, but only to prevent its threatened repetition. As a consequence, as soon as the restraining force was withdrawn, the offence was repeated. Until now, they have got to believe that restraint for the time, and not punishment, is the worst they will have to suffer for their worst acts. When I warned them of the consequences of their bad conduct, they boldly told me they intended to do as they pleased, and were reckless of consequences.

Under these circumstances, and informed by our commercial agent, Mr. Fabens, as also by Mr. Scott, the agent of the accessory transit company, who has under his care many thousand dollars worth of property, that, in view of the evil dispositions of those persons, as manifested for some time past, and then in a state of high excitement, they did not consider that the persons and property of our citizens would be safe after the steamers had left, unless protected by an adequate force, I deemed it my duty to employ the services of the men, as set forth in the printed slip and the agreement inclosed, in order to afford that protection. As these circumstances are, so far as I am informed, without precedent, so, I presume, is the course of conduct I pursued under them. What I did I found to be necessary, and believed to be right. I therefore assumed the responsibility, not doubting that it would be approved by my government.

It will be observed that the compensation I agreed to pay is large—that is, it would be considered so under ordinary circumstances ; but, under the circumstances of the time and place, added to the fact that the men employed were our citizens, who had been long from home, and were anxious to return—some of them being half-way the voyage—I do not think the amount can be deemed unreasonable. The refunding passage money, provided for in the agreement, was superseded subsequently by the stipulation in the postscript to pay fifty dollars in addition to the one hundred first agreed upon. The reason for adding the fifty dollars was the difficulty I had in getting the requisite number of men, after a few had enlisted for the hundred. Without this addition, I could not have made up the number. The free passage home is still provided for by the agreement of the Transit Company to receive the tickets for the remainder of the trip.

An additional item of expense—the amount of which could not be ascertained at the time, and which I do not yet know—is the cost of arms to supply a portion of the men. These purchases I authorized the agent of the Transit Company to make. The subsistence of the men will be furnished on account by the agent of the company. If the service shall continue longer than one month, the rate of compensation for the additional time will be \$100 per month.

I expressed the confident opinion to the men employed, that they would not be detained longer than one month, and I promised that they should be paid, through our commercial agent, when their service ex-



pired, at Puerta Arenas. For this opinion and promise, I confidently relied upon the approval and coöperation of my government.

I have the honor to be, most respectfully, your obedient servant,  
SOLON BORLAND.

HON. W. L. MARCY,  
*Secretary of State.*

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A.

*Arrival of the Northern Light—Serious trouble at Nicaragua—Arrest of Mr. Borland, U. S. Minister.*

The purser of the steamer, by authority of Captain Churchill, furnishes the following report of extraordinary proceedings at San Juan, involving the arrest of Mr. Borland, the American minister. The purser says:

On the evening of the 16th instant the river steamer Routh, Captain T. T. Smith, arrived at Punta Arenas, and was lying alongside the Northern Light to deliver her passengers. About dusk, while the passengers were passing from one steamer to the other, a bungo having on board some twenty-five or thirty armed men, mostly Jamaica negroes, headed by a mulatto man calling himself the marshal, came over from San Juan or Greytown and ranged up alongside the steamer Routh. The so-called marshal, accompanied by several of his armed men, jumped on board the steamer and announced their purpose to arrest Captain Smith, by virtue of a warrant from the mayor of Greytown, upon the charge of murder. Captain Smith refused to be arrested and armed himself for resistance.

At this stage of the proceedings Mr. Borland, the American minister, who was at the time on board the Northern Light, was informed of what was going on. He immediately went on board of the Routh, where he found a crowd of persons, among them a number of the armed men from the bungo in a high state of excitement. The marshal with his men was attempting to arrest Captain Smith, and the latter standing at the cabin door was keeping them at bay. Mr. Borland at once interposed, telling the marshal that no authority, recognized by the United States, existed at Greytown to arrest, or in any way to interfere with any American citizen, and ordering him to withdraw his men from the steamer and go away.

The marshal proposed to exhibit the mayor's warrant, under which he was acting. This Mr. Borland declined to examine. After some hesitation the marshal announced his intention to withdraw, as advised by Mr. Borland. While this was going on, and before the marshal and his men had left the steamer, much excitement was manifested among the men who had remained on board the bungo; loud threatening language was used by them, and brandishing their weapons, several at once rushed on board the steamer. At this moment Mr. Borland, taking a rifle from the hands of a bystander, stepped over the railing upon the guards, warned the men in the bungo to keep off, and at their peril,

not to put a foot on the steamer. Upon this the movement towards boarding the steamer ceased, and in a few minutes the marshal and his men returned to the bungo, and she returned to the opposite side of the harbor.

About dark, Mr. Borland, accompaied by Mr. Scott, a son of the agent of the Transit Company, on board of one of the boats of the Northern Light, went across the harbor to San Juan, or Greytown, to visit Mr. Fabens, our commercial agent. Soon after arriving there, Mr. Borland heard that, at a meeting of the people of the town, held at the station-house, presided over by the mayor, it had been proposed and seemingly agreed to, that he (Mr. Borland) should be arrested. In a few minutes the execution of this proposition was attempted. A loud knocking was heard at the lower doors of Mr. Faben's house, and upon his going to ascertain the cause, a body of men, armed with muskets, consisting in part of the regular police of the town, and headed by a Jamaica negro, inquired for Mr. Borland, and declared their purpose to arrest him.

Mr. Borland, hearing this, went down stairs, confronted these men, and demanded their business with him. Their leader informed him that they came by order of the mayor to arrest him, because of his preventing the arrest of Captain Smith. Mr. Borland then repeated to them what he had said to the marshal about their want of authority, &c., and inquired of them if they were not aware of his exemption from arrest in his capacity of minister of the United States. To this they answered, they cared nothing for all that, but that they had come to arrest him, and meant to do it. He then warned them of the serious consequences to themselves and to all concerned with them, if they proceed to the extremities they proposed. They replied that they knew the consequences, and were prepared to meet them.

Mr. Borland said to them that they must proceed at their peril, and called several gentlemen who were in an upper room to come down and be witnesses of the threatened assault upon him.

Upon this the leader of the armed force called Mr. Martin, (ex-mayor,) as if for the purpose of consultation, and Martin not answering, they went off a little from the door in the direction where, from their manner, they expected to find him.

Abot this time, Mr. Borland still standing at the door, the mayor (a Frenchman) came up and said these proceedings had been without his order and authority; and while the conversation was going on, some one from the crowd threw the fragments of a broken glass bottle, which struck Mr. Borland, and slightly wounded him in the face. The particular person who threw this missile was not recognized as the night was dark, and a crowd in the porch and about the door. Soon after this blow was inflicted upon Mr. Borland the crowd dispersed.

Mr. Fabens, the commercial agent, procured a canoe, and passed the harbor to the Northern Light, to make known to Captain Churchill and the passengers the state of affairs on the other side. A meeting was held, at which it was agreed to send a committee of three gentlemen to consult with Mr. Borland as to the best steps to be taken; these gentlemen, with Mr. Fabens, proceeded in one of the steamer's boats to the town; but upon approaching the shore they were hailed by a num-

ber of armed men, who fired one gun over the boat, and threatened to fire into them if they attempted to land, and this, although informed that Mr. Fabens was on board, and desired to go to his consulate. Thus forcibly prevented from landing, the boat returned to the Northern Light. During the night the town was occupied by armed men, whose sentinels were stationed between the American consulate, where Mr. Borland was, and the harbor, challenging all who attempted to pass, preventing boats from landing or leaving the shore, and thus keeping Mr. Borland a prisoner all night.

The next morning he procured a boat and returned on board the Northern Light, when he was informed by Mr. Fabens, our commercial agent, and Mr. Scott, the agent of the Transit Company, of the violent and lawless disposition manifested by the people of San Juan. They did not deem the persons and property of our citizens safe from aggression, or even destruction, in the absence of force sufficient to protect them. Mr. Borland, concurring in this opinion, called a meeting of the passengers, and proposed to engage the services of fifty men to remain and afford the necessary protection, until our government, informed of the state of affairs, should send a proper force for the purpose.

The requisite number of men volunteered, and were organized under the command of Crawford Fletcher, Esq., formerly from Tennessee, and now on his return from California.

Mr. Fabens, our commercial agent, has taken up his abode under their protection, and Mr. Borland embarked on the Northern Light, to proceed forthwith to Washington, to lay this matter before the government.

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### B.

The undersigned agree with Solon Borland, U. S. Minister Plenipotentiary in Central America, to remain at Punta Arenas, on the harbor of San Juan del Norte, as an armed guard, to be duly organized, until he can have them relieved by the orders of the U. S. government. The compensation to be one hundred dollars a month—a full month to be paid for, even if the service shall be of shorter duration; subsistence and quarters, and a free passage to either of the ports of New York or New Orleans, at the expiration of the service; that is to say, the proportion of passage-money already paid from Punta Arenas to New York or New Orleans, shall be refunded.

Payment of the cash compensation to be made at the expiration of the service. The purpose of this service is the protection of the U. S. commercial agent and agency, and of the agent, agency, and employés of the Accessory Transit Company.

P. S.—In addition to the above cash compensation, fifty dollars will be paid to each of the undersigned.

(Signed)

George Hosmer,  
Jas. B. Stringham,  
John Brown,

SOLON BORLAND, *U. S. Minister.*

Paul Brown,  
Eli Eisenhartz,  
George W. Hubbard,

William Gay,  
 A. S. Caleb,  
 Michael Dauself,  
 Timothy Yard,  
 Wm. Remer,  
 Jas. H. Smith,  
 Charles Tobin,  
 Robert Johnston,  
 Henry Jacobi,  
 Benj. F. Flake,  
 Henry M. Crane,  
 Wm. Hipnell,  
 Robt. Hall,  
 Daniel Rouse,  
 John Manning,  
 Perry Lanphere,  
 Sandford Wintermute,  
 James Bell,  
 John O'Niel,  
 Robt. C. Dunlap,  
 August March,  
 Joseph Pinly,  
 John Chanady,

Chas. H. Fifield,  
 John Brown, 2d,  
 Erastus Thayer,  
 George W. Armory,  
 William Jacobi,  
 R. Steer,  
 Peter Sneider,  
 J. A. Hatch,  
 Crawford Fletcher, com'r,  
 H. Laager,  
 Wm. H. Thompson,  
 Barton S. Mulkey,  
 Henry Long,  
 J. Bennett Sawtell,  
 Samuel Williams,  
 Jacob Pener,  
 D. Simpson,  
 R. Degroot,  
 Steven D. Cleiland,  
 Pat. Mahoney,  
 John Antonio Nachin,  
 James Beckey.

PUNTA ARENAS, *May 17, 1854.*

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*Mr. Marcy to Mr. Fabens.*

DEPARTMENT OF STATE,  
*Washington, June 3, 1854.*

SIR: I presume an order will be sent out by the steamer which will leave New York on the 5th instant for San Juan, to discharge the men who were employed by Mr. Borland for the protection of the life and property of American citizens, at that place. One of our armed vessels will be ordered to visit San Juan. The conduct of the people there towards our citizens has attracted the attention of this government, and will not be passed unnoticed. The inhabitants of that place will be expected to make reparation for the wrongs and outrages they have committed. The case stated in your communication to this department, of the 15th ultimo, (No. 8,) presents a wrong which requires immediate reparation. As the pretended authorities of the town have volunteered to protect those who had stolen the property of the Accessory Transit Company, when brought within the territories over which they assume to exercise authority, they will be held responsible to the amount thereof, and to make due reparation therefor. You will lose no time in notifying them that this government will require a restoration of, or payment for, the property taken to their town, and all damages sustained by their outrageous conduct in preventing the company from repossessing itself of it. In other respects their conduct has

been such towards our citizens as to require the interposition of this government for obtaining redress, and it is expected the people at that place will be prepared to make it in a satisfactory manner. I shall communicate with you more fully on this subject, by the opportunity which will be afforded by the national ship about to be sent to San Juan.

I am, sir, &c.,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,

*United States Commercial Agent at San Juan de Nicaragua.*

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*Mr. Marcy to Mr. Fabens.*

DEPARTMENT OF STATE,

*Washington, June 9, 1854.*

SIR: Commander Hollins, of the United States navy, will immediately proceed in a national ship to San Juan de Nicaragua, for the purpose, in part indicated, in my communication to you of the 3d instant.

The rumor which has just reached here embarrasses the government in indicating the course which it will be proper for him to pursue on arriving at that place. It is said that the pretended political and civil authority at that place is dissolved. Should this prove to be true, there will be no organized body upon which a demand for redress can be made, or from which a proper indemnity for injuries or insults can be received. But the individuals who have participated in the infliction of the wrongs, cannot escape from the responsibilities resulting from the conduct of the late political organization at that place.

You were instructed, in my former letter, to notify the people of San Juan to repair the injury they have caused to the Accessory Transit Company, by withholding from it the property which had been stolen and taken to San Juan, and by protecting the persons who were guilty of the felony. It is hoped that the town will have adjusted that matter to the entire satisfaction of the company; and, in that way, Commander Hollins will be relieved from the disagreeable necessity of taking any action in regard to that subject. You will, on the arrival of Commander Hollins, explain to him what has been done in that matter.

Mr. Borland, our minister to Central America, has represented to this government that, while recently at San Juan, he was insulted by the authorities or people of that place. An indignity offered to the nation, as well as to him individually, cannot be permitted to pass unnoticed. If done by order of the authorities of the place, they must answer for it in their assumed political character. Nothing short of an apology for the outrage will save the place from the infliction that such an act justly merits. It is expected that this apology will be promptly made, and satisfactory assurances given to Commander Hollins of future good conduct toward the United States and public functionaries who may in future be at that place.

If the outrage was committed by lawless individuals, without the authority or connivance of the town, then it is clearly the duty of those



who exercise the civil power at San Juan to inflict upon them exemplary punishment. The neglect to bring them to justice is assuming, on the part of the nominal magistrates there, the responsibility for the acts of these individuals. In such a case, not to punish is an implied sanction of the acts of the transgressors. It is hoped that the authorities will be prepared to satisfy Commander Hollins, that they have done what was incumbent on them, in the way of bringing the offenders to punishment.

You will confer freely with Commander Hollins, and furnish him with all the information you possess in relation to the condition of things at San Juan.

I am, sir, respectfully, your obedient servant,

W. L. MARCY.

JOSEPH W. FABENS, Esq.,

*U. S. Commercial Agent at San Juan, Del Norte.*

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*Mr. Fabens to Mr. Marcy.*

COMMERCIAL AGENCY, U. S. A.  
*San Juan del Norte, Nicaragua, May 15, 1854.*

SIR: I have the honor to acknowledge the receipt of flag and arms of the United States for this agency, per steamship "Star of the West," on the 2d of March last.

I have also to acknowledge the receipt of your dispatch, dated March 22, granting me leave of absence for six weeks, agreeably to my request, and it is my present intention to leave per steamship "Northern Light," on or about the first proximo.

Since my last dispatch, (No. 7,) of 3d March, there have been some matters of difference between the people of this town and the Accessory Transit Company of Nicaragua. Mr. Joseph L. White, agent of the company, left here on the 17th of March, without having effected any settlement of existing difficulties between the company and the town. Before leaving he gave instructions to the captains and pursers of the steamship to pay no more port charges at San Juan del Norte, and take no letters, or other packages, or freight for, and have no communication of any nature whatever with, the people of said town. This proceeding on the part of the company exasperated much the people of the town.

The ground taken by the company in this matter was, that the territory which they occupied, known as Point Arenas, was held by them by virtue of their charter from Nicaragua, and was a portion of that State; that their steamships did not come within the jurisdiction of the municipal authorities of San Juan del Norte, and were, consequently, not to be held liable for any port charges levied by the authorities of that town.

On the 15th of April an election of town officers was held, which resulted in the choice of an administration, supposed to be friendly to the Transit Company, and prepared to settle all differences with the said company upon the terms set forth by Mr. White while here.

But on the evening of the 5th instant a disturbance took place upon the shores of the harbor, the details of which are fully, and, as I believe, correctly set forth in the accompanying document, marked A; and on the evening of the 6th instant another and more serious difficulty occurred, which is correctly described in document B. The facts set forth in these two protests of Mr. Scott, general agent of the Accessory Transit Company of Nicaragua, are substantiated by depositions taken before me of several of the employees of the company. The point of contention between the parties is, as will be seen, the right of jurisdiction on the part of the municipal authorities of San Juan del Norte over Point Arenas.

Since the occurrences described in the above named documents affairs have gone on quietly. On the 12th Mr. Scott appeared in court, that his bail might not be forfeited, but declined contesting the case, having already protested. After a brief examination of the person presenting the complaint, he, Mr. Scott, was discharged. The trial of Sloman will take place on the 20th instant, when, as he acknowledges the offence with which he is charged, he will probably be condemned to pay a few dollars fine and costs of the court.

I have brought this matter to your notice, because I believe that until after affairs are arranged between the Nicaragua Transit Company and the town of San Juan del Norte, or until the question of sovereignty over this town and the territory of Point Arenas is settled, there can be no permanent tranquility or well-being on either side. I do not apprehend that any serious disturbances will arise for the present, but I am, nevertheless, of opinion that the frequent visits to our harbor of vessels of war of the United States will exercise a beneficial influence upon the interests of all concerned.

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

JOSEPH W. FABENS.

Hon. W. L. MARCY,

*Secretary of State of the United States, Washington, D. C.*

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A.

COMMERCIAL AGENCY, U. S. A.

*San Juan del Norte, Nicaragua.*

By this public instrument of *protest*; be it known unto all men:

That on this 12th day of May, A. D. 1854, personally appeared Joseph N. Scott, agent of the Accessory Transit Company of Nicaragua, who being duly sworn did solemnly depose and say;

That on the evening of Friday, the 5th instant, at or about the hour of 11 p. m., William Creighton, mate of the steamer "H. L. Bulwer," belonging to the aforesaid Transit Company, being at that time at the said company's station at Point Arenas, did observe four men in the act of loading a yawl boat, belonging to the said company, with merchandise, and suspecting something wrong in consequence of the lateness of the hour, did thereupon notify the deponent of the fact. The said Creighton recognized the aforesaid men as Robert Reed, J. Magraw, and two others, names unknown, but all at the time or previously employees of the said company.

The deponent immediately proceeded to the spot, but the boat was at some distance from the beach at the time of his arrival. He hailed the boat, calling upon the said Reed by name to come back; the parties in the boat made no reply, although they were within easy hailing distance, and their voices were heard from the shore apparently exhorting one another to push on.

He, the deponent, finding that no attention was paid by the men in the boat to his command, at once dispatched a second boat, manned by William Creighton, Robert Bullis and William Sloman, all employees of the said Transit Company, in pursuit.

The boat that first left the aforesaid Point Arenas shaped her course for the city of San Juan del Norte, and arriving there before the second boat, a portion of the men succeeded in leaving her before the pursuers reached the spot. One man, the aforesaid Reed, was found in the boat, and while resisting the attempts of the aforesaid Sloman to secure him, he was struck upon the head by the said Sloman.

The said Sloman, after knocking the man Reed into the water, attempted to shove the boat off shore, and while in the act of so doing, the soldiers from the station-house threatened to fire on him; thus compelled, the said Sloman returned to the shore with the boat. In the mean time the men who had escaped from the first boat took refuge in the station-house.

He, the deponent, doth further solemnly depose and say, that the yawl boat above described, together with the merchandize therein, consisting of flour, corn, meal, &c., was the property of the aforesaid Transit Company, and was stolen from the said company as above described, and that it was in the attempt to recover said property, and secure the persons of the offenders, that the above specified difficulty occurred.

Soon after the occurrence last described above, Mr. Hutchinson, clerk of the aforesaid Transit Company, acting under the orders of the deponent, accompanied by three men, arrived on the spot, and finding the stolen boat on the beach, jumped into her with his, the said Hutchinson's, men. The said Hutchinson then attempted to shove off the boat, and was ordered by a policeman, with a musket, to stop; but no attention being paid to this order, the man dropped his musket and called on the crowd to assist him in taking possession of the boat, which, being of the strongest party, they succeeded in doing. The said Hutchinson then observing F. Duzman, "captain of the port of San Juan del Norte," called upon him, the said Duzman, to deliver over to him, the said Hutchinson, the aforesaid boat; agreeing at the same time to leave in his, the said Duzman's charge, the merchandize therein until the following morning, that it might then be identified, with the express understanding that this property was not to be in any other way disposed of until such examination was made. The said Hutchinson, together with the aforesaid Sloman, Bullis, and Creighton, having the three boats in charge, then left the port of San Juan aforesaid on their return to Point Arenas.

On the following morning, 6th instant, the said Hutchinson returned to San Juan, with the said Creighton, to indentify the aforesaid property, in accordance with the agreement made with the said Duzman,

as above described; he, the said Duzman, had not the property in charge, but said he had handed it over to the "marshal." The said Hutchinson then accompanied the said "marshal" to a house, in the open yard of which were some articles which he, the said "marshal," asserted were the goods in question. The said Hutchinson, finding the agreement made between himself and the said Duzman, above described, had been thus violated, and seeing that the flour and other articles taken by the aforesaid Reed, Magraw, and associates, were missing, and that the wife of the said Magraw was apparently in charge of the goods, declined making any examination of the same, and left on his return to the point aforesaid.

On the same morning, 6th instant, A. Signad, "mayor of San Juan del Norte," issued a warrant for the arrest of the aforesaid William Sloman, charged with assault and battery upon the person of the aforesaid Robert Reed, which was received by the said Sloman from the hands of the said "marshal." The said Sloman being in the employ of the aforesaid transit company, requested to communicate with the deponent's agent, as aforesaid, under whose orders he had acted. The said marshal then accompanied the said Sloman to the office of the deponent, and the deponent replied to the demand of the said marshal that, according to the views of the company which he represented, the "authorities of San Juan del Norte" held no authority or jurisdiction over the territory known as Point Arenas, and that he should not permit the arrest of the said Sloman by them, except it was effected by force and under *protest*, upon which the said marshal departed.

On the afternoon of the same day the said marshal returned, accompanied by an armed force, when the deponent permitted the taking of the said Sloman, protesting, verbally, against the act at the time, and notifying the said marshal of his determination to send in, likewise, his written *protest* to the "authorities of San Juan del Norte," at his earliest convenience.

Now, therefore, the deponent for, and in behalf of, the aforesaid Transit Company of Nicaragua, doth hereby publicly and solemnly *protest* against the "authorities of San Juan del Norte," and their proceedings as above described, in the assistance rendered by them in harboring the aforesaid Reed, Magraw, and associates, and receiving the goods stolen by them, the said Reed, Magraw, and associates, to the great detriment of the Transit Company aforesaid, and in sending an armed force to the territory known as Point Arenas, in Nicaragua, now occupied by the said Transit Company, by virtue of their charter from Nicaragua, as a gross and unjustifiable outrage upon the property as well as the rights and privileges of the said Transit Company, and will hold them (the "authorities" aforesaid) responsible for all losses, damages, costs, charges, and interests which are or may be occasioned by the same.

JOSEPH N. SCOTT, *Agent.*

Sworn to and subscribed before me on the day and year first above written.

JOSEPH W. FABENS,  
*U. S. Commercial Agent.*

UNITED STATES COMMERCIAL AGENCY,  
*San Juan del Norte, Nicaragua.*

I hereby certify that the foregoing protest is a true copy from the record book of this agency.

In testimony whereof, I hereunto set my hand and seal of office this [L. s.] 15th day of May, 1854.

JOSEPH W. FABENS,  
*U. S. Commercial Agent.*

B.

COMMERCIAL AGENCY, U. S. A.,  
*San Juan del Norte, Nicaragua.*

By this public instrument of *protest* be it known unto all men:

That on the 12th day of May, A. D., 1854, personally appeared Joseph N. Scott, agent of the Accessory Transit Company of Nicaragua, who being duly sworn, did solemnly depose and say:

That on the 6th instant William Sloman, an employee of the aforesaid Transit Company, was taken by force, and under protest of the deponent, from Point Arenas, in Nicaragua, and carried to the city of San Juan del Norte, by persons claiming to be in authority there, under the protection of the Mosquito flag.

On the evening of the same day he (the deponent) did proceed to the city of San Juan aforesaid, for the purpose of making an attempt to obtain the discharge of the said Sloman from custody, he being a man whose services were of great value to the aforesaid Transit Company at the time being.

While at the station house in company with J. W. Fabens, United States commercial agent, after having obtained the discharge of the aforesaid Sloman, under bond, he (the deponent) was declared a prisoner, and held to an examination relative to a charge preferred against him by the "marshal of the city," of having, while at Point Arenas, objected to the taking of the aforesaid Sloman therefrom by the "authorities of the city of San Juan del Norte," on the ground that the said "authorities" had no authority or jurisdiction over the said point. The deponent was then held to bail for his appearance for trial within six days from that date, (6th instant,) which being furnished by the United States commercial agent aforesaid, he was released.

Now, therefore, he (the deponent) doth hereby, in his own behalf as a citizen of the United States of America, as well as in behalf of the Accessory Transit Company of Nicaragua, publicly and solemnly *protest* against the aforesaid "authorities of the city of San Juan del Norte," for the commission of the above-described outrage; and will hold them responsible for all losses, damages, costs, charges, and interests which are or may be occasioned by the same.

JOSEPH N. SCOTT, *Agent.*

Sworn to and subscribed before me on the day and year first above written.

JOSEPH W. FABENS,  
*U. S. Commercial Agent.*



UNITED STATES COMMERCIAL AGENCY,  
*San Juan del Norte, Nicaragua.*

I hereby certify that the foregoing protest is a true copy from the record book of this agency.

In testimony whereof I hereunto set my hand and seal of office this [L. s.] 15th day of May, 1854.

JOSEPH W. FABENS,  
*U. S. Commercial Agent.*

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*Mr. Fabens to Mr. Marcy.*

COMMERCIAL AGENCY, U. S. A.,  
*San Juan del Norte, May 30, 1854.*

SIR: Since my last dispatch, No. 8, dated May 15, 1854, accompanying protests of the general agent of the Accessory Transit Company of Nicaragua, very serious difficulties have arisen, growing out of an attempt made by the people of this town to seize the person of the American minister in Central America, Mr. Borland, while on his return to the United States. This extraordinary measure was undertaken, as I am informed, in consequence of the ground taken by the minister, that the people now occupying this town had no jurisdiction over Point Arenas or the steamers of the Transit Company.

You have doubtless before this received full details of this affair from Mr. Borland himself, and I will merely state briefly the facts in the case as they fell under my own personal observation.

On the evening of the 16th instant, at about the hour of 6 p. m., Mr. Borland arrived at my house. He informed me that a native boatman had been shot upon the river by the captain of the steamer in which he (Mr. B.) was a passenger; that upon arriving in our harbor an armed force boarded the steamer and demanded the person of the said captain; that he (Mr. B.) told them they had no authority or jurisdiction in the matter, and that he should not permit the captain to be arrested by them. While we were conversing upon this subject, information was brought by a friend that the authorities of San Juan had decided upon the arrest of the American minister, and in about five minutes' time an armed force of some six or seven men, mostly, it appeared, Jamaica negroes, with muskets in their hands, drew up in front of the consulate, and, in a very excited manner, demanded the American minister. I proceeded to the door, and while endeavoring to learn more in detail the character of this movement, Mr. Borland himself came forward. He spoke to the group—at this time, in addition to the six or seven men with muskets already mentioned, there were some thirty or forty others, principally blacks, from Jamaica and San Domingo, and all in a state of intense excitement)—in a calm, dignified manner asked them if they were aware of the consequences of these proceedings, &c.; to which reply was made that they were fully aware, and had been prepared to die since 4 o'clock p. m. Mr. Borland then spoke to me apart, requesting me to leave immediately for the steamship Northern Light, lying in the harbor at the time, and, if possible,

return with aid. As I left the house in obedience to this request, a fragment of a broken bottle was thrown at Mr. Borland, striking him in the face, and drawing blood therefrom. I will here add, that I never saw a more infuriated mass of human beings than were on that occasion in forcible possession of the consulate; and so great was the excitement in town against the Transit Company, from the moment when the information of the death of the abovementioned boatman arrived, that it is my firm belief that if the captain who committed the act had been delivered up he would have been torn in pieces, or hung immediately, without trial or examination.

When I arrived on board the Northern Light I stated the case to Captain Churchill, who gave me permission to lay it before the passengers. It was then decided, after mature deliberation, that a committee of three should be appointed to return with me to San Juan, communicate with the minister, and agree upon the most proper course to take under the circumstances. In company with this committee I set out on my return to town, but on approaching the shore we were ordered off. The quartermaster replied that the "consul" was on board, and going to his house. The answer to this was, "He can't land." Upon our venturing to proceed a shot was fired by one of the party above our heads, while three others pointed their muskets directly into the boat. We then put about and returned to the ship. It was then past midnight. All this time we had been under great anxiety as to the personal safety of Mr. Borland, and it was to assure ourselves upon this point that the steps last described above were taken.

On the following morning, between the hours of seven and eight, A. M., Mr. Borland, taking advantage of a momentary lull of the excitement, left the consulate for the steamship, in company with Mr. E. F. Mason, an American gentleman residing with me. He was received on board the Northern Light with every manifestation of sympathy and joy on the part of his countrymen. What followed you are doubtless aware of. A consultation was subsequently held, at which Mr. Borland, Col. Frémont, Mr. J. N. Scott, agent of the Accessory Transit Company, Capt. Churchill, and myself were present, and it was decided as necessary, under the circumstances, to leave an armed force at Point Arenas, for the protection of the Accessory Transit Company, and the American interests at San Juan del Norte. Fifty men were enrolled, of whom Mr. Crawford Fletcher was unanimously elected captain. These men are now on duty at Point Arenas, and I am convinced that their presence at that point has kept in check the violent passions of a portion of the lower class of the people of this town, and prevented further and yet more serious disturbances. Many rumors of what was contemplated have reached me, but as I have no positive proof of the matter, I defer communicating them until I can do so personally.

The Northern Light sailed on the evening of the 17th instant. On the next morning, the British war steamer "Argus" arrived in our harbor. The people of this town, as I learn, applied to the commander for an order to disperse the force at Point Arenas, which he declined giving. This vessel remained in port four days, and then sailed for Port Royal, in Jamaica. I did not have the pleasure of seeing her commander while here, neither did he communicate with the agent or any officer

of the Transit Company, or take any steps, so far as I am aware, to inform himself of the *American side* of the affair in question. On the morning of the arrival of this vessel, all the authorities of this town resigned their offices, and the place remains to this time without any form of government. The station-house, with the arms and ammunition belonging to the town, is in possession of the Jamaica negroes, (the same parties who committed the outrage previously spoken of.)

I am of opinion that there can be no permanent peace in this place until the question of sovereignty is definitely settled, and a responsible government established.

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

JOSEPH W. FABENS.

Hon. W. L. MARCY,

*Secretary of State of the United States.*

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No. 10.

*Mr. Fabens to Mr. Marcy.*

COMMERCIAL AGENCY, U. S. A.

*San Juan del Norte, June 16, 1854.*

SIR: I have the honor to acknowledge the receipt of your dispatch of the 3d inst.

I am very much gratified to learn that the conduct of the people of this town towards our citizens, will not be passed over unnoticed.

My last dispatch, dated May 30, (No. 9,) gave a brief statement of affairs since the departure of the "Northern Light," 17th ultimo. There is but little change to the present time. Some of the aiders and abettors in the outrage perpetrated upon Mr. Scott, agent of the Accessory Transit Company, as well as upon Mr. Borland, United States Minister to Central America, have escaped per British steamer to Jamaica, via Navy Bay; but I believe that the chief instigators are yet among us.

With regard to the losses suffered by the Accessory Transit Company, I am of an opinion that no suitable indemnity can be obtained from the parties now in possession of affairs except by taking possession of, and holding the territory of Mosquito, so called, beneath whose flag the outrages in question were perpetrated.

With the hope of receiving further instruction by the national vessel soon to arrive,

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

JOSEPH W. FABENS.

P. S.—Mr. Scott, agent of the Accessory Transit Company, has notified me that he does not consider it advisable or safe, under the circumstances, to leave Point Arenas unprotected, and requests me to keep the guard now there on service until the arrival of an armed vessel of the United States, which request (as it is in perfect accordance with my own opinion in the case) I have complied with, by giving an

order to Captain Fletcher, in command of the forces, to remain until the arrival of the next steamship, due here 30th June, previous to which date I hope the United States vessel will be here.

Very respectfully, your obedient servant,

JOSEPH W. FABENS.

Hon. WILLIAM L. MARCY,

*Secretary of State, U. S. A., Washington, D. C.*

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*Mr. Fabens to Mr. Marcy.*

U. S. SHIP CYANE,

*Off San Juan del Norte, July 15, 1854.*

SIR: My last dispatch of 16th ult., advised you of the detention of the armed force left by Mr. Borland at Point Arenas for an additional half month. This was done with the understanding with Mr. Scott, agent of the Transit Company, that if the United States government did not recognize the necessity of this measure, the expenses thereof would be paid by the Transit Company. The half month expired on the 2d inst., but as the New York steamship did not arrive in our harbor until 3d, the men were not disbanded until that day, and received in settlement pay for one day extra.

I have now the honor to acknowledge receipt of your dispatch of 9th ult., per Commander Hollins, of the United States ship "Cyane," who arrived in our harbor on the 11th inst. In reply, I have to say, that in accordance with my instructions, contained in your dispatch of the 3d ult., I notified the late "acting authorities and the people of the town," that the United States government would require of them reparation for the wrongs they had committed towards our citizens. Herewith is transmitted a copy of my letter marked "A." I received no official reply, the town being without political organization. The information which reached me through private sources, was to the effect, that the people of the town were fully determined to make no pecuniary redress either to the Transit Company or to the government of the United States, for any obnoxious acts they might have committed. In the matter of the personal assault upon our minister, Mr. Borland, they were especially insulting in their remarks, and regretted, to use their own language, that they had not kept him a prisoner at San Juan, and made him answerable for the act alleged to have been committed by Captain Smith, of Transit Company's steamer "Routh."

The instigators and perpetrators of the outrage were suffered to hold exclusive possession of the town, its arms and ammunition, and this extraordinary state of things continued until the people were driven from the place by the decisive measures of Captain Hollins.

Immediately upon the arrival of Commander Hollins I received from him a letter, a copy of which I herewith transmit, marked "B"—asking for information as to the existing state of affairs at San Juan.

In the personal interview which followed, it was decided as expedient to renew the demand already made, and in such a manner as to impress the people of the town with the idea that satisfaction for their

past injuries and insults towards American citizens must and would be had; thereupon I proceeded at once to Point Arenas, to agree with Mr. Scott, agent of the Transit Company, as to the sum of money proposed to be demanded for the losses and damages suffered by the company. In the case presented in my dispatch of May 15th, he (Mr. Scott) assured me that he could not consent to accept a less amount than sixteen thousand dollars, and, together with Mr. Hutchenson, clerk of the company at this place, showed to my satisfaction that the actual damages to the company had been much greater.

This amount being fully approved by Commander Hollins as proper and just in the matter, on the same evening, acting upon my instructions contained in your dispatch of the 9th ultimo, and the request of Commander Hollins, I made the demand, of which the document marked "C," herewith transmitted, is a copy. To this the same reply substantially was given as to the previous, but couched in more violent language. I will here mention that the British war schooner "Bermuda" was, at that time, in our harbor; and I am of opinion, that this fact had an influence upon the conduct of the people of the town on that occasion.

On the 12th instant, I replied officially to the communication of Commander Hollins; a copy of which letter I transmit, herewith, marked "D." The documents therein spoken of, as marked "A" and "B," are above described as "A" and "C."

On receiving my letter, Commander Hollins, after due deliberation and consultation, decided to give to the offenders twenty-four hours' further notice to render satisfaction; and, if such was not afforded at the expiration of that time, to bombard the town. He, accordingly, on the morning of the 12th instant, issued a proclamation to that effect, which, together with the letter in reply to mine of same date, I herewith transmit, marked "E" and "F." Three copies of this proclamation I caused to be posted in the three most conspicuous parts of the town, where they were universally read.

On the afternoon of the 12th instant, Commander Hollins landed a party of marines and seamen, under command of Lieutenant Pickering, for the purpose of removing the arms and ammunition from the station-house, which was duly affected.

I regret to have to say, that the proclamation of Commander Hollins produced no effect upon the people of the town. Not one of its inhabitants paid to him the courtesy of a visit; and no word of explanation of affairs, or remonstrance against the proceedings of the United States government, was forwarded either to Commander Hollins or myself, except a brief protest from James Geddes, esq., acting vice consul of her Britannic Majesty at Greytown, "Mosquito."

I will here mention, however, that on the occasion of the outrage committed by the town, presented in my dispatch of 15th May, a protest from the house of A. de Barwell & Co., French merchants, against the "authorities," was duly deposited on the archives of this agency, and that, on the occasion of the subsequent outrage upon the person of Mr. Borland, a protest of the same tenor was received from the house of H. S. Wood & Son, American merchants at San Juan.

Finding that no intention was manifest on the part of the people of



the town to explain, furnish redress, or apologize for their past misconduct, and that all demands and notices served upon them by the United States government were treated with derision and contempt, Commander Hollins prepared his ship for action on the morning of the 13th instant, and opened the bombardment, according to notice, at 9 o'clock, a. m. The report of the engagement, &c., will be found in his dispatches to the Navy Department.

The considerate and generous course of Mr. Joseph N. Scott, agent of the Accessory Transit Company, from the time the proclamation of Commander Hollins was posted until the present moment, is truly worthy of mention. Invitations were extended by him, on the part of the company, to the old and infirm, the women and children, as well as to all who were willing to declare themselves to be friendly disposed towards the United States, to repair on board the river steamers of the Transit Company with their most valuable effects. Two steamers were sent to San Juan for this purpose, the latter on the morning preceding the bombardment, at which time she remained two hours at the wharf; some twelve persons only availed themselves of this kind provision.

In view of the present condition of affairs at San Juan del Norte, which seems to render my further presence at that port inexpedient for the time being, and with the hope of being serviceable to my fellow-citizens by proceeding to the United States with Commander Hollins, I have asked and obtained that officer's permission to remove, with the archives of my agency and personal effects, to his ship, and hope to have the honor of reporting myself to you at Washington soon after the receipt of this dispatch.

I am, sir, with profound respect, your very obedient servant.

JOSEPH W. FABENS.

HON. W. L. MARCY,

*Secretary of State of the U. S. of America,  
Washington, D. C.*

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NAVY DEPARTMENT, *July 29, 1854.*

SIR: In compliance with the resolution of the House of Representatives, dated 28th instant, I have the honor to transmit, herewith, copies of all orders or instructions issued to Commander Hollins, in command of the United States sloop of war Cyane, and all the information in this department touching his recent action at San Juan.

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

J. C. DOBBIN.

The PRESIDENT.

NAVY DEPARTMENT, *June 12, 1854,*

SIR: Enclosed herewith you will receive a copy of a communication from the Department of State to Joseph W. Fabens, esq., United States commercial agent at San Juan del Norte, dated 9th of June, 1854.

Very respectfully your obedient servant,

J. C. DOBBIN.

Commander GEORGE N. HOLLINS,

*Commanding U. S. ship Cyane, New York.*

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NAVY DEPARTMENT, *June 10, 1854.*

SIR: The government has recently received intelligence that the interests of our countrymen require the presence of a national vessel at San Juan or Greytown, and from your experience in that region, and confidence in your energy and prudence, and in pursuance of the wishes of the President, the department has concluded to direct that you proceed with the Cyane to that port so soon as she can be fully ready for the cruise.

The property of the American citizens interested in the Accessory Transit Company, it is said, has been unlawfully detained by persons residing in Greytown. Apprehension is felt that further outrages will be committed. Our minister, Mr. Borland, has been treated with rudeness and disrespect.

You will, however, learn from Mr. Fabens, commercial agent at Greytown, more particularly the conduct of those people, and the views of our government, which have been communicated to him from the State Department. You will consult with him freely, and ascertain the true state of the facts. Now, it is very desirable that these people should be taught that the United States will not tolerate these outrages, and that they have the power and the determination to check them. It is, however, very much to be hoped that you can effect the purposes of your visit without a resort to violence and destruction of property and loss of life. The presence of your vessel will, no doubt, work much good. The department reposes much in your prudence and good sense.

Former dispatches have acquainted you with the peculiar political position of this town, and of the relations of our government to it. You will remain there no longer than you may deem necessary, as it is a warm and unhealthy climate. You will advise the department of your movements, and, after leaving Greytown, you will touch at Pensacola and receive orders from Commodore Newton there, if not earlier, as you will constitute a part of his squadron.

I am, respectfully, your obedient servant,

J. C. DOBBIN.

Cominander GEORGE N. HOLLINS,

*Commanding U. S. ship Cyane, New York.*

U. S. SHIP CYANE,

*At anchor, Harbor San Juan del Norte, July 15, 1854.*

SIR: Herewith I have the honor to submit for your consideration copies of several communications that have accrued during my stay in this port, as marked in the accompanying schedule:

A.—A communication bearing date July 11, addressed to Joseph W. Fabens, esq., commercial agent of the United States.

B.—His reply thereto, dated July 12, 1854, with two communications enclosed, one marked A, bearing date June 24, 1854; the other marked B, dated July 11, 1854, setting forth the demands of the government of the United States against the town of San Juan del Norte.

C.—A communication bearing date July 12, 1854, addressed to Mr. Fabens, acknowledging the receipt of the preceding, enclosing a proclamation, (marked D,) to the inhabitants of San Juan, and offering him assistance to remove the archives of his office, &c.

D.—A communication bearing date Greytown, Musquito, July 12, 1854, from Commander Jolley, of H. B. M. schooner "Bermuda."

E.—A reply of the same date to the preceding.

F.—A communication from Mr. Fabens, dated July, 1854, asking a conveyance of his official and personal effects to the United States.

G.—A reply thereto of the same date acceding to his request.

H.—A communication to the Navy Department containing a general statement of proceedings, &c.

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

GEO. N. HOLLINS, *Commander.*

To the Hon. J. C. DOBBIN,

*Secretary of the Navy, Washington, D. C.*


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A.

U. S. SHIP CYANE,

*Harbor of San Juan del Norte, July 11, 1854.*

SIR: I am directed by the Hon. J. C. Dobbin, Secretary of the Navy, by an order bearing date June 10, 1854, to communicate with you in reference to the action taken by the people of San Juan del Norte, upon certain demands made upon them by the government of the United States for outrages committed on the property of the Accessory Transit Company, and the person of Mr. Borland, our minister to Central America.

Be pleased to inform me if the result of the demand has been of such a character as to accord with the purport of your instructions.

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

GEO. N. HOLLINS, *Commander.*

To JOSEPH W. FABENS, esq.,

*United States Commercial Agent, San Juan del Norte.*

A.

COMMERCIAL AGENCY, U. S. A.  
*San Juan del Norte, Nicaragua, June 24, 1854.*

*To those now, or lately pretending to, and exercising authority in San Juan del Norte.*

GENTLEMEN: I am instructed by the government of the United States, at Washington, to notify you that the said government will require of the pretended authorities "of the town of San Juan del Norte, restoration of, or payment for, the property brought within the territories over which they assume to exercise authority," as set forth in protest of Mr. Scott, general agent of the Accessory Transit Company, dated May 12, 1854, "and all damages sustained by their outrageous conduct in preventing the said company from re-possessing itself of it."

I do, therefore, hereby demand of you immediate restoration of the aforesaid property. I am not prepared to put an estimate upon it at this moment, or to name the amount of damages suffered by the Transit Company, in consequence of your outrageous conduct towards their agent and employees, while endeavoring to retake possession of the same, and upon subsequent occasions connected therewith. It is expected that for this, as well as for their conduct in other respects towards American citizens, the people of the town will be prepared to afford redress in a satisfactory manner. There is likewise an outstanding claim of the Accessory Transit Company versus the acting authorities of San Juan del Norte, for the sum of eight thousand dollars, as a remuneration for the loss sustained by the company in consequence of the destruction of their building on Point Arenas, in the month of March, 1853, by the said acting authorities, which claim was duly presented by Abraham Banker, agent of said company, on the 25th June, 1853.

I am, gentlemen, your obedient servant,

JOSEPH W. FABENS.

*U. S. Commercial Agent.*

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B.

COMMERCIAL AGENCY, UNITED STATES OF AMERICA,  
*San Juan del Norte, Nicaragua, July 11, 1854.*

*To those now or lately pretending to and exercising authority in  
and to the people of San Juan del Norte:*

GENTLEMEN: On the 24th ultimo, in accordance with the instructions of the government of the United States of America, I notified you that the said government would require of you immediate reparation for the property belonging to the Accessory Transit Company, which was stolen from the said company and received by you, as specified in

my letter of that date, as well as for all damages suffered by their agents and employés while endeavoring to repossess themselves of the same. I have now, acting in concert with Commander Hollins, of the United States ship Cyane, at present in this harbor, to demand of you immediate payment of the sum of sixteen thousand dollars, which has been adjudged to be the proper sum for you to pay for the said property and the gross outrages perpetrated by you upon the persons of American citizens, as set forth in protests of Mr. Scott, of the 12th May last—copies of which have already been served upon you.

There is likewise a claim of the Accessory Transit Company *versus* the "Acting Authorities of San Juan del Norte," for the sum of eight thousand dollars, as specified in my letter to you of 24th ultimo. This you will be likewise expected to pay forthwith.

For the indignity offered to the United States of America, in the conduct of the authorities and people of this town towards their minister, Mr. Borland, while recently in this place, nothing short of an apology, promptly made, and satisfactory assurances given to Commander Hollins of future good behavior on the part of the said authorities and people towards the United States and her public functionaries who may in future be here, will save the place from the infliction which its late acts justly merit.

Your obedient servant,

JOSEPH W. FABENS,  
*United States Commercial Agent.*

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B.

U. S. COMMERCIAL AGENCY,  
*San Juan del Norte, July 12, 1854.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday. In reply I have to observe that, in accordance with instructions from the Department of State, at Washington, bearing date June 3, 1854, I notified the people of San Juan del Norte, that the U. S. government would demand of them payment for the property feloniously taken by and with their countenance and consent from the Accessory Transit Company, and all damages suffered and to be suffered by the said company, in consequence thereof. I further renewed the demand already made by the said company, for outrages committed upon their property in March, 1853. To this notice and demand, a copy of which I herewith annex, marked A, no official reply has been given. But I have incidentally learned that the people of the town have fully decided not to accede to any demand of the Transit Company or government of the United States, as reparation for wrongs by them committed.

A second demand for satisfaction was made yesterday evening, (copy herewith annexed, marked B,) which is now in the hands of the people. I learn from the late acting mayor, that the demand for redress therein made, will not be complied with.

As regards the insult offered to Mr. Borland, our minister to Central



America, I have to inform you that so far from any apology having been offered by the town or its authorities, or any steps having been taken to bring the perpetrators thereof to justice, the chief actors and instigators are now in undisputed possession of the town, its arms and ammunition, and they the people of the town are thus virtually countenancing and approving the indignity to the present moment.

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

JOSEPH W. FABENS.

GEO. N. HOLLINS,

*Commander of U. S. ship "Cyane,"  
now in harbor of San Juan.*

C.

U. S. SHIP CYANE,

*Harbor of San Juan del Norte, July 12, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of this date in reference to the unsuccessful result of the demands of the government of the United States upon the town of San Juan del Norte.

It is with deep regret I find myself compelled, in obedience to my orders, to make use of the force at my command for the purpose of enforcing the demand of our government and obtaining that reparation so justly due for the outrages committed.

Enclosed I have prepared a proclamation, setting forth my determination and the course I shall pursue, which will be posted in the public places of the town as you may designate as proper.

Any assistance you may require for the purpose of removing the archives of the commercial agency, &c., will be furnished at your request.

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

GEORGE N. HOLLINS, *Commander.*

To JOSEPH W. FABENS, Esq.,

*U. S. Commercial Agent, San Juan.*

D.

#### PROCLAMATION

*To all men to whom these presents shall come, or to whom they may concern,  
greeting :*

Know ye that, whereas certain gross outrages have at sundry times been perpetrated by the "authorities" (so called) and people of San Juan del Norte upon the persons and property of American citizens at that place and vicinity; and whereas a serious insult and indignity has been offered to the United States in the conduct of the said authorities and people towards Mr. Borland, United States minister to Central America, for which outrage and insult no indemnity has been given, and no satisfactory reply returned to demands already made :

Now, therefore, I, George N. Hollins, commander of the United ship-of-war Cyane, by virtue of my instructions from the United States government at Washington, do hereby solemnly proclaim and declare, that if the demands for satisfaction in the matters abovenamed, specified in the letter of Mr. Fabens, United States commercial agent, dated 11th instant, are not forthwith complied with, I shall, at 9 a. m. of to-morrow, 13th instant, proceed to bombard the town of San Juan del Norte aforesaid, to the end that the rights of our country and citizens may be vindicated, and as a guarantee for future protection.

GEORGE N. HOLLINS, *Commander.*

U. S. SHIP CYANE,

*Harbor of San Juan del Norte, Nicaragua,  
9 a. m., July 12, 1854.*

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D.

HER MAJESTY'S SCHOONER BERMUDA,

*Greytown, Mosquito, July 12, 1854.*

SIR: After due deliberation upon the communication which I this morning had the honor to receive from you alongside her Majesty's schooner under my command, I consider it my duty to enter my most solemn protest against the course you then intimated to me that you intended to pursue towards the city of Greytown.

The inhabitants of this city, as well as the houses and property, are entirely defenceless and quite at your mercy. I do, therefore, notify you that such an act will be without precedent among civilized nations, and I beg to call your attention to the fact that a large amount of property of British subjects, as well as others, which it is my duty to protect, will be destroyed; but the force under my command is so totally inadequate for this protection against the Cyane, I can only enter this my protest.

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

W. D. JOLLEY,

*Lieutenant and Commandant.*

Commander HOLLINS,

*United States ship-of-war Cyane.*

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E.

UNITED STATES SHIP CYANE,

*At anchor, San Juan del Norte, Nicaragua, July 12, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of this date, and sincerely regret you should feel yourself necessitated to protest against the action I am about to take in relation to the city of San Juan del Norte.

The people of San Juan del Norte have seen fit to commit outrages upon the property and persons of citizens of the United States, after a manner only to be regarded as piratical, and I am directed to enforce

that reparation demanded by my government. Be assured I sympathize with yourself in the risk of English subjects and property under the circumstances, and regret exceedingly the force under your command is not doubly equal to that of the "Cyane."

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

GEO. N. HOLLINS,

*Commander.*

To W. D. JOLLY,

*Lieutenant and commander H. B. M. S. Bermuda.*

F.

POINT ARENAS, *July 14, 1854.*

SIR: In view of the existing state of affairs at San Juan del Norte, the place of my late official residence, I have the honor to inform you that my further presence at that port is no longer expedient or possible, and would respectfully ask of you permission to remove the archives of my consulate to your ship for safe keeping, and conveyance for myself, my official and personal effects to the United States, that I may co-operate the more fully with yourself in placing our government at Washington in possession of the details of the recent proceedings in this vicinity.

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

JOS. W. FABENS.

*United States Commercial Agent.*

GEO. N. HOLLINS, Esq., *Commander U. S. Ship Cyane,*

*Harbor of San Juan del Norte, Nicaragua.*

G.

U. S. SHIP CYANE,

*At anchor, San Juan del Norte, Nicaragua, July 14, 1854.*

SIR: I have the honor to acknowledge the receipt of your communication of this date, asking for the removal of your official and personal effects to the ship for safe keeping, and for your conveyance to the United States. Under the circumstances, I feel assured the interest of the government will be subserved, and I therefore cheerfully extend you an invitation to make the ship your home for the passage.

The condition of the Cyane and her crew, from the unhealthiness of the climate, render her departure from this port desirable at the earliest moment.

Assistance to remove your effects, &c., on board, will be placed at your disposal, at your request.

I have the honor to be, sir, very respectfully, &c.,

GEORGE N. HOLLINS,

*Commander.*

To JAS. W. FABENS, Esq.

*Commercial Agent of the United States,*

*Point Arenas, Nicaragua.*

H.

U. S. SHIP 'CYANE,'

*At Anchor, Harbor of San Juan del Norte, Nicaragua,  
July 16, 1854.*

SIR: I have the honor to report my arrival at this port on the 11th instant, after a tedious passage of twenty-two days. On the 28th ult., when off the "Bermudas," the "small pox," in its most virulent form, made its appearance on board in the person of one of the crew, who is now in a precarious condition. The usual measures have been taken to prevent, if possible, the extension of the disease, which I hope may prove successful.

Immediately on my arrival I communicated with Mr. Joseph W. Fabens, the representative of the United States at this place, and delivered into his hands the dispatch forwarded through me from the Hon. W. L. Marcy, Secretary of the Department of State, of which I had been honored with a copy. After due consultation with Mr. Fabens, I learned the demand by him made, by order of the State Department, upon the town of San Juan had not only been treated with contempt, but threats of future violence towards American citizens and property were publicly made, if an opportunity should offer. After due deliberation, it was thought expedient to make a final demand upon the inhabitants for an indemnity for injuries sustained by citizens of the United States, and for an apology of a satisfactory character for the insult recently given to Mr. Borland, our minister to Central America. In accordance with this decision, Mr. Fabens was directed to communicate with the agents of the Transit Company, and determine upon the amount of indemnity commensurate with their losses, and the sum of sixteen thousand [dollars] was agreed upon as the smallest sum admissible under the circumstances, which, with a previous demand already made of eight thousand, made the sum total of twenty-four thousand dollars. From my knowledge of the injuries, &c., sustained, and the future detriment to the company, &c., this sum seemed to be no more than just, and I directed Mr. Fabens to make a last appeal to the people of San Juan, before decisive measures were taken. This was done on the afternoon of the 11th inst., as will be seen in his communication dated 12th instant, [B,] with its contents, in answer to mine [A] of the day preceding.

As the result of the demand was entirely unsatisfactory in my answer (C) to Mr. Fabens to his communication, I enclosed him a copy of a proclamation (D) to the people of the town, which was posted in the most public places, and perused by all. Shortly after, on the morning of the 12th, as an earnest of my intentions as set forth in the proclamation, at the request of Mr. Fabens, a guard of marines and seamen, under the command of Lieutenants Pickering and Fauntleroy, were ordered on shore to secure the arms and ammunition, as an evident disposition was existing among the people to make an improper use of them, and also to assist and protect Mr. Fabens and others in the removal of their property.

This duty was quickly performed by the officers of the command, and the arms, &c., deposited on Point Arenas in charge of the agent of

the Transit Company to await future disposition. At the same time foreigners generally, and those favorable to the United States, were notified that a steamer would be in readiness on the morning of the day of the bombardment, to convey such as were disposed to a place of safety.

Commander and Lieutenant Jolly, of her Britannic Majesty's schooner Bermuda at anchor in this harbor, was also notified by me, in person, of my intentions on the morrow, and a tender of assistance was made to him for the purpose of removing any property or persons of Great Britain. This offer was met by his communication, (D,) and responded to as in my letter, (E.) Agreeable to promise a steamer was sent to the town at daylight on the morning of the 13th, to assist such as were disposed to take advantage of the opportunity. A few only accepted the proffered assistance, and were conveyed to Point Arenas; the majority of the inhabitants, either from fright, or a wish to set at defiance the threats made against the town, had left, or were willing to remain and risk the consequences. I had hoped the show of determination on the part of the ship would, at this stage of the proceedings, have brought about a satisfactory adjustment of the differences in question, but a total disregard and contempt toward the government of the United States, determined me to execute my threats to the letter.

At 9 a. m., on the morning of the 13th instant, our batteries were opened on the town with shot and shell for three-quarters of an hour, followed by an intermission of the same time, when they were opened again for half an hour, followed by a second intermission of three hours. At the expiration of this interval the firing was recommenced and continued for twenty minutes, when the bombardment ceased. The object of these several intervals in the bombardment was that an opportunity to treat and satisfactorily arrange matters might be furnished the inhabitants of the town. No advantage was taken of the consideration shown them, and at 4 o'clock p. m. a command under Lieutenants Pickering and Fauntleroy was sent on shore to complete the destruction of the town by fire. The property of Mr. De Barwell, a Frenchman, was directed to be exempted from destruction, if possible, as I had learned he had protested and held himself aloof as far as possible against any co-operation with the towns people or pretended authorities of San Juan. The town was thus destroyed for the *greater* part in the short space of two hours. No lives were lost, although an attack was made by an armed party on the command of Lieutenants Pickering and Fauntleroy, but, on the volley being returned, the attacking party fled. The shots were returned more for the purpose of frightening than destroying life, and had the desired effect.

The execution done by our shot and shells amounted to the almost total destruction of the buildings, but it was thought best to make the punishment of such a character as to inculcate a lesson never to be forgotten by those who have for so long a time set at defiance all warnings and satisfy the whole world that the United States have the power and determination to enforce that reparation and respect due them as a government in whatever quarter the outrages may be committed. The royal mail packet "Dee" arrived in the harbor during the conflagration of the town, but left immediately, taking with her in tow H. B.



M. Schooner "Bermuda," thus leaving the English subjects referred to in the communication of Commander Joly without any assistance should it be required. No communication from Commander Joly of the "Bermuda" was made with the "Cyane" prior to his departure, but I am informed he carried with him a number of the principal participators in the outrages that have been committed by the town of San Juan, and among them the former mayor, a Mr. Martin.

I shall, in accordance with the order of the department, leave this place immediately for Boston direct, being satisfied the department will sanction this course, taking into consideration the application of Mr. Fabens [F.] the present unseaworthy condition of the "Cyane," and the condition of the crew favorable to the development of fever by a protracted stay in a warm climate at this early season of the year.

I have incidentally learned that the remains of Purser Ashman, interred at this place some two years since, have not received that attention a decent respect for the dead would seem to demand, and I [have] therefore taken the liberty to exhume them for transportation to the north, being satisfied the step will be gratifying to the friends of the deceased, and will meet with the approbation of the department.

Permit me to call the attention of the department to the handsome and orderly manner in which the officers and crew of the ship I have the honor to command have executed all orders and duties assigned them during our recent difficulties. None could have done better.

I may also refer to the attention and kindness of the agents of the Transit Company toward the ship and such unfortunates of San Juan as were worthy of their hospitality and kindly offers.

Trusting the course I have pursued in relation to the affairs of this place and my intention of proceeding direct to the north may meet with the unqualified approval of the department, I will bring my communication to a close, respectfully asking orders in company with Mr. Fabens to Washington, on the announcement of the arrival of the ship by telegraph.

I have the honor to be, sir, very respectfully, &c., your most obedient servant,

GEO. N. HOLLINS,  
*Commander.*

To the Hon. J. C. DOBBIN,  
*Secretary of the Navy Department, Washington, D. C.*



