ALTA VELA ISLAND.

Extract from the Report of the Secretary of State on the Claim of Patterson and Murguiendo.

The report from which the following extract is taken bears the date of January 17, 1867. Writing at that date the Secretary of State says:—

It was ascertained that Thomas R. Webster & Co., citizens of the United States, are now actually in possession and occupation of the island of Alta Vela, adversely to Patterson and Murguiendo, other citizens of the United States, and that the former are peaceably engaged, under the authority of the government of St. Domingo, in removing whatever guano remains on the island. The forcible intervention which the claimants solicit necessarily involves an executive decision that the claim of Patterson and Murguiendo is superior in law to the claim of Thomas R. Webster & Co. The conflict is between citizens of the United States. It arises under the laws of the United States and the laws of nations. The contending parties are amenable not to the Executive Department but to the legal tribunals of the United States, and those tribunals are expressly invested with jurisdiction to decide the controversy, and clothed with ample authority to carry their judgment into execution. Under these circumstances it would be presumptuous on the part of the Secretary of State to recommend the employment of armed force by the President to determine a purely legal controversy. If it shall be insisted, on the other hand, that the Republic of St. Domingo is the responsible party, and not Thomas R. Webster & Co., the Secretary of State must answer that the controversy is only incidentally a national one, while really it involves nothing more than a pecuniary question of lawful right between contending citizens of the United States; that the courts of law are competent and obliged, on due application, to investigate and decide it, while the question whether the Executive Department shall intervene is one which the constitution and laws refer to the discretion of the President, and that discretion is to be exercised with a principal view not to the interests of individual citizens, but to the rights, interests and honor of the United States.

Nevertheless the Secretary will proceed in his examination of the subject upon the supposition that this difficulty of conflicting claims of Patterson and Murguiendo and Thomas R. Webster & Co. has been overcome and removed. It seems quite clear that the Executive Department could not lawfully have instituted any proceedings whatever for the relief of the claimants until after they had filed the bond prescribed by law. Their bond bears date of March 13, 1861, but it was not presented to the department and filed therein until the 25th of January, 1866. The eviction of Patterson and Murguiendo from the island of Alta Vela, or their "detrusion," as they call that proceeding, occurred and was complete not only before the day when they filed their bond, but even before the day on which it purports to have been executed. The secretary might be unwilling to insist peremptorily on this position, but he thinks it is his duty to stand upon it until a different construction of the act shall be pronounced by the courts or declared by Congress.

The question remains whether, when Patterson and Murguiendo took peaceful possession of Alta Vela, that island was not in the lawful jurisdiction of some foreign country.

The Secretary of State will not, in the first instance, go backward beyond the political era of the republic of St. Domingo. That republic declared and achieved its independence from the republic of Hayti on the 27th of February, 1844. It was subsequently recognized by Great Britain and France and other nations, as well as the republic of Hayti, and is now recognized by and holds treaty relations with the United States. It adopted and proclaimed a national constitution on the 15th day of November, 1844. What the constitution declared in regard to territory is, that the ancient Spanish part of the island of St. Domingo, with the "adjacent islands," form the territory of the Dominican republic; that the boundaries of the Dominican republic are the same which divided the Spanish part of the island from the French part, as fixed in the year 1793; that the territory of the republic is divided into five provinces, Compostela de Azua, Santo Domingo, Santa Cruz del Seybo, La Conception de la Vega and Santiago de los Caballeros; that these provinces shall be divided into communes, whose number and distribution shall be regulated by law, and that the city of St. Domingo shall be the capital of the republic.

It has been already seen, by the report of Mr. Cazneau, that the islands of Beata and Alta Vela were, by a law of the republic of St. Domingo passed in 1855, named and described as dependencies of the province of Azua.

The laws of the Dominican republic on the subject referred to are two—one passed in 1844, the other in 1854.

EXTRACT FROM THE LAW OF 1844.

"ARTICLE 2. The province of Compostela de Azua is divided into nine communes—namely, Azua (the capital of the province), Neyba, San Juan, Hincha, Las Matas de Farfan, Banica, Caobas, S. Rafael and S. Miguel. The military station of Baraona will be attached to the commune of Azua, as the nearest, and Petitru to that of Neyba. The adjacent islands depending on this province are Beata and Alta Vela."—(Appendix No. 52.)

EXTRACT FROM THE LAW OF 1854.

"ARTICLE 4. The province of Compostela de Azua is divided into the following communes:—Azua (capital of the province), Neyba, San Juan, Las Matas, Banica, Hincha, San Rafael, San Miguel and Caobas. The military post of Barahona will depend upon the commune of Neyba. The adjacent islands depending on this province are Beata and Alta Vela."—(Appendix No. 53.)

A treaty of peace between France and Spain was concluded at Aranjuez on the 3d of June, 1777. It is historically known that the French and Spanish provinces in the island of Hayti acquiesced in that boundary line which has always been understood to have been established in that treaty, which boundary is the same with the boundary of 1793, referred to and adopted, as before mentioned, in the constitution of 1844 of the republic of St. Domingo. The present constitution of the republic of St. Domingo was adopted on the 26th of September, 1866, in the twenty-third year of the independence, and in the fourth year of the restoration of that republic after its violent overthrow by Spain. The constitution declares that the republic embraces all that has been before known as constituting the territory of the republic, namely, the Spanish part of St. Domingo and its adjacent islands; it declares that the boundary line which separates its territory from Hayti is the same as agreed upon between France and Spain, in the treaty of Aranjuez, on the 3d of June, 1777. The several divisions are continued as in the constitution of 1844, including the province of Azua.

The boundary line thus fixed in 1777, between the French and Spanish provinces and republics, has been delineated on every known map of the island of Hayti since the year 1777. It begins at the river Dajabon, in Manceniila bay, on the north coast of Hayti, and is accurately marked by monuments along the course of rivers and mountain summits across the whole island to the mouth of the river Pedernales, or Des Anses-à-Pitre, on the southern coast. The boundary line nowhere approaches the island of Beata nearer than thirty-four miles, or the island of Alto Velo nearer than thirty miles.

The claim of jurisdiction over Alta Vela thus made by the republic of St. Domingo in its constitution and laws seems to bear the test of geographical inquiry.

REPORT OF THE UNITED STATES COAST SURVEY.

"*Description.*—The mountains of Bauruco lie near the middle of the southern coast of the island of Hayti. They rise to a height of 2,400 feet, and terminate at Beata Point, or Little Cape Mongon, the southern extreme of Hayti.

"*Beata Island.*—The north point of Beata island bears west by north four miles from Beata Point. It is about five miles long from north to south, two miles broad, mostly covered with brushwood, and from fifty to eighty feet high. The southern point is the most elevated; the north end terminates in a long, low point, and not far from it there is a solitary hut. The west side trends about north by east half east, and is bold and steep-to. Off some parts of this side there is no bottom with 136 fathoms of line at three-quarters of a mile from the shore, and off others a depth of twenty fathoms nearly a mile distant. From the southwest point a ledge stretches off some distance in that direction, and there are only four fathoms at three cables' length off. The east side is very steep, but the north and northeast sides are connected to Beata Point by a shallow white bank, on which the greatest depth is reported to be three fathoms. North by east of the island there is a breaker. Good anchorage will be found in from seven to nine fathoms water at about half a mile from the western shore of the island. This anchorage is exposed to the west, but the trade wind here invariably blows home.

Alta Vela.—Alta Vela lies southwest half west six and a quarter miles from the southwest part of Beata, and about fifteen miles from Beata Point. It is three-quarters of a mile long in a northeast by east and southwest by west direction, and half a mile wide, and is almost entirely composed of a remarkable bell-shaped hill, the summit of which is 500 feet above the sea. At three quarters of a mile from the north side there is a small, low, flat, black rock, and a coral bank of soundings, varying from fifteen to eighteen fathoms, stretches off a mile from the southeast side. Vessels bound either east or west will find the hill a most valuable point of departure. The position of Alta Vela was accurately determined by Captain R. Owen, R. N., who places the summit of the hill in latitude 17 deg. 28 min. 50 sec. north, and longitude 71 deg. 39 min. 44 sec. west."

"Los Frailes, or Friars' Rock, lies north by west three-quarters west, nine and a quarter miles from Alta Vela; west ten miles from the north end of Beata. It is about half a cable in extent and thirty feet high, and at the distance has the appearance of a cluster of sharp peaked, rugged rocks, with white ops—the effect of birds' dung—hence the name."

"The channel between Alta Vela and Beata is quite clear; but it will be prudent to keep outside all. The channel between Beata and Beata Point is navigable for steamers, but they must be of light draught, for, as we have said above, there is a depth of only three fathoms, and the swell is generally very heavy."

It is thus seen that Beata island is distant only four miles from Beata Point, and that Alta Vela, instead of being twenty, or fifteen, or ten miles beyond the extreme southern point of Dominican territory, as the claimants contend, or five leagues, as supposed by Mr. Cazneau in his report, is in fact only fifteen miles from Cape Beata, and only six and one-fourth miles from the southwest part of Beata island. Alta Vela being 500 feet high, is in full view, not only from the island of Beata, but even from Beata Point. The distance from the island of Beata to Alto Velo being six and one-fourth miles, exceeds by only 1,040 yards the modern range of cannon shot. It is worthy of remark, also, that although the channel between the island of Beata and Alta Vela is quite clear, yet it is so imperfect that it is deemed prudent by navigators to keep entirely outside of both. The depopulation and desolation of the province of Azua, which have occurred in the frequent wars between the States of Hayti and St. Domingo, may indeed have extended over that part of the province of Azua which lies nearest the boundary line; but those wars, nevertheless, were not waged for a contested boundary, but were national wars on the part of Hayti for conquest—on the part of St. Domingo for self-defence and independence. The Secretary does not think that the suspension or absence of lawful authority or of *de facto* occupation by the republic of St. Domingo affects the question. Sovereign States, whether insular or continental, acquire territory by discovery, by purchase, by conquest or by voluntary annexation. Occupation or demonstration of power *de facto* in every minute part of a country is not necessary to establish or maintain a title which has been lawfully acquired by any of the processes named. When territory has been so acquired it devolves upon new claimants to show that it has been distinctly conquered and held adversely, surrendered, abandoned or conveyed. It is only upon this principle that the United States at present retain a long range of islands which extend through forty-five degrees of latitude in the Pacific Ocean, not to speak of many reefs, keys and islands in the Atlantic Ocean.

In Playfair's Geography, vol. 6, page 624, we read:—"Near the coast of St. Domingo are several islands, of which the following are most considerable." After enumerating and particularly describing Tortugo as having been always unsettled and unoccupied, Gonaive as occupied, and Navazza as desert, and Cow's island as uninhabited and frequented by pirates, and also the island of St. Louis, he comes to Beata, which the author describes thus:—"La Beata is an island opposite to Cape Mongon (Cape Beata). It is nearly two leagues and a half from east to west, one league wide, and three-fourths of a league from land. The soil is good, and was once in a state of cultivation. Till the fall of St. Domingo it was the great resort of French privateers.

In Alcedo's "Geographical and Historical Dictionary of America and the West Indies" we find this account of the city and province of Azua:—"Azua, or Azuca, a town of the island and government of St. Domingo, settled by the Adelantado Velasquez in 1504. It was called Compostela, from the Comendador Gallego, who had here an inheritance. This name, however, it afterwards lost, and took that of Azua, which it held in the time of the Indians. It is very fertile in sugar canes, from which much sugar is made. In this district are also some mines of gold, which were formerly worked, but are at present abandoned. It has a very good port on the South Sea, and is twenty-four leagues from the capital of St. Domingo." The author also refers to Beata:—"Cape Beata, a point of the island of St. Domingo, on the south coast and running a great way into the sea. It is eighty-five leagues from the city of St. Domingo, longitude 71 deg. 18 min., latitude 17 deg. 42 min. Beata, a small island close to the south coast of the island of St. Domingo, and opposite the point of its name."

In the Histoire d'Haiti, vol. 1, page 268, Madiou tells us that during the French occupation of the Spanish part of the island of St. Domingo, the island of Beata was made into a canton, and that as such canton it had the boundaries of the ancient province or quartier; and that the island of Beata, as such canton, was attached for purposes of criminal jurisdiction to the canton of Neybe.

The discovery of guano on the island of Alta Vela, although one of the fundamental conditions for moving the government of the United States to secure temporary possession of the island, can have no effect to disturb the lawful rights of the republic of St. Domingo. That republic, if it had lawful jurisdiction over the island of Alta Vela, could not lose it by failing to appropriate, or even by failing to discover, deposits of guano. Indeed, it is only the commerce in guano that is modern. The article itself was found in Peru and adjacent islands in use as a fertilizer when these regions were conquered by Pizarro. Guano came into use as an article of commerce in 1839. Certainly the United States do not forfeit by non-use the coal, iron, copper and gold which are reported as being so profusely distributed throughout the islands and main land of Alaska.

The title of St. Domingo to the island of Alta Vela has been found by the Secretary of State to bear the test of historical research. Cristopher Columbus on the 17th of April, 1492, stipulated certain terms with the King and Queen of Spain concerning the hoped-for fruits of the great enterprise which he had projected:—First, that he should have, with perpetual succession, the office of admiral in all islands and continents which he might discover or acquire in the ocean; second, that he should be viceroy and governor general, under these monarch, of all said islands and continents; third, he reserved to himself one-tenth, deducting expenses, of all pearls, precious stones, gold, silver, spices and all other articles and merchandise in whatever manner found, bought, bartered or gained within his admiralty; fourth, he was to have sole jurisdiction, subordinate to the government of Spain, in all causes and disputes arising out of traffic between the countries to be discovered and Spain; fifth, the right to contribute an eighth part of the expenses—which contribution he made. These stipulations are still in existence, bearing the signatures of Ferdinand and Isabella. (Navarraete, vol. 2, p. 7; Irving's Columbus, vol. 3, p. 114.) It was in pursuance of this contract that Columbus took formal possession of St. Salvador, his first discovery in the West Indies, on the 12th of October, 1492. It was in pursuance of that same contract that he afterwards took possession of the island of Cuba in the name of his sovereign, and it was in pursuance of the same contract that he afterwards entered the harbor on the west end of the island of Hayti on the 6th of December, 1492, and named it St. Nicholas. In pursuance of the same contract he raised a cross on the 12th of December, which cross is still seen in the cathedral of St. Domingo. In pursuance of the same contract he built a fort, La Navidad, on the 4th of January, 1493, and founded a city of that name. While executing the same contract he afterwards discovered and named the promontory of Monte Christo, the Rio del Ora, or Santiago, and the Golfo de las Flechas, now known as the Gulf of Samana. When Columbus, returning from his first voyage, arrived at Valparaiso, and related his discoveries to the King of Portugal, that King set up a pretence that, by virtue of an existing papal bull, and of previous capitulations between the sovereigns of Castile and Portugal, the islands and continents which Columbus had thus discovered would of right inure to Portugal, and the King accordingly set on foot an expedition to seize and occupy them. (Irving's Columbus, vol. 3, p. 257.) Having arrived at Palos, in Spain, Columbus despatched a letter to his sovereign announcing his discoveries. The letter was acknowledged by a reply addressed to him with the title of "Don Christopher Columbus, our admiral of the ocean sea, and viceroy, and governor of the islands discovered in the Indies." On going to Barcelona, in April, 1493, Columbus gave his sovereigns a minute account of his voyages, and a description of the islands he had discovered. He displayed specimens of their animal, vegetable and mineral productions, and exhibited natives of the newly discovered countries. He pronounced all these mere harbingers of greater discoveries yet to be made, which would add realms of incalculable wealth to the dominion of their Majesties, and whole millions of proselytes to the true faith. They assigned to him a coat of arms, in which the castle and lion were quartered with his proper bearings, which were a group of islands surrounded by waves, with the motto, "Columbus gave a new world to Castile and Leon." (Irving's Columbus, vol. 3, pp. 268, 274.)

The conflicting pretensions of Spain and Portugal to the regions discovered by Columbus were referred by them to Pope Alexander VI., who issued a bull in which he drew a line of demarcation between the territories of Spain and Portugal, namely, an ideal line drawn from the north to the south pole, one hundred leagues to the west of the Azores and the Cape de Verd islands. All land discovered by the Spanish navigators to the west of the line which had not been taken possession of by any Power before the previous Christmas was to belong to the Spanish crown. This line was, on the 7th of June, 1494, by capitulation between the Kings of Spain and Portugal, moved to 370 leagues west of the Cape de Verd islands. So promptly and so decidedly was settled the greatest question of title and boundary which the world has ever known. (Irving's Columbus, vol. 3, page 300.)

Under this papal bull the Spanish monarch hastened to prepare for new and further discoveries. He established an office of Indian affairs and custom house at Seville, with a corresponding office in St. Domingo; and the crown assumed all the expenses of the colony of St. Domingo and was to receive all the emoluments. Thus provided, besides being entrusted with the royal seals and authority to use the name of their Majesties in letters patent and commissions within the boundaries of his jurisdiction, Columbus proceeded on his second voyage. On his way out he discovered and took possession of the islands of Dominica, Gandaloupe, Antigua, St. Martin, Porto Rico and others of the Caribbean islands. He arrived at his former harbor and city of La Navidad on the 27th of November, 1493. His fortress was demolished, but he promptly repaired it, founded the city of Isabella and distributed military forces throughout the island.

After these proceedings he visited Cuba and Dominica, and returning from the latter island to Hayti he saw on the 20th of August, 1494, and gave name to Cape San Miguel, now known as Cape Tiburon, the southern part of the island of Hayti. Here the natives recognized and saluted him by his title of admiral. At the end of that month, according to the account which he rendered to his sovereign, he anchored at a small island, or rather a rock, which rises singly out of the sea opposite to a long cape stretching southward from the centre of the island, to which promontory he gave the name of Cape Beata. The rock at which he anchored had an appearance at a distance of a tall ship under sail, from which circumstance the admiral called it Alta Vela. Several seamen were ordered to climb to the top of the island, which commanded a great extent of ocean, and there to look out for the two ships which had parted from the admiral during his voyage. Descending from the summit the sailors killed on the island of Alta Vela eight sea wolves, which were sleeping on the sands, knocked down many pigeons and other birds with sticks, and took others with their hands; for in this unfrequented islands the animals seemed to have none of the wildness and timidity which is produced by the hostility of man. (Irving's Columbus, vol. 3, page 454.) Columbus remained at this anchorage of Alta Vela six days (Churchill's Voyages, vol. 2, page 539; Herrera, Decad 1, liber 2, chap. 15); and having then been joined by the two missing caravels, he coasted along the southeastern part of the island, passing the country watered by a branch of the Neyva. This country was a fertile plain filled with hamlets and detached houses so close together that for the space of a league it was a continuous village. (Hist. San Domingo, by San Antonio del Monte y Tejada, 1853, page 356.)

Columbus began his third voyage on the 30th of May, 1498. After having made large discoveries on terra firma or the mainland of South America, he returned to the island of Hayti for repose and health. On the 20th of August he arrived at his former anchorage under the little island of Beata, and from that place he communicated with his brother, who was then exercising, by deputation, the authority of viceroy over the island of Hayti. Certainly Columbus could not have entertained a doubt of the title of Spain to any of the islands which he discovered. In his last will and testament he wrote as follows:—

"In the name of the most Holy Trinity, who inspired me with the idea, and afterwards made it perfectly clear to me that I could navigate and go to the Indies from Spain by traversing the ocean westwardly, which I communicated to the King, Don Ferdinand, and to the Queen, Donna Isabella, our sovereigns; and they were pleased to furnish me the necessary equipment of men and ships, and to make me their admiral over the said ocean in all parts lying to the west of an imaginary line drawn from pole to pole, a hundred leagues west of the Cape de Verd and Azore islands; also appointing me their viceroy and governor over all continents and islands that I might discover beyond the said line westwardly, with the right of being succeeded in the said offices by my eldest son and his heirs forever, and a grant of the tenth part of all things found in the said jurisdiction, and of all rents and revenues arising from it, and the eighth of all the lands and everything else, together with the salary corresponding to my rank of admiral, viceroy, governor, and all other emoluments accruing thereto, as is more fully expressed in the title and agreement sanctioned by their highnesses.

"And it pleased the Lord Almighty that in the year one thousand four hundred and ninety-two I should discover the continent of the Indies and many islands, among them Hispaniolà, which the Indians call Ayte, and the Monicongos, Cepango. I then returned to Castile to their highnesses, who approved of my undertaking a second enterprise for further discoveries and settlements; and the Lord gave me victory over the island of Hispaniola, which extends six hundred leagues, and I conquered it and made it tributary; and I discovered many islands inhabited by cannibals, and seven hundred to the west of Hispaniola, among which is Jamaica, which we call Santiago, and three hundred and thirty-force leagues of continent from south to west, besides a hundred and seven to the north which I discovered in my first voyage, together with many islands, as may more clearly be seen by my letters, memorials and maritime charts. And as we hope in God that before long a good and great revenue will be derived from the above islands and continent, of which, for the reasons aforesaid, belongs to me the tenth and the eighth, with the salaries and emoluments specified above, and considering that we are mortal, and that it is proper for every one to settle his affairs and to leave declared to his heirs and successors the property he possesses or may have a right to, wherefore I have concluded to create an entailed estate (mayorazgo) out of the said eighth of the lands, places and revenues in the manner which I now proceed to state." (Irving's Columbus, vol. 5, p. 444.)

"The Historia de Santo Domingo," by Don Antonio del Monte y Tejado, published in Havana in the year 1853, contains Columbus' original account of his discoveries in that island, and is illustrated by a chart which seems to have been copied from the original charts of Columbus himself. On this chart appears the island of Alta Vela, undistinguishable (probably by reason of the smallness of the scale) from the main land.

In "Churchill's Voyages and Travels," published in London, 1744, the author gives this account of the discovery of Alta Vela:—

"On Saturday, the 23d, a cacique came to the ships crying *almirante, almirante;* that is, admiral, admiral; whence he inferred that must be the point of Hispaniola, for till then he knew it not. At the end of August he anchored at a small island, which looked like a sail, because it is high, and called it Alta Vela, being twelve leagues from La Beata. The other two ships being out of sight he caused some men to go up to the top of the island to discover them, and the seamen killed five seals that lay asleep on the sands, knocked down many birds with staves and took some with their hands, for that part not being inhabited they fled not from them. After six days the other ships came up; they proceeded to the island La Beata, which is small, and thence coasted along Hispaniola to a river, on which lies a curious plain very populous, now called De Catalina; that is, Catharine's, from a lady it belonged to." The same account of the discovery of Alta Vela and Beata is given by Churchill in the chapter entitled "The Discovery of the West Indies by Christopher Columbus, together with his Life and Actions."

In a map which accompanies M. L. E. Moreau de Saint Méry's "Description, Topographical, Natural, Civil, Political and Historical, of the French part of the Island of St. Domingo," published in Philadelphia 1797, there are laid down, on the southern coast of Hayti, Cape La Beata, the island La Beata, the island Alta Vela and two islands called Los Frailes; and the boundary between the French part and the Spanish part of St. Domingo is distinctly traced from the mouth of the river Pedernales, on the south, to the bay of Mancenilla, on the north, as it has been heretofore recited.

On a French war map of St. Domingo, made during the revolution for independence in Hayti, the demarcation line as fixed "between the French and spaniards in 1776," is indicated, and Cape Beata, Beata island, and Alta Vela are delineated as falling within the Spanish part, and as included in the province of Azua. Beata island is separated from Cape Beata by a strait five miles wide. This strait is marked as having a depth varying from twenty-four to thirty feet. Alta Vela is separated from Beata island by a strait a little less than six miles wide, and is fourteen miles distant from Cape Beata. "Good anchorage" is marked off Beata island, only five miles distant from Alta Vela.

In Hakluyt's Voyage, vol. 4, page 103, first published in the year 1599, directions are given to the mariner for his voyage from St. Domingo to Nueva Espannas, in these words:—

"If you will sayle from St. Domingo, in Hispaniola, in Nueva Espanna, stirre away south-southwest until you come up as farre as the point of Niçao; and from thence stirre away west-southwest, and so you shall finde the Isle of Beata. And if you saile from this point of Niçao for Ocoa you must passe along the coast west and by north until you come to Puerto Hermoso, or the beautiful haven, which is 18 leagues distant from St. Domingo; and if you proceede from Puerto Hermoso for Nueva Espanna you must stirre away south-southwest until you looke out for Beata and Alta vela."

He continues to give "markes of the Isle of Beata":—

"Beata is a small island, and not very high; you may passe along the outside thereof, and there is no danger but that you may see; and by and by you shall raise Alta vela; and from thence you must stirre away west and by south to give a birth from the islands called Los Frailes or the Friers. And when you are as farre ahead as the Frailes, then you must stirre away west and by north, and so you shall goe right with Bacoa, and before you come to it you shall see high craggie cliffes, and at the descending of them white paths like great sheetes; these high craggie mountaines are called Las Sierras de Donna Maria. And before you come to the sayde point of Bacoa you shall discover a little lowe island, even with the sea, and full of trees, which is called Isla Baque."

At page 113 of the same book, under what is called "The second ruttier for the West Indies," are given "the latitudes of the headlands, capes and islands, as well of Madera, the Canaries and the West Indies, and of the Azores and the Isles of Cabo Verde." In giving the latitudes of the capes of Hispaniola the author puts "the point of the isle of Saona in 17½; the cape called Punta de Niçao, neere S. Domingo, in Hispaniola, in 17½; the isle Beata, on the south side of Hispaniola, in 17; the point of Bacao, on the south side of Hispaniola, in 17½; Cape Tiburon, upon the west part of Hispaniola, and the isle of Nauaza, in 18½."

There is found in the library of the Department of State a copy of an original chart subscribed as follows:—"Thomas Hood made this platte, 1592." Upon this chart the world dividing line between Spain and Portugal is accurately indicated. Besides most of the other West India islands, the island of Hispaniola is laid down and its entire coast carefully delineated with bays, headlands, and the point of Beata exhibited, together with the islands of Beata, "Altavela" and Frailes, as described in the journal of his discoveries by Columbus.

An ancient chart, by "Visconte de Majolo, of the Antilles and the mainland of Honduras to the Cape of Santa Maria, in Uruguay," gives the dividing line between Spain and Portugal and flags bearing respectively the arms of those countries. Most of the West India islands are delineated, among them "Spagnola Isabella." The coast of Hayti is given, with two islands corresponding to the islands of Beata and Alta Vela, but without names. Across the lower part are written the words, "Tota terra inuenta p. Cristofa Colonbo Januensis de Re de Spania."

On another chart, without date, of the same collection, of particular parts of America, the West India islands are given without names, except Cuba and Bahama and "Spagnola," while Yucatan is marked as an island. Two small islands are found adjacent to "Spagnola," corresponding to Beata and Alta Vela, but are without names.

A very ancient chart of the east coast of America, from Hudson's bay to the Straits of Magellan, presents the island of Hayti with adjacent islands in the same way.

On another ancient chart of the east coast of America, from New Brunswick to the Amazon river, the West India islands are laid down with a fair delineation of the coast of Hayti, under the name of Hespanbol, with an island marked Beata, a second marked Frailes, and an adjacent one, without name, corresponding to Alta Vela.

We find also in the Department a copy of Juan de Cosa's map of the world, made in A. D. 1500, which represents the Antilian islands and their vicinity. It was taken from the *fac simile* draught which was made for the "Physical, Political and Natural History of the Island of Cuba," by Don Ramon de la Sagra; Paris, 1857. On this map the island of Hayti appears under the name of La Espanola, with its coasts. On its southern coast is marked C. de Lobo, and adjacent are the names "Beata" and "Altobelo;" but the islands are not marked.

On a copy of charts of the important Antilles, as depicted separately by B. Bordone, in different parts of his well known work, called "Isolario" (a description of all the islands of the world), which was famous at its time—first edited 1528, then in 1534, and again in 1548—appear the islands of Jamaica, Cuba, Spagnola, Guadalupe, Dominica, Matinna (probably Martinique). The city of Isabella, long since extinguished, is presented on the map of Spagnola, and on the southern coast are shown four islands, corresponding in location to Beata, Alta, Vela and Los Frailes. All the islands are represented as uncultivated, wild and full of hills and foresta, with the only exception of Hispaniola, which shows many Spanish buildings.

A copy of a map of Hayti, or Hispaniola, is found in the same collection of the Department, which is contained in the following work:—"Libro Primo della Historia, delle Indie occidentale cavate da libri scritti del P. Marted Oviedo: Venezia, 1534." It is the oldest engraved special map of Hispaniola which is known. On this map the coast is delineated; the titles of Indian tribes and Spanish settlements and forts are given; the cities of Isabella and St. Domingo are marked and on the southern coast is marked C. de Lobos, with four islands corresponding to Beata, Alta Vela and Los Frailes; but only the name of Beata is given.

In the same collection is found a copy of an original map of the island of Hayti, which is contained in the third volume of the celebrated work of Ramusio, "Delle Navigationi et Viaggi: Venize, 1556." The cities of Isabella, Nativita, St. Dominico, and the province of Azova (Azua) are named. An island is given, marked De Lobos, which is near the main land, now known as Cape Beata, and the adjacent island is marked and named Beata, and two smaller islands, corresponding to Alta Vela and Los Frailes, are indicated.

Still another map is found, which is a copy of the original which was made and engraved in the year 1554, by the well known Italian chartographer, Paulo Forlano. The original bears the inscription, "The Island of Spagnola, now called the Island of St. Domingo, which is most fertile in many things; for instance, in cotton, gum, aloes, cinnamon, ginger and other spices." Off the southern coast is marked Cape de los Bos and eight islands, two of which are named "Beata" and "Alta Vela," and all of them are colored as belonging to Espaniola.

In a map of the Antillian islands, drawn by Martines in 1578, the island of Hayti is found under the name of Spagnola, with two islands very close to the shore, one of which is named "Biata" and the other Frailes. Alta Vela does not appear.

A further map appears which was copied from a work entitled "Descripcion de las Indias ocidentales de Antonia de Herrara, 1601." The map has the title "Descripcion del distuco del Audiencia de la Española." The geographer who made this copy remarks in regard to this map as follows:—"Though there have been made already before this time (1601) better and more complete maps of the principal West India islands, of Cuba, of Hayti, &c., still this map is remarkable as a general one of all those regions, giving in a pretty full and complete manner all the names of the islands and of the principal settlements, capes, &c., and showing the positions and relations of all those islands in a very true and correct manner. In the original the name of the Antilles is not to be found on the map. They are called 'Yslas de la mar del Norte,' (the islands of the North Sea.) Many of the names appear probably for the first time on an engraved and printed map." The towns of St. Domingo and Azua are given, and the peninsula of Beata is called La Caloguia, separated from which appear the islands "Sabeata" and "Altobelo," with other islands corresponding to Los Frailes.

We have no evidence that any part of the original Spanish province of St. Domingo was ever alienated by Spain before the Dominican revolution. By that revolution the whole of that dominion inured to St. Domingo. We have seen that the republic of St. Domingo has ever since claimed the whole of it, including the isle of Alta Vela.

Legislators can seldom expect to foresee all the cases and conditions to which their laws may ultimately be supposed to apply. It can hardly be believed that in passing the Guano law of 1856 Congress would have thought it necessary to insert a caution that the discoverers should assign the exact latitude and longitude of guano islands, if they had supposed their law would have been extended over islands that are known as landmarks to every seafaring man, and whose latitude and longitude were accurately set down in geographical maps and mariners' charts a hundred years before civilization commenced in the region now occupied by the United States. As little could Congress have expected that, in determining the national right to occupy such islands, they would come into conflict with a title directly derived from the discovery and occupation of the West Indies by Columbus.

In the case of the claim of Cayo Verde, the Attorney General of the United States explained the Guano act as follows:—

"ATTORNEY GENERAL'S OFFICE, Dec. 14, 1859.

"SIR—The papers sent me by you show that W. J. Kendall, of Baltimore, has petitioned to be protected in the possession of a guano island in the Caribbean Sea, called Cayo Verde. It also appears that Cayo Verde is regarded by the British government as under the dominion of that Power and belonging to the Bahamas; Lord Lyons having given notice that the removal of guano therefrom by an American would be considered not only a trespass, but a hostile aggression.

"Before a citizen of the United States can be entitled to the benefit of the act of 1856 it must appear that the island, rock or key upon which he has discovered guano was not at the time of its discovery within the lawful jurisdiction of any other government. In the present case Cayo Verde is distinctly asserted by the British government to be within its jurisdiction. The President has no right, under the law, to annex the island to the United States, or to put any American citizen in possession of it, until the diplomatic question raised by the British Minister shall be finally settled, and not then unless it be settled in our favor. I am, very respectfully, yours, &c.,

J. S. BLACK.

Hon. LEWIS CASS, Secretary of State."

Upon this review of the facts specially submitted to the Secretary by the claimants, as well as of other geographical, historical and political facts which bear upon the subject, the Secretary of State finds himself unable to recommend the employment of the land and naval forces of the United States for the seizure of the island of Alta Vela.

WILLIAM H. SEWARD.

THE ELEVATED RAILWAY.

An Experiment—Character of the Road—Security Against Accidents—Peculiarities—Rapidity of Travel—Fare—Promises—Fat Dividends and Accommodation.

Those of our readers who at any time within the past six months have passed through the lower or southern end of Greenwich street must have observed on its western side a railroad track, upheld by a series of strong looking pillars of wrought iron, extending from Battery place northward half a mile, or to the near neighborhood of Cortlandt street. This elevated road—a section of one that in time may extend to Yonkers—has been put up for the purpose of testing the capabilities of a track and carriage, the whole *modus operandi* of which is the invention of Charles T. Harvey, and secured by upwards of twenty patents, covering some eighty claims, that since 1866 have been secured in France, England, the British Provinces and the United States.

The road, taken as a whole, is unique, and its success, although no actual experiment has been made upon it, is admitted by intelligent engineers and experienced railroad men. As a means of conveying passengers quickly, cheaply and safely from one end of the island to the other there seems to be little doubt of its future superiority over roads laid on the surface of the ground or "in the deep bosom of the earth buried."

On the completion of the material inventions of Mr. Harvey, in 1863—that is, of those which were necessary to the sure working of a railway such as is contemplated, an association was formed, and the Legislature of the State incorporated it under the title of "The West Side and Yonkers Patent Railway Company," and authorized it "to operate exclusively by means of propelling cables attached to stationary engines, placed beneath or beyond any street through which a railway may pass, and shall be concealed from view so far as the same may be detrimental to the ordinary uses of said streets."

Other rights not hurtful, however, to the public, were granted this company, upon condition that its failure or success should depend, so far as the working of the road went, upon the opinion of a Board of Commissioners, three in number, two of whom were to be appointed by the Governor, and the third by the Croton Commissioners. On the passage of the act the company commenced the erection of the experimental half-mile section, but its progress has been slow. Last summer, when ground was broken, an injunction was sued out by interested parties and the work delayed two months, when the injunction was removed, and it perhaps is well here to state that at no time have owners of property on the projected line raised objections to the necessary excavations for the purpose of building vaults in which small engines are to be placed for operating the road, the rains commenced and it was not until some months subsequently to the erection of the first iron column that visible progress could be made. During the past winter every propitious day was seized to push the section forward, and it is now all but ready for the *crusis experimentum* that is to decide its fate.

The road, we should here remark, is built with a single track, the design being to have lines of road on opposite sides of the thoroughfare through which it may pass, the cars or trucks moving in opposite or contrary directions. Each track will be five feet in width between the centre of the rails and be supported by a series of columns of about nine inches diameter at the surface of the pavement. These columns are, in the section erected, placed at intervals of about twenty-five feet, except at street crossings, where they are necessarily further apart, along the curbstone, between the sidewalk and the carriageway. These again are attached by girders or braces to the track, which is placed perpendicularly to their centres and at a distance in the clear of fourteen feet from the pavement.

The engines in the street vaults, built immediately under the track at distances of half a mile, are intended to revolve endless steel wire ropes, to which, by an ingenious device, the carriages are, while passing up or down, to be attached or disengaged, and is perfectly under the control of the brakeman. The steel wire rope is mounted with small "trucks," with shoulders, at regular distances (150 feet), and to these the car is attached or detached and stopped with perfect safety and without noise or jar within a distance of thirty-five feet. This result is obtained by means of a series of elliptical springs on a revolving shaft, placed lengthwise to the car. By means of this spiral shaft—under, as we have said, the care of the brakeman—the cars are mounted on patent wooden tread-wheels, also a new invention, faced with single or double flanges—run without noise. This wheel has been pronounced infinitely superior and more durable and less expensive than any heretofore invented, and within ten years will supersede those now used on cars propelled by steam.

It is the intention of the company to fit up below the Park, at distances of a quarter of a mile, substations; above the Park there will be places at every half mile. These stations are to have reception rooms, with every convenience for ladies and children, and waiting rooms for gentlemen. The passenger enters one of these places, ascends stairs within the building to the second story, where he pays his fare and then steps on to a platform, if a car is at hand, and thence is whirled away at a comfortable rate to his destination, be it one or many quarters of a mile.

The peculiarity of the coaches on this road is their perfect safety, certainty in time, freedom from smoke, dust, noise and, we may add, the light and air which are commanded by their elevation from the ground.

The track and trucks, carriages and wheels are so well guarded that it is impossible for an accident to happen. The cars cannot be capsized. They are provided with friction or protecting rollers at each end of the platform, and these, with side guards, prevent the wheels from being thrown off the track. In this respect they are absolutely safe.

Each car is entered by a side door. At the end of each carriage a platform will be placed; one exclusively for the brakemen, the other for express packages, &c.

It is intended to run these cars at intervals of two minutes, and their average speed, including stoppages, will be about fifteen miles an hour. Morning and evening trains from and to Yonkers will be run at a much higher rate, to accommodate the working classes. From the Battery to Harlem river the time will be thirty minutes, and to Yonkers about forty-five or fifty minutes.

Thus it will be seen, at all seasons, despite of storm, rain, ice or snow—the workingman, now confined to small, crowded, high priced and poorly ventilated tenement houses, can all but fly to the country, miles from the heart of the city, in less time actually than it now takes him, by horse car, to leave the vicinity of the City Hall and reach his "apartments" anywhere south of Thirtieth street. For almost the rent of a year in the city, he can buy a plot of ground in the beautiful country, and upon it, if prudent and industrious, erect his pleasant, even if be a humble home, and rejoice with his children, now pale and sickly, in all the strength and beauty of ruddy health—in that liberty which ever is found in the God-made country, and which long since was exiled from the man-made city.

If the workingman chooses to live, say in the village of Yonkers, he can by the morning train