

CLEARANCE OF VESSELS AT THE PORT OF MOBILE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Copies of correspondence in reference to the clearance of vessels at the port of Mobile.

JANUARY 6, 1859.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

I herewith transmit to the House of Representatives the report of the Secretary of the Treasury, with the accompanying documents, containing the information called for by the resolution of the House of the 23d of December, 1858, concerning the correspondence in reference to the clearance of vessels at the port of Mobile.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

TREASURY DEPARTMENT,
January 4, 1859.

SIR: In obedience to the resolution of the House of Representatives of the 23d of December, 1858, I have the honor to communicate herewith copies of all the correspondence between this department and the collector at the port of Mobile, in reference to the clearance of vessels.

This department is not in possession of the correspondence between the collector and parties asking clearance, called for by the latter part of the said resolution.

I have the honor to be, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

The PRESIDENT of the United States.

List of papers accompanying the report of the Secretary of the Treasury to the President of January 4, 1859.

- No. 1. Collector of Mobile to the Secretary of the Treasury, April 20, 1858.
- No. 2. Secretary of the Treasury to the collector of Mobile, April 29, 1858.
- No. 3. Collector of Mobile to the Secretary of the Treasury, October 16, 1858.
- No. 4. Secretary of the Treasury to the collector of Mobile, October 25, 1858.
- No. 5. Collector of Mobile to the Secretary of the Treasury, November 9, 1858. (By telegraph.)
- No. 6. Collector of Mobile to the Secretary of the Treasury, November 9, 1858.
- No. 7. Secretary of the Treasury to the collector of Mobile, November 11, 1858. (By telegraph.)
- No. 8. Collector of Mobile to the Secretary of the Treasury, November 12, 1858, (with enclosures.)
- No. 9. Secretary of the Treasury to the collector of Mobile, November 15, 1858.
- No. 10. Collector of Mobile to the Secretary of the Treasury, November 23, 1858. (By telegraph.)
- No. 11. Secretary of the Treasury to the collector of Mobile, November 24, 1858. (By telegraph.)
- No. 12. Secretary of the Treasury to the collector of Mobile, November 24, 1858. (Enclosures.)
- No. 13. Collector of Mobile to the Secretary of the Treasury, December 1, 1858.
- No. 14. Collector of Mobile to the Secretary of the Treasury, December 4, 1858. (By telegraph.)
- No. 15. Collector of Mobile to the Secretary of the Treasury, December 5, 1858.
- No. 16. Collector of Mobile to the Secretary of the Treasury, December 6, 1858.
- No. 17. Secretary of the Treasury to the collector of Mobile, December 8, 1858. (By telegraph.)
- No. 18. Collector of Mobile to the Secretary of the Treasury, December 9, 1858. (By telegraph.)
- No. 19. Collector of Mobile to the Secretary of the Treasury, December 9, 1858.
- No. 20. Secretary of the Treasury to the collector of Mobile, December 11, 1858.
- No. 21. Collector of Mobile to the Secretary of the Treasury, January 1, 1859. (By telegraph.)
- No. 22. Secretary of the Treasury to the collector of Mobile, January 4, 1859. (By telegraph.)

No. 1.

COLLECTOR'S OFFICE,
Mobile, April 20, 1858.

SIR: The legislature of Alabama, at its late session, passed an act incorporating the subscribers to the "Mobile and Nicaragua Steamship Company," with a capital that may be increased to three hundred thousand dollars, and authorizing the company to engage in foreign and domestic commerce. An organization of the company has been effected, and the steamer *Fashion* has been purchased, with the avowed object of opening a trade between this place and several of the ports of Texas. This being a legitimate business, under ordinary circumstances it would occasion me no embarrassment in dealing officially with it, but the filibustering spirit prevalent here, the antecedents of these parties, and the pretty general impression that Walker is yet secretly planning some scheme by which to throw a force into Nicaragua, all conspire to give me some anxiety as to the course I ought to take on an application for a clearance of this company's vessel. My impression is that I could not refuse to give her a coastwise clearance. The trade with Texas fully warrants the employment of a steamer, and it has been long a favorite project with our merchants. The *Fashion* may be engaged in it in good faith, and that is doubtless the present intention of her proprietors; but it would not surprise me at all, after a trip or two, to see her put up for Greytown, or some other port in Central America. Walker has made two or three quiet visits here lately, with no apparent business, spending a few hours in close communication with his friends, and returning as quietly to New Orleans.

That he is endeavoring to make some arrangement with parties here to advance his objects is probable enough, and that they would gladly aid him, could they do it with impunity or with a prospect of success, is equally probable; but I am inclined to the opinion that they have discouraged him, at least for the present, perhaps under the idea of throwing the officers of the government off their guard.

Under these circumstances I feel some uneasiness as to my position. It is a very grave matter to refuse a clearance to a vessel proposing a lawful voyage, and I would, most respectfully, ask the views of the department on the question of clearing this same *Fashion*, either for a port in Texas or for Central America. I feel exceedingly anxious to avoid any mistake in this matter, and as, from present appearances, an application for a clearance to Galveston will soon be made, I should be glad of a response to this letter at your earliest convenience.

I am, respectfully, your obedient servant,

T. SANFORD, *Collector.*

No. 2.

TREASURY DEPARTMENT,
April 29, 1858.

SIR: I find it difficult to give specific instructions on the subjects embraced in your letter of the 20th instant. After you have been possessed of the general views and policy of the department, much

must be left to your own judgment and discretion in giving them practical operation.

In the case you present of the probable application of the steamer Fashion for a clearance for the coastwise trade, I can see no reason for refusing such application. In guarding against a violation of our neutrality laws we must, at the same time, avoid a violation of the private rights of our own citizens who may desire to engage in the lawful trade of the country. In refusing a clearance of the Fashion, or any other vessel, either for the coasting or any other trade, you can justify your refusal only upon well grounded suspicions of an attempt to evade or violate the laws of the country, such as existed in the late case of the Fashion.

I repeat that much must be left to your own good judgment in each particular case, and the department has confidence to believe that your discretion will be wisely exercised.

Very respectfully,

HOWELL COBB,
Secretary of the Treasury.

A. SANFORD, Esq.,
Collector, Mobile.

No. 3.

COLLECTOR'S OFFICE,
Mobile, October 16, 1858.

SIR: A ship is about to be put up at this port for Greytown, with the avowed object of transporting emigrants to Nicaragua. General Walker, who, with sundry merchants of this city, manages the enterprise, has just apprised me of their intention, and notified me that on or about the 15th of next month they expect the ship will be ready for the voyage, and that her papers will then be presented at this office for a clearance. He represents the emigrants, some two or three hundred of whom will be ready to embark at the time indicated, as intending to settle themselves permanently in Nicaragua and become citizens of that country. They are to take nothing with them, he says, but household goods and mechanical and agricultural implements; each emigrant paying twenty dollars for his passage. He also remarked that there would be no *direct* or *indirect* shipment of arms or munitions of war, and that he would not himself be a passenger on the ship, should that be objected to.

Now, even admitting this enterprise to be unobjectionable in itself, I cannot but feel embarrassed in view of my late difficulties with some of the same parties as to the answer I am to give to the application for a clearance.

On the one hand I should dislike to endanger myself or my securities by interfering with a lawful voyage, while on the other hand this expedition may be but part and parcel of the filibustering movement which the same parties were engaged in last autumn. The apparent frankness of Walker may be a ruse to throw me off my guard, though I cannot say that I suspect him of it.

Under these circumstances, and to avoid the possibility of making a mistake, I respectfully beg leave to submit this statement of the facts of the case to the consideration of the department, and to ask its special instructions.

I have the honor to remain, very respectfully, your obedient servant,
T. SANFORD,
Collector.

Hon. HOWELL COBB, *Secretary of the Treasury.*

No. 4.

TREASURY DEPARTMENT,
October 25, 1858.

SIR: Yours of the 16th instant is received. In view of all that has transpired at your port, involving the violation of the laws of the United States by fitting out armed expeditions against the government of Nicaragua, it is right and proper that you should exercise the utmost prudence and firmness in preventing a recurrence of similar events.

It is impossible for the department to give explicit instructions in advance of a knowledge of the facts of the case. You will therefore await the application for a clearance, as indicated in your letter. When made you will immediately report to the department all the facts and circumstances which may then be in your knowledge, and specific instructions will be promptly given.

Very respectfully,

HOWELL COBB,
Secretary of the Treasury.

T. SANFORD, Esq., *Collector, Mobile.*

No. 5.

[By telegraph.]

MOBILE, November 9, 1858.

Clearance is asked by Hessee & Co. for barque "Alice Tainter," for Greytown, Nicaragua, with provisions and three hundred (300) passengers, or more. I have reason to believe them furnished with passports. Particulars by mail.

T. SANFORD, *Collector.*

Hon. HOWELL COBB, *Secretary of the Treasury.*

No. 6.

COLLECTOR'S OFFICE, MOBILE,
November 9, 1858.

SIR: I had the honor to apprise you by telegraph this morning that Messrs. J. Hessee & Co. had made application for a clearance of the barque Alice Tainter, with provisions and passengers for Greytown, Nicaragua. The cargo consists of flour, pork, beef, sugar, &c.,

and agricultural and mechanical implements, with a few articles of household goods. I understand that between three and four hundred passengers, calling themselves emigrants, are ready to embark, with the view of becoming resident citizens of Nicaragua.

In declining to grant the clearance, I called Mr. Hessee's attention to the President's proclamation, and inquired how he could expect a clearance in the face of that document. He seemed a little embarrassed by it, but intimated that he was acting under information that warranted him in pursuing the enterprise. Of the nature of that information I have no knowledge; but he evidently expects that my instructions from Washington will be so modified that he will be permitted to pursue the proposed voyage. It may not have any bearing on the question, but I may as well state that I learn, from a quarter not liable to be misinformed, that the persons who propose to embark as passengers by the *Alice Tainter* are furnished with passports from Mr. Yrisarri. In accordance with instructions contained in your letter of October 25 I submit to the department this notice of Mr. Hessee's application, and await your reply. To relieve the parties from suspense, I would respectfully ask a line by telegraph.

I have the honor to be, your obedient servant,

T. SANFORD, *Collector*.

Hon. HOWELL COBB, *Secretary of the Treasury*.

No. 7.

[Telegraph.]

TREASURY DEPARTMENT,
November 11, 1858.

Send me by mail a copy of the oath of the supercargo or master of the *Fashion* to her outward manifest at the time she cleared last year.

HOWELL COBB,
Secretary of the Treasury.

T. SANFORD, Esq., *Collector, Mobile*.

No. 8.

COLLECTOR'S OFFICE,
Mobile, November 12, 1858.

SIR: I have the honor to transmit herewith, as required by your telegraphic despatch of yesterday, received this morning, a certified copy of the manifest of the steamship "*Fashion*," which cleared from this port on the 13th of November, 1857. As the captain's general manifest described the packages only, I have thought it not amiss to forward also a copy of the shipper's special manifest, giving the details of his shipment. In this connexion I take the liberty of adding that I have now reason to believe that the arms taken out by the "*Fashion*" on that occasion were shipped at New Orleans, and secreted under the coal.

I am, very respectfully, your obedient servant,

T. SANFORD, *Collector*.

Hon. HOWELL COBB, *Secretary of the Treasury*.

Manifest of all the goods, wares, merchandise, and specie, shipped by H. G. Humphries on board the steamer Fashion, whereof J. K. Coughlin is master, bound for the port of Greytown, Nicaragua.

Marks.	Numbers.	Packages or articles in bulk.	Contents.	Value at the port of exportation.		
				Value of domestic produce or merchandise.	Value of foreign produce or merchandise.	Total amount.
P		One cask	50 pickaxes	\$44 00		\$44 00
No mark		Two boxes	48 axes	45 83		45 83
K & F		One box	6 gross knives and forks	11 25		11 25
H		do	100 axe helves, 2 spades	16 67		16 67
No mark		Two bundles	48 spades	43 75		43 75
H. C. H.	9	One cask	32 tin kettles, 400 tin cups	274 35		274 35
H. C. H.	8	do	10 tin kettles			
H. C. H.	4	One box	18 tin kettles			
H. C. H.	5	do	100 tin pans, 34 dozen plates, 34 dozen spoons.	66 25		66 25
H. C. H.	(6)	do	50 hatchets			
H. C. H.		Three kegs	300 pounds nails			
H. S.	31	One box	69 yds. oil cloth, silk, thread, needles and pins	31 13		31 13
H G H	1 to 7	Seven boxes		256 69	\$200 00	456 69
H G H	8	One box	Medicines			
H G H	9	One keg				
(H)	No numbers	Sixty barrels	Pork	1,140 00		1,140 00
(H)	do	Forty-four barrels	Beef	682 00		682 00
(H)	do	368 barrels	Assorted groceries	2,006 60		2,006 60
(H)	do	Four tierces	Rice	106 76		106 76
(H)	do	Nine sacks coffee	Coffee		135 14	135 14
(H)	do	Three hogsheads sugar	Sugar	231 95		231 95
(H)	do	Twenty-eight boxes candles	Boxes candles	100 10		100 10
(H)	do	Five sacks	Salt		5 25	5 25
(H)	do	Two bales	Blankets	455 25		455 25

DISTRICT OF MOBILE.

I, H. G. Humphries, do solemnly swear that the above [within] manifest contains a full, just, and true account of all the goods, wares, merchandise, and specie, of every kind, shipped by myself on board the above [within] named vessel, and the quantities and values of each article are truly stated, according to their actual cost, or the values which they truly bear in this port at this time; and further swear that the said merchandise is truly intended to be exported to Greytown, Nicaragua.

H. G. HUMPHRIES.

Sworn this thirteenth day of November, 1857, before me.

W. SMITH,
Deputy Collector.

[Endorsement.]

CUSTOM-HOUSE,
Mobile, November 12, 1858.

I certify that the within is a true copy of the original special manifest, now on file at this custom-house, of the merchandise, &c., shipped on the steamship Fashion, which cleared from this port on the 13th of November, 1857, for the port of Greytown, Nicaragua.

Given under my hand and seal of office date above written.

W. SMITH,
Collector.

Report and manifest of the cargo laden at the port of Mobile on board the steamer Fashion, J. K. Coughlin, master, bound for Greytown, in Nicaragua.

Marks and numbers.	Packages and contents.	Value.
P.	1 cask hardware.....	\$161 50
No mark.	2 double boxes ditto.....	
K. & F.	1 box ditto.....	
H.	1 box ditto.....	
No mark.	2 bales ditto.....	340 60
H. G. H. 8 & 9.	2 casks tinware.....	
4, 5, & 6.....	3 boxes ditto.....	
	3 kegs nails.....	
H. G. H. 1 to 8.	8 boxes medicines.....	456 69
	1 keg medicines.....	
Diamond H.	472 barrels groceries.....	4,407 80
	4 tierces ditto.....	
	14 sacks ditto.....	
	3 hogshead ditto.....	
	28 boxes ditto.....	
	2 bales blankets.....	5,366 59

(Cleared by J. Hessee & Co.)

DISTRICT AND PORT OF MOBILE.

I, J. K. Coughlin, master and commander of the steamer Fashion, bound from the port of Mobile to Greytown, Nicaragua, do solemnly, sincerely, and truly swear, that the manifest of the cargo on board the said steamer Fashion, now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof. And if any other goods, wares, or merchandise, shall be laden on board the said steamer previous to her sailing, I will immediately report the same to the said collector. I do also swear, that I verily believe the duties on all foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be re-landed within the United States; and that if by distress or other unavoidable accident it should become necessary to re-land the same, I will, forthwith, make a just and true report thereof to the collector of the customs of the district within which such distress or accident may happen.

And I further swear that the merchandise is intended to be exported to Greytown, Nicaragua.

So help me God.

J. K. COUGHLIN.

Sworn to before me this 13th day of November, 1857.

W. SMITH,
Deputy Collector.

[Endorsement.]

CUSTOM-HOUSE, *Mobile, November 12, 1858.*

I certify that the within is a true copy of the original manifest, now on file at the custom-house, of the steamship Fashion, cleared from this port on the 13th November, 1857, for the port of Greytown, Nicaragua.

Given under my hand and seal of office, date above written.

W. SMITH,
Deputy Collector.

No. 9.

TREASURY DEPARTMENT, *November 15, 1858.*

SIR: I have to day received your letter of the 9th inst., stating that Messrs. J. Hessie & Co. had made application for a clearance of the bark "Alice Tainter" with provisions and passengers for Greytown, Nicaragua. You add: "The cargo consists of flour, pork, beef, sugar &c., and agricultural and mechanical implements, with a few articles of household goods. I understand between three and four hundred passengers, calling themselves emigrants, are ready to embark with a view of becoming resident citizens of Nicaragua." You further state:

"It may not have any bearing on the question, but I may as well state that I learn, from a quarter not liable to be misinformed, that the persons who propose to embark as passengers by the 'Alice Tainter' are furnished with passports from Mr. Yrisarri."

It appears from your letter of the 16th ultimo that notice of the application for a clearance of this vessel was given at that time by General William Walker.

There is no doubt that the persons who have set on foot the present enterprise, whatever it may be, are in part, if not entirely, the same with those who were concerned in the equipment, lading and clearance of the Fashion at your port in November, 1857.

It becomes proper, therefore, to consider the circumstances under which the clearance of that vessel was then obtained, as well as what transpired subsequently to her departure from the United States.

In your letter to the Secretary of State of the 14th November, 1857, giving an account of the clearance of the Fashion at that time, you say: "A few days ago Mr. H. B. Humphries, a wealthy merchant of this place, mentioned to me that he was about to despatch a steamer, which he had recently purchased, to Greytown, with an assorted cargo and such passengers as might choose to visit Central America; and he desired to know whether there would be any objections to his enterprise on the part of the government or its officers. To these inquiries I replied by referring him to the rumors that were rife in regard to the movements of General Walker, to the revenue and neutrality laws, and to the circular instructions of the State Department. I assured him that the laws of the country and those instructions would guide my conduct, and that no infraction of them would be permitted. A day or two subsequent to this conversation he brought to my office invoices, manifests, and bills of lading for a large cargo, and asked that his vessel might be cleared for Greytown. I subjected his invoices to a very scrutinizing examination, but found nothing in them to which exception could be taken. The shipment consisted of barrels of pork, beef, flour and sugar, household goods, hardware, farming utensils, domestic cotton goods, crockery, medicine, &c., &c., of several thousand dollars value. With the papers were his instructions to his supercargo, on his arrival at Greytown, to offer the shipment in that market for cash, or to exchange it, or any part of it, for the products of the country, at his discretion. Whatever might have been my private impressions in regard to the true objects of the voyage, I could find nothing that would lawfully justify a detention of the vessel. I therefore granted the necessary papers yesterday. She went to sea this morning.

After I had issued the clearance, however, apprehending the possibility that arms and munitions of war might be taken on board from some point below the city, I despatched one of my most intelligent and reliable officers, with written instructions to repair on board of the steamer, and examine thoroughly her cargo and equipments, and in the event of his discovering any irregularity to report forthwith to me. I enclose a copy of this order and a copy of the officer's return. The number of passengers was larger than I had been led to suppose, and I have reason to believe that Walker was among them. Mr.

Humphries informs me that it is his intention to establish a regular line of steam communication between this port and Greytown, and I understand that another steamer is expected soon to follow the "Fashion" in the same business and with the same objects, whatever they may be.

Mr. Melancthon Smith, your inspector, in his report of that date to you, giving an account of his examination of the Fashion, on the eve of her departure, says:

"In my examination I did not discover any arms or munitions of war, nor did I observe any indication of organization among the passengers. In fact, to the best of my knowledge, everything on board agrees with the manifest deposited in the custom-house by the captain in clearing the vessel. There were on board about 270 passengers, professing, as I learned from conversation, to be emigrants.

I delayed the examination to the last moment, in order to be sure of no further communication with the shore from the vessel, and when I left, steam was up, and she ready to depart on the return of the boat which the captain despatched to land me. Every facility was afforded by those on board for examination. It is hardly necessary to add that the revenue cutter was in the bay, and available in case of need."

Upon these representations and examinations you granted the clearance; what transpired subsequently was wholly inconsistent with the truth of the representations then made to you. The following extract from the report made to the Senate of the United States by Mr. Mason, of Virginia, the able chairman of the Committee on Foreign Relations, on the 25th of January, 1858, presents the question in a clear and forcible manner, contrasting the representations of the parties before the clearance, and with a view of obtaining it with their subsequent conduct. The report states: "The steamer Fashion cleared at Mobile for San Juan de Nicaragua. Her manifest showed nothing on board but what the shipper styled an 'assorted cargo,' consisting of provisions, groceries, household goods, domestic cloths, farming utensils, &c., and the written instructions to her supercargo, from the shippers, (which were among the vessel's papers,) directed him to offer the shipment in that market for cash, or to exchange it, or any part of it, for the products of the country, at his discretion," and she was to take, in addition, such passengers as might choose to visit Central America. After the vessel left the port, and while at anchor about six miles below the town, she was again visited by an officer of the customs, and search instituted, with a view to discover whether there was anything to show that she was engaged in an unlawful voyage. His report was "that everything on board agreed with the manifest deposited in the custom-house by the captain in clearing the vessel." No arms or munitions of war were discovered, and the passengers (some 270 in number) professed, in conversation, to be emigrants. It was not known to the collector that Walker was on board when the vessel sailed.

As arms and ammunition, in large supply, were landed *with the cargo* at the Point Arenas, it clearly appears that false manifests were used to procure the clearance of the vessel; and it also appears

that false papers, in the nature of instructions to the supercargo, were exhibited to lull suspicion as to the true character of the voyage.

The first act on her arrival on the coast of Nicaragua, and before the vessel came to land, was to detach a military expedition, fully armed, in boats up the river Colorado, one of the outlets of the San Juan, to seize a fortification inland, and to command that river; the next to land Walker and the residue of his party, with their arms and equipments, at Punta Arenas, who immediately raised a flag and invested himself with all the insignia of the camp.

These facts carry with them irresistibly the conclusions, first, that the expedition escaped by false and deceptive practices at the custom-house; and, second, that it was, in violation of the laws, a military expedition begun and set on foot in the United States, to be carried on from their territory and jurisdiction.

Upon the return of General Walker and his followers to the United States, a criminal prosecution was instituted in the district court of Louisiana, against him and others of the expedition. It is not necessary to refer to the evidence produced upon the trial, for subsequently thereto General William Walker and L. P. Anderson came before the circuit court of the United States at New Orleans, upon a requisition upon them, to give bonds for their good behavior. I have a copy, from the records of the circuit court, of the opinion pronounced by the presiding judge on this last occasion. From that opinion I make the following extract, as it embodied a summary of the evidence produced on the trial of the parties. Judge Campbell says: "In May, 1856, the government supported by this party was recognized by the United States. After this that government was disbanded and a new government was organized by the defendant Walker that aroused much opposition in Nicaragua and the other Central American States, and was reduced to the last extremities by their united forces. In May, 1857, the defendant Walker with many of his officers and men returned to the States, or, as he avers, were compelled by the naval force of the United States to come to them. It is in proof that he publicly and privately announced his intention to recover his lost fortunes by returning to Nicaragua. These declarations, or the preparations that they superinduced, occasioned solicitude in the executive department of the federal government. In September, 1857, the Secretary of State addressed a circular letter to the revenue and naval officers, stating: "There is reason to believe that lawless persons are now engaged in setting on foot and preparing the means of military expeditions to be carried against the territories of Mexico, Nicaragua, and Costa Rica, republics with whom the United States are at peace, in direct violation of the 6th section of the act approved April 20, 1818;" and on the 29th of that month the defendant Walker addressed the Secretary of State, denying that he had any design to violate the neutrality laws, and assuring him of his obedience to them while he remained in the United States.

It is in evidence that friends and admirers of the defendant in Alabama collected funds to "Americanize Nicaragua," and used it to transport the expedition hereafter mentioned to Nicaragua; that men were collected in the name of the defendant, and sent to places

of rendezvous, in New Orleans, upon the promise that, as emigrants to Nicaragua, they should have 250 acres of land, and twenty-five dollars monthly pay, and that about 200 men were thus collected—men without families or property of value. These were conveyed to Mobile bay from a fund not provided by themselves.

It was in evidence that the steamer *Fashion* was seized in New Orleans on the 10th November, 1857, on the charge of being prepared for an expedition to be carried from New Orleans, but was released on assurances that her voyage was legal and her cargo not at all suspicious, though there is strong reason to believe she was then engaged to convey emigrants to Nicaragua and the officers of the Nicaragua army.

It was further in evidence that the defendant Walker was arrested here on the 10th November last, and on the 11th of that month gave a bond to appear in this court to answer to the charge of having violated the 6th section of the act of April, 1818, before cited, on the 17th of that month, and that on the same day he left the city for Mobile bay, in the same conveyance with the defendant Anderson and the emigrants previously collected, and that all entered into the steamer *Fashion*, within two or three days afterwards, and then proceeded directly for Nicaragua; the defendant Walker leaving his bond to be forfeited. It was further in evidence that the cargo of the *Fashion* was fraudulently represented to the revenue officers of the port of Mobile by those who cleared her, and that her principal cargo consisted of arms, munitions of war, supplies, and stores, which were destined for the use of the officers and men, and which came to their possession and care as the army of Nicaragua upon their landing in that State.

It was further in evidence that within a few days after the *Fashion* left the Bay of Mobile, and while at sea, the men on board the vessel were organized into companies, and that captains, lieutenants, and sergeants were appointed; that orders were delivered to the men, and the manufacture of cartridges was carried on from the materials on board.

It was further in evidence that the *Fashion* touched the mouth of the Colorado river, at which place the defendant Anderson, with a picked corps, disembarked, and proceeded to take possession of the military post of Castillo; that the remainder of the expedition proceeded to Greytown and encamped in its immediate vicinity. It immediately assumed the name of "the army of Nicaragua," and the defendant Walker signed as "commanding in chief the army of Nicaragua." The officers who had resided with Walker in New Orleans, and had left with him, were charged with commands in that army. Besides the evidence accumulated in these official documents, this department has referred to a deposition of the "commissary general" of the invading army that was landed at Punta Arenas from the *Fashion* in 1857, which is on file in a civil suit in one of the courts of New York. This officer, Brend Van Natzneer, makes oath that General Walker filled the position of President of Nicaragua on board of the *Fashion*, and after they had been several days at sea assumed the military command of the party; that he is familiar with

military organization ; and after this force was at sea it was organized as a military force.

He states further that about the date of this organization at sea, Mr. Cox, the supercargo, a clerk of the house of H. B. Humphries, in Mobile, handed to him invoices of the cargo of the *Fashion*, consisting of military supplies for an army of 500 men for ninety days, made out from Humphries to him, (the commissary,) and that he was directed by Cox to hold them subject to the orders of General Walker. He also states that General Walker expected to find a deposit of arms and stores in Greytown in the hands of an agent, in addition to the supply in the *Fashion*. It further appears that Julius Hessie was an agent of Humphries in the equipment of that vessel. This deposition does not add strength to the convictions produced by official documents that all the arrangements for the expedition were completed before the *Fashion* left Mobile, but it enables us to see the mode in which the parties concerned covered their violation of the law.

Now, sir, the persons who were active in promoting the equipment, lading, and clearance of the *Fashion* are prominent in superintending the equipment, lading, and clearance of the *Alice Tainter*. The pretences that are disclosed in your letter to this department in 1857, as used to influence you to clear the *Fashion*, are the same that are now presented to obtain a clearance for the *Alice Tainter*. This is represented to be a peaceful enterprise; that the adventure on the part of the emigrant society is a commercial adventure; and the emigrants are only seeking to better their condition in a lawful way. On the former occasion the name of General Walker did not appear as connected with the expedition. His presence in Mobile, you intimate in your letter of 7th December, ultimo, was concealed, and that "he clandestinely embarked upon the vessel." In the present instance he has notified you, and through his circular letters the public at large, of his intimate relation to this enterprise. It is a significant fact that there have appeared in the papers circular letters signed by Mr. Hessie, identical in their language with those of General Walker. Both of them invite immigrants to come to Mobile about this time to embark in this vessel, and the newspapers speak of several of the associates of General Walker in his former expeditions as wending to Mobile to embark with this. There are other *indicia* of the object of the proposed expedition which have come to the notice of this department. Some of these are enumerated in the proclamation of the President of the 30th ultimo. Others are to be found in the speeches and declarations of partizans of the enterprise as published. The fact that associations have been formed in this country to colonize a foreign State without any concurrence or sanction of the authorities of that State, or any communication with them, is significant of a hostile spirit, and when the auspices under which they have been formed are known, this menacing aspect appears more conspicuously.

You state that you "learn, from a quarter not liable to be misinformed, that the persons who propose to embark as passengers by the *Alice Tainter* are furnished with passports from Mr. Yrissari."

The Secretary of State has inquired of Mr. Yrissari, the envoy extraordinary and minister plenipotentiary of that republic, and the fact is

found to be otherwise. None such have been issued under his authority or within his information. If passports have been shown to you, the fact furnishes another circumstance to awaken distrust of the good faith of the applicants. In fact it should be conclusive upon your action, as without such passports, it is admitted that these persons could not go to Nicaragua as peaceful emigrants. If these persons were furnished with genuine passports from the Nicaraguan minister, it would present an entirely different case, and one in which you would be justified in granting a clearance.

Upon a review of all the circumstances, I cannot doubt the purpose with which this expedition has been gotten up, and, with this conviction, it becomes my duty to direct you to withhold the clearance applied for.

It is not intended by these instructions to interfere with any lawful trade between Mobile and the port of San Juan de Nicaragua, or any other foreign port, or to prevent peaceful emigrants from proceeding in good faith to settle in Nicaragua or any other foreign country; and should any such case occur, free from the circumstances surrounding this case, you will grant a clearance to such a vessel.

These illegal expeditions have already embarrassed the operations of the government of the United States. They violate the law of nations and the acts of Congress, and tarnish the national character.

Nicaragua is entitled to repose in the confident belief that we shall faithfully execute the laws, and citizens of the United States shall maintain relations of peace and comity with her government and people.

Very respectfully, your obedient servant,

HOWELL COBB,
Secretary of the Treasury.

T. SANFORD, Esq.,
Collector of the Customs, Mobile, Alabama.

No. 10.

[By Telegraph.]

MOBILE, ALABAMA, *November 23, 1858.*

Mr. Hessie has just presented to me a number of passports for Nicaragua, signed by Mr. Yrisarri, dated New York, 16th of November instant. They have all the forms of official papers, and are genuine beyond doubt. Besides internal evidence, their genuineness is supported by affidavit. The parties have got intimation that passports would obviate difficulty, and renew their application for a clearance. They urge me to despatch this to you and ask that my instructions be reconsidered.

T. SANFORD,
Collector.

Hon. HOWELL COBB.

No. 11.

[By Telegraph]

TREASURY DEPARTMENT,
November 24, 1858.

Mr. Yrisarri has, by letter dated November 20, 1858, informed the State Department that he has granted only seventeen passports, and furnishes the names of the persons, five of whom were passengers on board of the Washington on her last trip from New York; and the remaining twelve, he says, were for persons who proposed to go in the same vessel on her next trip. He pronounces all other passports with his name forgeries, and says he will immediately inform the department of each passport he may grant hereafter. I enclose you by mail a copy of his letter.

HOWELL COBB,
*Secretary of the Treasury.*T. SANFORD, Esq.,
Collector, &c., Mobile, Alabama.

No. 12.

TREASURY DEPARTMENT,
November 24, 1858.

SIR: I enclose to you a copy of a letter from Mr. Yrisarri to the Secretary of State. You will see that he has granted only seventeen passports, and that he will, in all cases, inform the Department of State immediately of the granting of any others. You shall be kept advised on the subject, and this will effectually prevent any imposition being practised upon you.

I am, very respectfully,

HOWELL COBB,
*Secretary of the Treasury.*T. SANFORD, Esq.,
*Collector, Mobile, Alabama.*DEPARTMENT OF STATE,
Washington, November 24, 1858.

SIR: I have the honor to communicate a copy of a translation of a note of the 20th instant, addressed to this department by Mr. Yrisarri, the minister of Nicaragua, accredited to this government, accompanied by a list of the persons proceeding thither, to whom he says he has issued passports.

I have the honor to be, your obedient servant,

LEWIS CASS.

Hon. HOWELL COBB,
Secretary of the Treasury.

BROOKLYN, November 20, 1858.

EXCELLENT SIR: For the information of your Department of State I enclose to your excellency a list of all the passports which, up to date, I have issued since the day of publication of the internal police regulation of Nicaragua, which was made on the 27th of last month. These passports are numbered as set down in the aforesaid list, and exhibiting no other names than those which appear under each number. The five of them were delivered to persons who shipped on board of the Washington, on the 6th of November instant, for Nicaragua, and the other twelve were given to persons that intend to take passage on the same steamer Washington, on the 6th of December next. Every passport, therefore, which may be presented, not exactly corresponding with the accompanying list, must be falsified. Hereafter I shall immediately advise your department of every passport which I may issue after this date, in order that you may adopt all expedient measures to obviate all frauds which may be committed by the falsification of my passports.

With the highest consideration I again tender to your excellency those assurances which bespeak me your very respectful and obedient servant,

A. J. DE YRISARRI.

Hon. LEWIS CASS,

Secretary of State of the United States of America.

List of passports issued by this legation since the 6th of December, 1858, and up to the 20th of November instant.

Names.	Date.
1. J. Howland Bell, agent of the company.....	November 6, 1858.
2. James Lee, clerk to company.....	“ “
3. Abraham W. Gallher, agent.....	“ “
4. Herman Schlater, wife, and son.....	“ “
5. Francis Trust.....	“ “
6. Frederick Romer, carpenter.....	November 16, 1858.
7. Juan Ellsen.....	“ “
8. Abraham Wikoff.....	“ “
9. Edward Blemins.....	“ “
10. Jannie A. Ames.....	“ “
11. Juan Annison.....	“ “
12. Elwood Lester, day laborer.....	“ “
13. Abraham Levy.....	“ “
14. Anson White.....	“ “
15. Real Evans.....	“ “
16. Guillermo Evans.....	“ “
17. Joshua Wright.....	“ “

N. B. Number 15 was issued to Real Evans, as it stands corrected.

A. J. DE YRISARRI.

BROOKLYN, November 20, 1858.

H. Ex. Doc. 25—2

No. 13.

COLLECTOR'S OFFICE, *Mobile, December 1, 1858.*

SIR: I have to acknowledge the receipt of your letter of the 24th ultimo, enclosing a copy of Mr. Yrissari's note to the State Department. The passports exhibited to me by Mr. Hessie were doubtless the identical twelve passports to which Mr. Yrissari refers as having been issued from his legation. How they came into the hands of the party now holding them I do not undertake to conjecture, nor can I conceive how they were expected to be made available, unless it was by inserting names of persons in the blank spaces following the individual's name in whose favor each passport was issued.

I should not have been entrapped by such a manœuvre even had your telegraphic despatch of the 24th ultimo authorized a clearance with genuine passports. I refer to the matter only that the department may see the shifts that are resorted to for the purpose of obtaining a clearance. Mr. Hessie has given up the charter of the *Alice Tainter*, and she is now loading with cotton for *Hamburgh*. He has also published an advertisement notifying the emigrants who had paid their passage to *San Juan de Nicaragua* by that vessel to present their tickets at his office and receive back their money.

So far, then, as this particular expedition is concerned, it would seem to have been abandoned. There are, however, several hundred of the emigrants yet in the city. Satisfied, as the leaders now are, that it is impossible to get to sea from this port, they may turn their attention elsewhere; but they appear to be pretty thoroughly discouraged. The grand jury, now in session, assisted by Mr. Smith and the district attorney, had General Walker before them all day yesterday, and they are not expected to get through with witnesses for a day or two to come.

General Wilson arrived yesterday and was at once placed in communication with the attorneys. I may as well add that, with your instructions, Mr. Yrissari's letter, and the revenue cutter, I feel myself amply fortified for the emergency.

I have the honor to be your obedient servant,

T. SANFORD, *Collector.*

Hon. HOWELL COBB,
Secretary of the Treasury.

No. 14.

[By telegraph.]

COLLECTOR'S OFFICE, *Mobile, December 4, 1858.*

Captain Maury, of schooner *Susan*, one hundred and forty-six tons, owned by H. G. Humphries and others, asks a coasting clearance to Key West, with provisions. The parties are known as Walker's sympathizers. The movement is not free from circumstances surrounding the "*Alice*

Tainter," but I could not legally justify refusing a clearance. Most of the emigrants have left here. The grand jury has adjourned without finding a bill. What shall I do? Please answer.

T. SANFORD, *Collector*.

Hon. HOWELL COBB,
Secretary of the Treasury.

[Answered by telegraph December 8, 1858.]

No. 15.

COLLECTOR'S OFFICE,
Mobile, December 5, 1858.

SIR: I had supposed that my troubles with Nicaraguan emigrants were at an end, but I regret to say that they have been suddenly renewed, and under circumstances of increased embarrassment.

At about one o'clock yesterday, Mr. Humphries, who, with William A. Smith and Benjamin F. Marshal, is the owner of the schooner Susan, of 146 tons burthen, called at the office and made a change of the master, substituting Harry Maury in place of her captain. After the change of papers, Captain Maury presented a manifest of cargo, consisting of provisions, &c., and, as the Susan is a registered vessel, demanded a coasting clearance for Key West. Under ordinary circumstances such an application would excite no particular remark and would be readily acted on. But when I came to consider that those parties are notorious sympathizers with Walker, that they were concerned with the expedition of the "Fashion," in November, 1857, that the Susan is the very vessel that I refused to clear for Greytown in December last, with the same owners, that they are smarting under their disappointment in regard to the Alice Tainter, and that this is an unusual voyage, there being little or no commercial intercourse between this port and Key West, the inference was irresistible that the proposed trip has some mysterious connexion with the emigrant movement. The most of the emigrants have, indeed, dispersed, but I have reason to believe that they have not disbanded. A blast from Walker's bugle would doubtless rally them, and I entertain no doubt but that their leaders, many of whom are yet in the city, are fully apprised of this proposed trip to Key West. But, although their admitted connexion with fillibustering enterprises covers their present movement all over with suspicion, it becomes an interesting inquiry whether those suspicions could be made available in defending my refusal of a clearance before a jury in a suit at law for damages.

As soon as it was known that the clearance was refused, Mr. Humphries called on me under great excitement and threatened to keep me busy for a month to come, as he intended to demand clearances daily and bring a suit against me for each refusal. A number of his friends convened and were very violent, some of them proposing to tear down the custom-house, and were only dissuaded from an outbreak by some influential friends.

To have granted the clearance asked for under all the suspicious circumstances with which the movement is surrounded would have been, in my judgment, to disregard the whole spirit if not the letter of your instructions; while, on the other hand, I am to be harrassed with lawsuits that I do not see how I am to resist successfully, although there is not, probably, an intelligent man in the city who entertains a moral doubt that the projected movement of the Susan is in some undisclosed manner connected with the Walker enterprise. It is with extreme reluctance that I so frequently obtrude myself upon the attention of the department on this very unpleasant business. My action in it has been dictated by a deep sense of duty. If the government is prepared to sustain me, as I have no doubt it is, I respectfully ask its assurance to that effect. I am indifferent to popular clamor, but under an explicit endorsement of the department I could breast it with better heart.

I addressed you by telegraph yesterday and am waiting a response. I have the honor to be, very respectfully, your obedient servant,

T. SANFORD,
Collector.

Hon. HOWELL COBB,
Secretary of the Treasury.

No. 16.

COLLECTOR'S OFFICE,
Mobile, December 6, 1858.

SIR: The emigrant leaders have confirmed my suspicions. Late last evening it was whispered that they had escaped. From inquiry this morning I learn that, at about 12 o'clock on Saturday night, the Susan, with about one hundred and fifty passengers, was taken in tow by a steam lighter, and carried immediately to sea. Her destination is, of course, not known to me, as she sailed without a clearance.

I have heard nothing as yet from Captain Morrison, of the revenue cutter "McClelland." He was stationed in the lower bay, and had been specially instructed to keep a watch on their movements.

In the absence of any report from him, I am left to conjecture the means employed to elude his vigilance. The night was dark, and the fog was so dense that the mail steamer from New Orleans was delayed over her time. Our steam lighters are intimately acquainted with the bay, and as the Susan is light, and could run in shallow water, they probably gave the cutter a wide berth. I shall hear from Captain Morrison, probably, in the course of the day. General Walker is still here.

Very respectfully, your obedient servant,

T. SANFORD, *Collector.*

No. 17.

[Telegraph.]

TREASURY DEPARTMENT,
December 8, 1858.

SIR: In the application for a clearance for the schooner Susan, you informed me that the parties are known as Walker's sympathizers, and the movement is not free from circumstances surrounding the Alice Tainter. Report these circumstances by letter to the department, with the number and character of the passengers, and specific instructions will then be given to you. Whilst we do not intend to interfere with lawful commerce, we are determined to execute the neutrality laws in good faith, and not suffer them to be evaded.

HOWELL COBB,
*Secretary of the Treasury.*T. SANFORD, Esq., *Collector, &c., Mobile.*

No. 18.

[Telegraph]

MOBILE, ALABAMA,
December 9, 1858.

The schooner "Susan," with some two hundred passengers, said to be armed with knives and revolvers, eluded the cutter and went to sea night before last.

The cutter is aground; particulars by mail.

P. SANFORD, *Collector.*

Hon. HOWELL COBB.

[Received December 9, 1858.]

No. 19.

COLLECTOR'S OFFICE,
Mobile, December 9, 1858.

SIR: I am just apprised of the fact that the revenue cutter "McClelland" is aground in the lower bay, and that the schooner "Susan" eluded the vigilance of Captain Morrison night before last and got to sea, taking with her Lieutenant Whyte, of the revenue service, who had charge of her.

It now appears she had on board two hundred and thirty passengers, all with side arms. The rumor is that at Key West these persons are to meet a steamer which will carry them to Nicaragua.

I have nothing direct from Captain Morrison since the receipt of his communication, a copy of which I enclosed to the department on the 7th instant; nor have I anything from the marshal as to the cause of the failure to arrest these parties, against whom process was issued and placed in his hands on Tuesday last. I may be able to give further information to-morrow.

I enclose herewith an extra issued from one of the news offices of the city.

I have the honor to be, very respectfully, your obedient servant,
T. SANFORD, *Collector.*

Hon. HOWELL COBB, *Secretary of the Treasury.*

No. 19.

[Extra.]

DEPARTURE OF THE SCHOONER "SUSAN."

MOBILE, *December 9, 1858.*

The schooner Susan, with her passengers aboard, went to sea early yesterday morning. After leaving the wharf on Saturday night she proceeded to the lower fleet, and on Sunday took aboard her water. The revenue cutter chased the schooner, but the Susan gained on her and the cutter returned to the bay. At last accounts the McClelland was fast aground.

A fresh northerly wind has been blowing since yesterday morning, and the schooner is now probably some two hundred or two hundred and fifty miles on her voyage. She goes freighted with a precious cargo. May the breezes be prosperous and the fates propitious.

Our information is such as authorizes us to predict that the passengers by the Susan will land in Central America without opposition from any quarter. The British and American fleets at San Juan del Norte cannot interfere with the plans and prospects of the emigrants.

No. 20.

TREASURY DEPARTMENT,
December 11, 1858.

SIR: I have to acknowledge the receipt of your letter of the 5th instant reporting your refusal to grant a coasting clearance for Key West to the schooner Susan, suspected of being in some manner connected with the Walker enterprise to Nicaragua, and in reply to inform you that the department approves your course, and that the government is prepared to sustain you.

Very respectfully,

HOWELL COBB,
Secretary of the Treasury.

T. SANFORD, Esq.,
Collector, &c., Mobile.

No. 21.

[By telegraph.]

Dated Mobile, January 1, 1859; received, Washington, January 2, 1859, 8 o'clock 55 minutes, p. m.

COLLECTOR'S OFFICE, MOBILE,
January 1, 1859, 6 p. m.

Captain Maury and his fillibusters reached this port at four o'clock this afternoon. The Susan was wrecked on Glover's reef, Bay of Honduras, fifty miles from Belize, sixteenth of December. Governor Seymour despatched British steam-sloop Basilisk. Captain Phayze took all parties off the twenty-fifth, and brought them to this port as an act of courtesy. Mr. Anderson, paymaster of Basilisk, confirmed this report. What shall be done with them?

T. SANFORD, *Collector.*

Hon. HOWELL COBB,
Secretary of the Treasury.

No. 22.

[Telegraph.]

TREASURY DEPARTMENT,
January 4, 1859.

The principal leaders should be prosecuted. Send me a list of the persons who returned in the British steamer.

HOWELL COBB,
Secretary of Treasury.

T. SANFORD,
Collector, Mobile.

The first of these is the fact that the United States is a young nation. It is only about 150 years old, and its history is therefore a history of rapid growth and change. The second is the fact that the United States is a large nation. It covers a vast area of land, and its population is one of the largest in the world. The third is the fact that the United States is a diverse nation. It is made up of many different peoples, races, and religions, and this diversity has been a source of strength and vitality for the country.

The fourth is the fact that the United States is a nation of immigrants. It has been built by the contributions of many different peoples from many different parts of the world.

The fifth is the fact that the United States is a nation of pioneers. It has been a land of discovery and exploration, and its people have been the first to venture into many of the most remote and uncharted parts of the continent.

The sixth is the fact that the United States is a nation of inventors. It has been a land of great scientific and technological achievement, and its people have been the first to develop many of the most important inventions of the modern world.

The seventh is the fact that the United States is a nation of leaders. It has been a land of great political and social leadership, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The eighth is the fact that the United States is a nation of freedom. It has been a land of great liberty and independence, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The ninth is the fact that the United States is a nation of progress. It has been a land of great advancement and improvement, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The tenth is the fact that the United States is a nation of hope. It has been a land of great optimism and faith, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The eleventh is the fact that the United States is a nation of love. It has been a land of great compassion and kindness, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The twelfth is the fact that the United States is a nation of peace. It has been a land of great harmony and understanding, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The thirteenth is the fact that the United States is a nation of justice. It has been a land of great fairness and equity, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The fourteenth is the fact that the United States is a nation of truth. It has been a land of great honesty and integrity, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The fifteenth is the fact that the United States is a nation of wisdom. It has been a land of great knowledge and insight, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The sixteenth is the fact that the United States is a nation of courage. It has been a land of great bravery and valor, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The seventeenth is the fact that the United States is a nation of strength. It has been a land of great power and influence, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The eighteenth is the fact that the United States is a nation of glory. It has been a land of great fame and honor, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The nineteenth is the fact that the United States is a nation of beauty. It has been a land of great art and culture, and its people have been the first to develop many of the most important principles and institutions of the modern world.

The twentieth is the fact that the United States is a nation of happiness. It has been a land of great joy and contentment, and its people have been the first to develop many of the most important principles and institutions of the modern world.