New Orleans Daily Crescent.

# MESSAGE

**Of the President and accompanying documents transmitted to the Senate in reference to the late arrest of Gen. Walker.**

In response to a call of the Senate, the President, on the 7th, transmitted to that body the correspondence in his possession in relation to the late arrest of Gen. Walker, and accompanied it with the following

MESSAGE.

In submitting to the Senate the papers for which they have called, I deem it proper to make a few observations.

In capturing Gen. Walker and his command, after they had landed on the soil of Nicaragua, Commodore Paulding has, in my opinion, committed a grave error. It is quite evident, however, from the communications herewith transmitted, that this was done from pure and patriotic motives, and in the sincere conviction that he was promoting the interests and vindicating the honor of his country. In regard to Nicaragua, she has sustained no injury by the act of Commodore Paulding. This has enured to her benefit, and relieved her from a dreaded invasion. She alone would have any right to complain of the violation of her territory; and it is quite certain she will never exercise this right. It unquestionably does not lie in the mouth of her invaders to complain in her name that she has been rescued by Commodore Paulding from their assaults. The error of this gallant officer consists in exceeding his instructions, and landing his sailors and marines in Nicaragua, whether with or without her consent, for the purpose of making war upon any military force whatever which he might find in the country, no matter from whence they came. This power certainly did not belong to him. Obedience to law and conformity to instructions are the best and safest guides for all officers, civil and military, and when they transcend these limits, and act upon their own personal responsibility, evil consequences almost inevitably follow.

Under these circumstances, when Marshal Rynders presented himself at the State Department on the 16th ult. with General Walker in custody, the Secretary informed him that the executive department of the government did not recognize Gen. Walker as a prisoner; that it had no directions to give concerning him; and that it is only through the action of the judiciary that he could be lawfully held in custody to answer any charges that might be brought against him.

In thus far disapproving the conduct of Commodore Paulding, no inference must be drawn that I am less determined than I have ever been to execute the neutrality laws of the United States. This is my imperative duty, and I shall continue to perform it by all the means which the constitution and the laws have placed in my power.

My opinion of the value and importance of these laws corresponds entirely with that expressed by Mr. Monroe in his message to Congress of December 7, 1819. That wise, prudent, and patriotic statesman says: "It is of the highest importance to our national character and indispensable to the morality of our citizens that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws, no opportunity afforded to any who may be disposed to take advantage of it to compromit the interest or the honor of the nation."

The crime of setting on foot or providing the means for a military expedition within the United States to make war against a foreign State with which we are at peace, is one of an aggravated and dangerous character, and early engaged the attention of Congress. Whether the executive government possesses any, or what power, under the constitution, independently of Congress, to prevent or punish this and similar offences against the law of nations, was a subject which engaged the attention of our most eminent statesmen in the time of the administration of Gen. Washington, and on the occasion of the French Revolution. The act of Congress of the 5th June, 1794, fortunately removed all the difficulties on this question which had therefore existed. The 5th and 7th sections of this act, which relate to the present question, are the same in substance with the 6th and 8th sections of the act of April 20th, 1818, and have now been in force for a period of more than sixty years.

The military expedition rendered criminal by the act must have its origin, must "begin" or be "set on foot," in the United States; but the great object of the law was to save foreign States with whom we were at peace from the ravages of those lawless expeditions proceeding from our shores. The seventh section alone, therefore, which simply defines the crime and its punishment, would have been inadequate to accomplish this purpose and enforce our international duties. In order to render the law effectual, it was necessary to prevent "the carrying on" of such expeditions to their consummation after they had succeeded in leaving our shores.

This has been done effectually by the 6th in clear and explicit language, by the authority given to the President under the 8th section of the act to employ the land and naval forces of the United States "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories of any foreign prince or State, or of any colony, district or people with whom the United States are at peace."

For these reasons, had Commodore Paulding intercepted the steamer Fashion with General Walker and his command on board, at any period before they entered the port of San Juan de Nicaragua, and conducted them back to Mobile, this would have prevented them from "carrying on" the expedition, and have been not only a justifiable but a praiseworthy act.

The crime well deserves the severe punishment inflicted upon it by our laws. It violates the principles of Christianity, morality and humanity, held sacred by all civilized nations, and by none more than by the people of the United States. Disguise it as we may, such a military expedition is an invitation to reckless and lawless men to enlist under the banner of any adventurer to rob, plunder and murder the unoffending citizens of neighboring States who have never done them harm. It is a usurpation of the war-making power which alone belongs to Congress; and the Government itself, at least in the estimation of the world, becomes an accomplice in the commission of this crime, unless it adopts all the means necessary to prevent and to punish it. It would be far better, and more in accordance with the bold and manly character of our countrymen, for the Government itself to get up such expeditions than to allow them to proceed under the command of irresponsible adventurers. We could then, at least, exercise some control over our own agents, and prevent them from burning down cities and committing other acts of enormity of which we have read.

The avowed principle which lies at the foundation of the law of nations is contained in the Divine command that "all things whatsoever ye would that men should do to you, do ye even so to them." Tried by this unerring rule, we should be severely condemned if we shall not use our best exertions to arrest such expeditions against our feeble sister republic of Nicaragua. One thing is very certain, that people never existed who would call any other nation to a stricter account than we should ourselves, for tolerating lawless expeditions from their shores to make war upon any portion of our territories.

By tolerating such expeditions, we shall soon lose the high character which we have enjoyed ever since the days of Washington, for the faithful performance of our international obligations and duties, and inspire distrust against us among the members of the great family of civilized nations.

But if motives of duty were not sufficient to restrain us from engaging in such lawless enterprises, our evident interest ought to dictate this policy. These expeditions are the most effectual mode of retarding American progress; although to promote this is the avowed object of the leaders and contributors in such undertakings.

It is beyond question the destiny of our race to spread themselves over the continent of North America, and this at no distant day, should events be permitted to take their natural course. The tide of emigrants will flow to the South, and nothing can eventually arrest its progress. If permitted to go there, peacefully, Central America will soon contain an American population, which will confer blessings and benefits as well upon the natives as their respective governments. Liberty, under the restraint of law, will preserve domestic peace; whilst the different transit routes across the Isthmus in which we are so deeply interested will have assured protection.

Nothing has retarded this happy condition of affairs so much as the unlawful expeditions which have been fitted out in the United States to make war upon the Central American States. Had one-half of the number of American citizens who have miserably perished in the first disastrous expedition of Walker settled in Nicaragua as peaceful emigrants, the object which we all desired would ere this have been, in a great degree, accomplished. These expeditions have caused the people of the Central American States to regard us with dread and suspicion. It is our true policy to remove this apprehension, and to convince them that we intend to do them good, and not evil. We desire, as the leading power on this continent, to open, and, if need be, protect every transit route across the Isthmus, not only for our own benefit, but that of the world, and thus open a free access to Central America, and through it to our Pacific possessions. This policy was commenced under favorable auspices, when the expedition under the command of Gen. Walker escaped from our territories and proceeded to Punta Arenas. Should another expedition of a similar character again evade the vigilance of our officers and proceed to Nicaragua, this would be fatal, at least for a season, to the peaceful settlement of these countries, and to the policy of American progress. The truth is, that no administration can successfully conduct the foreign affairs of the country in Central America, or anywhere else, if it is to be interfered with at every step by lawless military expeditions "set on foot" in the United States. JAMES BUCHANAN.

WASHINGTON, January 7, 1858.

OFFICIAL CORRESPONDENCE.

The following letters were communicated to the Senate with the foregoing message:

NAVY DEPARTMENT, Jan. 7, 1858.

The Secretary of the Navy, to whom was referred the resolution of the Senate of the 4th instant, requesting the President, "as far as may be compatible with the public interest, to communicate to the Senate the correspondence, instructions, and orders to the United States naval forces on the coast of Central America connected with the arrest of Wm. Walker and his associates at or near the port of San Juan de Nicaragua," has the honor to lay before the President the accompanying copies of papers, embracing the correspondence, instructions, etc., called for by the resolution. ISAAC TOUCEY.

To the President of the United States.

No. 1.

*Secretary of the Navy to Commander Chatard.*

NAVY DEPARTMENT, October 2, 1857.

SIR: I am directed by the President to transmit to you, for your guidance, the accompanying circular, which he has caused to be issued from the State Department to various civil officers.

You will regard the instructions contained in it as addressed to yourself.

I am, very respectfully, your obedient servant, ISAAC TOUCEY.

COM. FRED'K CHATARD, Com'g U. S. steamer Saratoga, Aspinwall, N. G.

[A similar letter to the above was addressed to Commander Thatcher, commanding the United States sloop Decatur, Panama, N. G., and to the commandants of the navy yards at Portsmouth, N. H., New York, Boston, Philadelphia, Norfolk, Pensacola and San Francisco.]

[CIRCULAR.]

WASHINGTON, Sept. 18, 1857.

SIR: From information received at this department, there is reason to believe that lawless persons are now engaged within the limits of the United States in setting on foot and preparing the means for military expeditions to be used 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 of Congress approved 20th of April, 1818. And, under the eighth section of the said act, it is made lawful for the President, or such person as he shall empower, to employ the land and naval forces of the United States, and the militia thereof, "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States." I am, therefore, directed by the President to call your attention to the subject, and to urge you to use all due diligence and to avail yourself of all legitimate means at your command to enforce these and other provisions of the said act of 20th April, 1818, against those who may be found to be engaged in setting on foot or preparing military expeditions against the territories of Mexico, Costa Rica and Nicaragua, so manifestly prejudicial to the national character and so injurious to the national interest. And you are hereby instructed promptly to communicate to this department the earliest information you may receive relative to such expeditions.

I am, sir, your obedient servant, LEWIS CASS.

No. 2.

*The Secretary of the Navy to Lieut. Almy.*

NAVY DEPARTMENT, October 3, 1857.

SIR: There is reason to believe that unlawful military expeditions are preparing in certain ports of the United States against the territories of Mexico, Nicaragua, and Costa Rica; and that they may rendezvous in the harbor of Chiriqui or Bocas del Toro on the coast of Costa Rica.

The President directs me to instruct you to proceed in the Fulton, under your command, at the earliest practicable moment, to that point; and to transmit to you for your guidance the accompanying copy of a circular which he has caused to be issued from the State Department to various civil officers, the instructions contained in which you will consider as addressed to yourself.

You will await at Chiriqui further orders, and will report by letter, on your arrival there, to Flag Officer Paulding, as forming a part of the squadron under his command. I am, respectfully, etc., ISAAC TOUCEY.

Lieut. JOHN J. ALMY, Commanding U. S. Steamer Fulton, Washington, D. C.

No. 3.

[The Secretary, under date of October 3, encloses to Commodore Paulding a copy of the circular from the Department of State, and informs him that the Fulton had been ordered to Chiriqui.]

No. 4.

*Lieut. Almy to the Secretary of the Navy.*

U. S. STEAMER FULTON, Washington, Oct. 6, 1857.

SIR: I have the honor to acknowledge the receipt of your instructions, dated the 3d instant, directing me to proceed with this vessel under my command as soon as practicable to the harbor of Chiriqui, or Bocas del Toro, on the coast of Costa Rica, with which I shall comply accordingly.

These instructions are accompanied by a circular from the State Department; and I shall use my best exertions to execute the spirit and views of both of these papers to the satisfaction of the Navy Department and of the Government.

I am, sir, very respectfully, your obedient servant, JOHN J. ALMY, U. S. N., Lieut. Commanding.

Hon. ISAAC TOUCEY, Secretary of the Navy.

No. 5.

*Lieut. Almy to the Secretary of the Navy.*

U. S. STEAMER FULTON, Washington, Oct. 7, 1857.

SIR: In regard to the instructions received by me from the Navy Department, dated the 3d inst., I am there referred for my guidance to the law enacted by Congress, approved April 20, 1818, entitled "An act for the punishment of certain crimes against the United States;" and am also referred to a circular issued by the State Department, dated September 18, 1857, addressed to various civil officers of the United States.

These directions to preserve the neutrality of the country are very plain for the government of officers where they are required to act in the ports of, or in the jurisdiction of the United States; but I must confess that I might find myself embarrassed when required to act in a foreign and neutral port. Therefore, I must be pardoned for soliciting from the honorable Secretary of the Navy answers to certain questions, and more specific instructions in the premises.

Suppose, for instance, that while lying in a port of Central America an American steamer should enter, having on board a large number of men whom I suspect of being "filibusters"—people intending to land for the purpose of obtaining possession of the country, and of forming a government there; must I seize this vessel, and bring her into a port of the United States, or merely use the force placed at my command to prevent their landing?

It is generally conceded that American citizens have a right to travel and go where they please. Suppose that this suspicious body of men inform me that they are going to travel; that their intention is to cross the isthmus, or intend to settle peaceably in the country for the purpose of developing its agricultural resources; indeed, that they have been invited to come and settle there.

These and other delicate points and kindred questions, which may suggest themselves to the honorable Secretary of the Navy, I deem it necessary to be enlightened upon, in order that I may not compromise the government, and at the same time be enabled to assert and exercise the power intrusted to my hands with due spirit, dignity, and justice.

I am, sir, very respectfully, your obedient servant, JOHN J. ALMY, Lieut. Commanding.

Hon. ISAAC TOUCEY, Secretary of the Navy, Washington, D. C.

A

UNITED STATES STEAMER SARATOGA, San Juan del Norte, Nov. 27, 1857.

SIR—I have the honor to inform you that on the 24th inst., about 2 P. M., a steamer appeared off the harbor, and then stood off to the east down the coast. She came into the harbor next morning about 7 o'clock, and the rest of the day before made me suspect her, but my suspicions were lulled when she was standing into the harbor; not more than fifteen or twenty men appeared on her deck. I expected her to anchor, but instead of that, with full head of steam, she ran right up for the wharf of Scott's buildings. I, as well as the first lieutenant, thought it was a party sent to open the transit route. I immediately sent a lieutenant on board to board her, and to see what she was, and to examine her papers. When he returned, he informed me that it was the steamer Fashion, from Mobile—papers all right, proper clearance, cargo, etc., and a number of passengers marked on the bills. The passengers proved to be Walker, with 150 men, who all landed immediately, before my boat got to them. Once landed, I felt I could do nothing, and even if I had determined, the vessel's papers were all right. She had been pronounced all right by the American custom-house officers, and those people appeared as passengers.

My position was one of much embarrassment. The circular did not afford me any ease of mind, for, as the case stood, I did not feel authorised to proceed to extremities. I had an interview with Walker on board of my ship, and told him positively he must not occupy Scott's buildings, which I considered American property, so he has established himself above Scott's line. He landed fifty men or more at the mouth of the Colorado, before he came here. They went up in boats to surprise Castillo, and to try and take possession of the steamboats there. I have hauled my ship close up to Scott's buildings; the steamer I have caused to haul off from the wharf. The day she came in I had twenty-five on the sick list, and you know how short my crew is, besides the debilitated state in which the rest generally are from frequent relapses.

I would be glad, indeed, if you would come here, and you could judge for yourself. We are informed by the officers of the filibusters that several more vessels are cleared from the United States, and that daily we may look for arrivals; they say that from 1,500 to 2,000 are expected.

My crew, as I told you, I consider too inefficient to do anything but use the big guns. I might blow steamers and all to pieces, but I do not feel the circular gives me the authority. It is too obscure in its directions to admit of my proceeding to such an extreme—the only way in which I could interfere. The vessels come properly cleared for Greytown, are pronounced all right before leaving from the United States, and I cannot, in my opinion, pronounce them wrong and legally act against them.

This seems to be the place designed for their landing, and no doubt Walker will direct them to do so, as the cargo of the Fashion has all been landed on shore, making a depot of provisions, etc. He has hoisted his flag above and below Scott's grounds. The soil he is on is not under my jurisdiction, but I have given him to understand very plainly that any outrage by him on American property at that place or at Greytown, will call from me immediate punishment, which I would not hesitate to inflict, because that would be a clear case.

I trust sincerely I may see you very soon; if any vessels come in with irregular papers, I will detain cargo and passengers on board until your arrival. But I do not see the authority even to bring a ship to, with shot and shell, in a foreign port, at the risk of destroying life and property. However, I will do the best I can. Mr. Cottrell, immediately on his arrival here, re-examined the Fashion's papers, and, having found them to be correct, has cleared her for New Orleans, and she leaves to-day.

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I am, sir, very respectfully, your obed't serv't, JOHN J. ALMY, Lieut. Commanding.

Hon. ISAAC TOUCEY, Secretary of the Navy.

No. 10.

*Lieut. Almy to the Secretary of the Navy.*

U. S. STEAMER "FULTON," New Orleans, Oct. 29, 1857.

SIR: In my last communication to you, dated on the evening of the 26th instant, below Mobile, I announced the arrival of the vessel in nine days from the capes of Virginia, and that, in compliance with your instructions, I was about to proceed up to the city to confer with the United States District Attorney, A. J. Kegnier, Esq.

This I did, having two quite lengthy and separate interviews with him. After the first interview he called upon the collector and other officers connected with the custom-house, with whom he confidently had been in constant communication, and he stated to me that beyond floating rumor there was nothing tangible—nothing which would warrant or authorize government officers to act, or to commence a prosecution in regard to the fitting-out of "unlawful military expeditions against territories with whom the United States are at peace." But, still, he said that he could not but help expressing the opinion that public sentiment in Mobile was in favor of these expeditions to Central America; that was a frequent theme of conversation on 'Change, in the streets, and at the hotels; and, further, that there seemed to be an idea prevailing in this part of the country that the Cabinet at Washington rather winked at the fitting-out and departure of these expeditions than to be seriously disposed to prevent them; but that he and other government officers had endeavored to correct public opinion upon that point. Being just from Washington, I stated that I knew that the Government was utterly opposed to any such expeditions, and had most decidedly set its face against them.

The non-recognitional the new Minister from Nicaragua has given a great encouragement to these people, as they view it that the United States do not look upon and acknowledge Nicaragua as an independent Republic. They speak of this as in the highest degree encouraging to prospective operations, as there seems to have been no explanation in the public prints why this Minister was not recognized.

Another point which they make, and lay great stress upon is, as they allege, that Gen. Cass, upon one occasion, most explicitly said that "American citizens when they emigrate have a right to take their arms with them."

Although the feeling is generally rife in regard to this matter, as it has been for a few years past, yet it seems to be considered that these contemplated expeditions are not only embarrassed, but crippled for want of funds, owing to the financial pressure existing throughout the country.

I have just arrived at the anchorage here, and am about to proceed to the city to communicate with the United States District Attorney in regard to these matters, and will inform the department of the result of my visit to this place.

I am, sir, very respectfully your obedient servant, JOHN J. ALMY, U. S. N., Lieut. Commanding.

Hon. ISAAC TOUCEY, Secretary of the Navy.

No. 11.

*Secretary of the Navy to Commodore Paulding.*

NAVY DEPARTMENT, November 6, 1857.

SIR: I am in possession of your dispatch, No. 133. It was not the intention of the department to insinuate any doubt of your knowledge or capacity, or of your disposition promptly to discharge any duty assigned to you. But the department will resume itself the right, under the immediate directions of the President, to dispatch a vessel to any point, upon any emergency, under specific instructions, directing its commanding officer to report to the flag officer of any squadron subject to those instructions. In the present instance the Fulton was dispatched from this port by order of the President, to serve the purposes of the Government, upon a state of facts of which, from the nature of the case, you could not probably have the slightest knowledge.

If the commanding officer of the Roanoke or of the Cyane has failed to make to you the proper reports, you are well aware of the course that may be taken.

I am, sir, very respectfully, Your obedient servant, ISAAC TOUCEY.

Flag Officer HIRAM PAULDING, Commanding U. S. Home Squadron, Aspinwall, N. G.

No. 12.

[The Secretary of the Navy, under date of November 16, encloses a copy of the circular from the Department of State to Captain Joshua R. Sands, commanding the United States frigate Susquehanna at Key West, and directs him to proceed to "Cape Gracios, Honduras, skirting along the coast, looking in at the mouth of Bluefield inlet; thence to San Juan del Norte, Nicaragua, where you will remain until further orders;" also, to report by letter to Commodore Paulding, the ship to be considered as forming a part of the home squadron.]

No. 13.

[Dispatch No. 137, November 17, 1857, Commodore Paulding informs the Secretary of the Navy that Lieut. Almy reports that no military expedition has made its appearance at Chiriqui.]

No. 14.

[No. 139.] FLAG-SHIP WABASH, Off Aspinwall, Dec. 3, 1857.

SIR: Yesterday the English mail-steamer "Dee" arrived here from San Juan Del Norte, with information that Walker and his followers had landed and taken possession of Point Arenas. They entered the harbor in the steamer Fashion, passed the Saratoga at anchor, and were permitted to land the men and stores.

Herewith I enclose an official letter from Captain Chatard, marked "A," a private letter marked "B," a letter from Commander Chatard, marked "C," and a letter from an American citizen named Samuel S. Wood, marked "D," which, together, will explain the transaction.

The steamer Fashion, in which Walker and his followers were conveyed, arrived here yesterday.

I shall get underway this afternoon, and proceed to San Juan, and take such measures as may seem best under the circumstances that may exist there.

I am, sir, very respectfully, etc., H. PAULDING, Flag Officer Com'g Home Squadron.

Hon. ISAAC TOUCEY, Secretary of the Navy, Washington, D. C.

A.

HEADQUARTERS ARMY OF NICARAGUA, Punta Arenas, December 2, 1857.

SIR: Since addressing you on the 30th ult. other events have transpired to which I am constrained to call your attention.

On the forenoon of the 30th a brig, bearing Sardinian colors and having the Nicaraguan flag at the fore, entered this harbor. Soon after she rounded the Point a number of armed boats pulled off from the Saratoga towards the brig, and an officer boarded her. Thus, you perceive, the Saratoga attempts to maintain the police of this port, in derogation of the territorial rights of Nicaragua, treating vessels in our harbor precisely as if they were on the high seas. I cannot think that your Government authorizes such palpable wrong and injustice.

The same day several officers from the Saratoga, not in uniform, came into my camp, regardless of the hail of the sentinel, and without permission from the officer of the day. They were informed that, should they do so again, the sentry would be instructed to fire on them. On the following morning I was surprised to receive by the hand of Lieut. Cilley the following communication:

UNITED STATES SHIP SARATOGA, San Juan del Norte, Tuesday, Dec. 1, 1857.

SIR: Lieut. Cilley, the bearer of this, is one of the officers to whom you offered yesterday the gross indignity of threatening to shoot them. Now, such an insult to officers of the United States navy is a national offence. You certainly act with very little policy, for, surely, if you were to dare to touch one of my officers, I would feel justified to retaliate in the extreme, and would not hesitate to do so. I will lay the matter before the commodore when he arrives, and no doubt he will feel the insult more deeply than myself. I received your dispatch and will forward it to him.

Respectfully, FRED. CHATARD, Commander.

Gen. WM. WALKER.

A few hours after this note was sent, several boats filled with armed men, and with a boat-howitzer in one of them, were seen pulling from the Saratoga to the upper portion of the Point, where a company of my men were quartered. The United States officer in charge of the boats immediately began, without notice, to practice his men in firing, whilst the Nicaraguan officer deployed his command as skirmishers to resist any encroachment on his camp. Under such circumstances a chance shot might have brought about a collision between the two forces. Seeing from the conduct of the commander of the Saratoga that he was criminally seeking to produce a collision, I deemed it prudent to order the company near where his boats landed into my main camp. I can assure you that it is only by constant watchfulness and caution on my part that an actual conflict has been prevented.

Although I had treated the previous notes of Commander Chatard with the contempt they merited, by refusing to answer them, he sent me this morning, by the hands of an officer, another communication, of which the following is a copy:

UNITED STATES SHIP SARATOGA, December 2, 1857.

SIR: As I am entirely opposed to harming any one unless I know I have full right and very good reasons to do so, I wish to notify you in time that your men on the Point are in the way of any shot I may have to fire to bring vessels to; for I am determined to bring all vessels to, so that I may fully inquire into their character. Of course, I do not admit your claim to that soil, nor can you yourself in earnest imagine that any nation in the civilized world can do so either. Respectfully, FRED'K CHATARD, Commander.

Gen. WM. WALKER.

You will see that this note reasserts the right of a United States vessel to maintain the police of this port. The commander, too, after having admitted my claim to exercise the functions of government, by accusing me of offering an indignity to the United States, now denies our right to the soil of Nicaragua. But it is useless to call your attention to the childish follies of these notes, as they are apparent to the most casual observer. Were they not signed by a United States officer, they should not be dignified by notice on my part.

With consideration, I have the honor to remain your obedient servant. WM. WALKER, Commander-in-chief Army of Nicaragua.

Com. H. PAULDING, United States Navy.

C

HEADQUARTERS ARMY OF NICARAGUA, Punta Arenas, Monday, Nov. 30, 1857.

SIR: I have the honor to inform you that I landed at this port on Wednesday last from the steamer Fashion, bearing the United States flag and sailing from the port of Mobile, Alabama. Accompanying me were a number of officers belonging to the Nicaraguan service, and some emigrants from the United States who desired to become naturalized citizens of the republic. This steamer was regularly cleared at Mobile for the port of San Juan de Nicaragua, and it was acknowledged that her voyage was a legal one. I need not add that the President and Government of the United States were fully advised of my intention to return to Nicaragua.

We had scarcely, however, disembarked, when the commander of the United States sloop Saratoga sent a lieutenant to inform me I must evacuate certain property now held by one Joseph N. Scott, as the pretended agent of the Nicaragua Transportation Company. The Fashion, too, had hauled alongside the schooner Chase, formerly sailed under the United States flag, but now without papers, as she was captured by me act before the commercial agent of the United States; nevertheless, the captain of the Fashion was ordered to haul away from the Chase, and not to leave any stores for me from the ship until I had complied with the order to evacuate the buildings now held by Scott. I was informed by the commander of the Saratoga that these orders were given because Mr. Scott claimed protection for his property as being American. In all this Commander Chatard acted *ex parte*, receiving Scott's statements as true, and announcing a decision on the matter without hearing what I had to say.

Now, I beg leave to inform you that Mr. Scott holds all the property on the Point from the Government of Nicaragua, and under an order from me as President of the republic. Furthermore, he holds the schooner Chase as my prize, and he is now protected in fraudulently withholding her from me by an officer of the United States navy. Scott also holds other property, consisting of military and other stores, belonging to this Government, and these he wrongfully and illegally retains by the aid of the guns of the Saratoga.

Notwithstanding the injustice of the commander, I was obliged to yield to the orders of the Saratoga. But this did not relieve me from what I cannot but style impertinence of Com'r Chatard. Without alleging that there had been any interference on my part with American property, he sent a lieutenant to inform me that if I molested such property he would regard my force as hostile, and prevent it by shot and shell from leaving the Point.

Nor did this end the injustice of Com'r Chatard. This morning I received a note, under seal of her Britannic Majesty's Consul-General for Mosquito, couched in the following terms:

U. S. SHIP SARATOGA, Off Greytown, Monday, Nov. 30, 1857.

SIR: I have been informed through Mr. Green, her Britannic Majesty's Consul, that you meditate seizing the English mail from Costa Rica, with American, English and letters of merchants of other nations; besides, there may be money. Now, I warn you not to touch it, and to allow it to come safely at hand here. If you do not, I will proceed against you without hesitation in the manner I sent you word the other day. In a few days the American as well as the English Commodores will be here, and all your acts of violence will then be more particularly noticed. Yours, respectfully, FRED'K CHATARD, Commander.

I have the honor to report these facts to you, and to request that you will cause Commander Chatard to cease this unjust and illegal conduct. As a native of the United States, engaged in what your Government admits to be a lawful undertaking, and awaiting rights which cannot but commend themselves to the sense of justice of all civilized nations, I claim as my due that you shall not permit the sovereignty of Nicaragua to be violated by the commander of the Saratoga for the purpose of gratifying his opinions or his prejudices. With full confidence, I ask from your hands that justice which is the proud boast of your Government to award to all.

I have the honor to be, your obedient servant, WM. WALKER, Commander-in-Chief Army Nicaragua.

Commodore H. PAULDING, United States Navy.

[Enclosure D is a letter from Samuel S. Wood, who represents himself to be an American merchant at San Juan de Nicaragua, addressed to Commodore Paulding, relating to the landing of Walker and his expedition, and asking protection.]

No. 15.

*Commodore Paulding to the Secretary of the Navy.*

[No. 140.] FLAG SHIP WABASH, Off San Juan del Norte, December 11, 1857.

SIR: I arrived here on the 6th instant, and on the 8th, with a force from the squadron that could not be resisted by Gen. Walker, demanded the surrender of his arms and the embarkation of himself and followers from Point Arenas.

The officers and men of his organization, together with such stores as could be received, are on board the "Saratoga," and she will sail this evening or to-morrow morning for Norfolk. I shall detain Commander Chatard to report to the Department for instructions.

In the course I have pursued, I have acted from my judgment, and trust it may meet the approbation of the President.

I enclose a copy of a letter from Gen. Walker, dated on the 2d of December, marked A; a copy of my letter demanding his surrender, marked B; the copy of a letter to the United States Marshal for the southern district of New York, marked C; and a letter from Captain Chatard, with copies of letters addressed by him to Walker, marked D.

As soon as the "Saratoga" sails I shall leave for Aspinwall.

On hearing of the landing of Walker, the Fulton left Boca del Toro, and arrived here on the evening of the 7th. She will remain here until further orders.

I am, sir, very respectfully, your obedient servant, H. PAULDING, Flag Officer Commanding Home Squadron.

The Hon. ISAAC TOUCEY, Secretary of the Navy, Washington, D. C.

A.

HEADQUARTERS ARMY OF NICARAGUA, Punta Arenas, December 2, 1857.

SIR: Since addressing you on the 30th ult. other events have transpired to which I am constrained to call your attention.

On the forenoon of the 30th a brig, bearing Sardinian colors and having the Nicaraguan flag at the fore, entered this harbor. Soon after she rounded the Point a number of armed boats pulled off from the Saratoga towards the brig, and an officer boarded her. Thus, you perceive, the Saratoga attempts to maintain the police of this port, in derogation of the territorial rights of Nicaragua, treating vessels in our harbor precisely as if they were on the high seas. I cannot think that your Government authorizes such palpable wrong and injustice.

The same day several officers from the Saratoga, not in uniform, came into my camp, regardless of the hail of the sentinel, and without permission from the officer of the day. They were informed that, should they do so again, the sentry would be instructed to fire on them. On the following morning I was surprised to receive by the hand of Lieut. Cilley the following communication:

UNITED STATES SHIP SARATOGA, San Juan del Norte, Tuesday, Dec. 1, 1857.

SIR: Lieut. Cilley, the bearer of this, is one of the officers to whom you offered yesterday the gross indignity of threatening to shoot them. Now, such an insult to officers of the United States navy is a national offence. You certainly act with very little policy, for, surely, if you were to dare to touch one of my officers, I would feel justified to retaliate in the extreme, and would not hesitate to do so. I will lay the matter before the commodore when he arrives, and no doubt he will feel the insult more deeply than myself. I received your dispatch and will forward it to him.

Respectfully, FRED. CHATARD, Commander.

Gen. WM. WALKER.

A few hours after this note was sent, several boats filled with armed men, and with a boat-howitzer in one of them, were seen pulling from the Saratoga to the upper portion of the Point, where a company of my men were quartered. The United States officer in charge of the boats immediately began, without notice, to practice his men in firing, whilst the Nicaraguan officer deployed his command as skirmishers to resist any encroachment on his camp. Under such circumstances a chance shot might have brought about a collision between the two forces. Seeing from the conduct of the commander of the Saratoga that he was criminally seeking to produce a collision, I deemed it prudent to order the company near where his boats landed into my main camp. I can assure you that it is only by constant watchfulness and caution on my part that an actual conflict has been prevented.

Although I had treated the previous notes of Commander Chatard with the contempt they merited, by refusing to answer them, he sent me this morning, by the hands of an officer, another communication, of which the following is a copy:

UNITED STATES SHIP SARATOGA, December 2, 1857.

SIR: As I am entirely opposed to harming any one unless I know I have full right and very good reasons to do so, I wish to notify you in time that your men on the Point are in the way of any shot I may have to fire to bring vessels to; for I am determined to bring all vessels to, so that I may fully inquire into their character. Of course, I do not admit your claim to that soil, nor can you yourself in earnest imagine that any nation in the civilized world can do so either. Respectfully, FRED'K CHATARD, Commander.

Gen. WM. WALKER.

You will see that this note reasserts the right of a United States vessel to maintain the police of this port. The commander, too, after having admitted my claim to exercise the functions of government, by accusing me of offering an indignity to the United States, now denies our right to the soil of Nicaragua. But it is useless to call your attention to the childish follies of these notes, as they are apparent to the most casual observer. Were they not signed by a United States officer, they should not be dignified by notice on my part.

With consideration, I have the honor to remain your obedient servant. WM. WALKER, Commander-in-chief Army of Nicaragua.

Com. H. PAULDING, United States Navy.

B.

U. S. FLAG-SHIP WABASH, Off San Juan del Norte, Dec. 7, 1857.

SIR: Your letter of November 30 was received at Aspinwall, and sent with my dispatches to the Government. That of December 2 came to hand yesterday.

These letters surprised me with their tone of audacity and falsification of facts.

Your rude discourtesy in speaking of Capt. Chatard, of the Saratoga, I pass without comment. The mistake he made was in not driving you from Punta Arenas when you landed there in defiance of his guns.

In occupying the Point Arenas, and assuming it the headquarters of the army of Nicaragua, and you its commander-in-chief, you and your associates, being lawless adventurers, deceive no one by their absurdity.

Lieut. Cilley, of the Saratoga, informs me that he was in uniform, and you say he was in plain clothes, when you threatened to shoot him. Whilst you use such threats, it may be of some importance for you to know that if any person belonging to my command shall receive injury from your lawless violence, the penalty to you shall be a tribute to humanity.

Now, sir, you and your fellows are here in violation of the laws of the United States, and greatly to its dishonor, making war upon a people with whom we are at peace; and, for the sake of humanity, public and private justice, as well as what is due to the honor and integrity of the Government of the United States, I command you, and the persons associated here with you, to surrender your arms without delay, and embark in such vessels as I may provide for that purpose.

I am, sir, very respectfully, your obedient servant, H. PAULDING, Flag Officer Commanding U. S. Home Squadron.

To Gen. WM. WALKER, Punta Arenas.

[Enclosure B is a letter from Commander Paulding, dated on the 2d of December, marked A; a copy of my letter demanding his surrender, marked B; the copy of a letter to the United States Marshal for the southern district of New York, marked C; and a letter from Captain Chatard, with copies of letters addressed by him to Walker, marked D.

As soon as the "Saratoga" sails I shall leave for Aspinwall.

On hearing of the landing of Walker, the Fulton left Boca del Toro, and arrived here on the evening of the 7th. She will remain here until further orders.

I am, sir, very respectfully, your obedient servant, H. PAULDING, Flag Officer Commanding Home Squadron.

The Hon. ISAAC TOUCEY, Secretary of the Navy, Washington, D. C.

A.

UNITED STATES FLAG SHIP WABASH, Off San Juan del Norte, Dec. 11, 1857.

SIR: This will be handed to you by Gen. William Walker, who has given me his parole of honor to present it to you in person. With the naval force of this squadron I arrested Gen. Walker on Punta Arenas on the 8th inst., for a violation of the neutrality laws of the United States, he having set on foot in the United States unlawful military organizations to make war on a people with whom we are at peace, and was at the time of his arrest at the head of said organization, in the act of making war as above stated. As Marshal of the Southern District of New York I consign him to your custody.

I am, sir, very respectfully, your ob't serv't, H. PAULDING, Commanding U. S. Home Squadron.

To ISAIAH RYNDERS, Esq., United States Marshal Southern District of New York.

The following is the written pledge made by Gen. Walker in regard to the delivery of the communication:

The option being given to me to go to the United States in the Saratoga, or take passage at my own expense from Aspinwall to New York, I have preferred to return by way of Aspinwall, and will deliver this communication in person to the Marshal for the Southern District of New York. WM. WALKER.

United States Steam Frigate Wabash, off San Juan del Norte, Dec. 17, 1857.

D.

U. S. "SARATOGA," San Juan Del Norte, Dec. 4, 1857.

SIR: I have the honor to transmit to you my different communications with Walker since he has been on shore at Punta Arenas. In the first place, by letter to you of the 30th ultimo, you saw that I notified him to leave Scott's property, and in no way to interfere with anything under his agency, all of which I considered American property, and also that I would protect the people of Greytown.

On the 27th ultimo, some boats having been expressed to me by Mr. Wood, an American citizen on shore at Greytown, that supposed emissaries from Walker were trying to dispossess him of a printing press he had, and also that he conceived his person in jeopardy, I sent my first lieutenant to Walker to say to him that if he interfered with said Wood, or the property of any American citizen in Greytown, or groundlessly alarm the people there, that I would open upon him with shot and shell. The following are the subsequent written messages; to all of which he gave verbal answers, disavowing the charges in the best way he could imagine.

I have the honor to be, very respectfully, your obedient servant, FRD'K CHATARD, Commander.

Flag-officer HIRAM PAULDING, Commanding Home Squadron, Frigate Wabash.

[The three written messages referred to are embraced in the two communications from Gen. Walker to Commodore Paulding given above.]

No. 16.

*Commodore Paulding to the Secretary of the Navy.*

[No. 141.] FLAG-SHIP "WABASH," Off Aspinwall, Dec. 14, 1857.

SIR: I arrived here this morning, and the steamer "Fashion" is about to sail for New Orleans, leaving me but just time to inform the department that the "Saratoga" sailed from San Juel Norte on the 12th inst. for Norfolk, Virginia, having on board one hundred and fifty of the followers of General Walker, arrested at Punta Arenas on the 8th.

General Walker came here in the "Wabash," and will embark in the next steamer for New York.

I am, sir, very respectfully, your obedient servant, H. PAULDING, Flag Officer Com'g Home Squadron.

The Hon. ISAAC TOUCEY, Secretary of the Navy, Washington, D. C.

No. 17.

[Dispatch No. 146, Aspinwall, December 18, 1857. Com. Paulding advises the Secretary of the Navy that Capt. Sands, commander of the Susquehanna, had reported to him by letter, and encloses a copy of the instructions of the former to the latter.]