

Zachary Taylor, Special Message to Congress, March 19, 1850 (Proposed Central American Treaties, Uphold Monroe Doctrine)

Special Message

March 19, 1850

To the Senate of the United States:

I herewith transmit to the Senate, for their advice in regard to its ratification, "a general treaty of amity, navigation, and commerce" between the United States of America and the State of Nicaragua, concluded at Leon by E. George Squier, charge' d'affaires of the United States, on their part, and Senor Zepeda, on the part of the Republic of Nicaragua.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of amity, navigation, and commerce" negotiated by Mr. Squier with the Republic of San Salvador.

I also transmit to the Senate a copy of the instructions to and correspondence with the said charge' d'affaires relating to those treaties.

I also transmit, for the advice of the Senate in regard to its ratification, "a general treaty of peace, amity, commerce, and navigation" negotiated by Elijah Else, our late charge' d'affaires, with the State of Guatemala.

I also transmit, for the information of the Senate, a copy of a treaty negotiated by Mr. Hise with the Government of Nicaragua on the 21st of June last, accompanied by copies of his instructions from and correspondence with the Department of State.

On the 12th day of November, 1847, Senor Butrago, secretary of state and of the affairs of war and foreign relations and domestic administration of the Supreme Government of the State of Nicaragua, addressed a letter from the Government House at Leon to Mr. Buchanan, then Secretary of State of the United States, asking the friendly offices of this Government to prevent an attack upon the town of San Juan de Nicaragua, then contemplated by the British authorities as the allies of the Mosquito King. That letter, a translation of which is herewith sent, distinctly charges that--

The object of the British in taking this key of the continent is not to protect the small tribe of the Mosquitos, but to establish their own empire over the Atlantic extremity of the line, by which a canal connecting the two oceans is most practicable, insuring to them the preponderance on the American continent, as well as their direct relations with Asia, the East Indies, and other important countries in the world.

No answer appears to have been returned to this letter.

A communication was received by my predecessor from Don Jose Guerrero, President and Supreme Director of the State of Nicaragua, dated the 15th day of December, 1847, expressing his desire to establish relations of amity and commerce with the United States, a translation of which is herewith inclosed. In this the President of Nicaragua says:

My desire was carried to the utmost on seeing in your message at the opening of the Twenty-ninth Congress of your

Republic a sincere profession of political faith in all respects conformable with the principles professed by these States, determined, as they are, to sustain with firmness the continental cause, the rights of Americans in general, and the noninterference of European powers in their concerns.

This letter announces the critical situation in which Nicaragua was placed and charges upon the Court of St. James a "well-known design to establish colonies on the coast of Nicaragua and to render itself master of the interoceanic canal, for which so many facilities are presented by the isthmus in that State." No reply was made to this letter.

The British ships of war *Alarm* and *Vixen* arrived at San Juan de Nicaragua on the 8th day of February, 1848, and on the 12th of that month the British forces, consisting of 260 officers and men, attacked and captured the post of Serapaqui, garrisoned, according to the British statements, by about 200 soldiers, after a sharp action of one hour and forty minutes.

On the 7th day of March, 1848, articles of agreement were concluded by Captain Locke, on the part of Great Britain, with the commissioners of the State of Nicaragua in the island of Cuba, in the Lake of Nicaragua, a copy of which will be found in the correspondence relating to the Mosquito Territory presented to and published by the House of Commons of Great Britain on the 3d day of July, 1848, herewith submitted. A copy of the same document will also be found accompanying the note of the minister for foreign affairs of Nicaragua to the Secretary of State of the United States under date the 17th March, 1848.

By the third article of the agreement it is provided that Nicaragua "shall not disturb the inhabitants of San Juan, understanding that any such act will be considered by Great Britain as a declaration of open hostilities." By the sixth article it is provided that these articles of agreement will not "hinder Nicaragua from soliciting by means of a commissioner to Her Britannic Majesty a final arrangement of these affairs."

The communication from Senor Sebastian Salinas, the secretary of foreign affairs of the State of Nicaragua, to Mr. Buchanan, the Secretary of State of the United States, dated 17th March, 1848, a translation of which is herewith submitted, recites the aggressions of Great Britain and the seizure of a part of the Nicaraguan territory in the name of the Mosquito King. No answer appears to have been given to this letter.

On the 28th day of October, 1847, Joseph W. Livingston was appointed by this Government consul of the United States for the port of San Juan de Nicaragua. On the 16th day of December, 1847, after having received his exequatur from the Nicaraguan Government, he addressed a letter to Mr. Buchanan, Secretary of State, a copy of which is herewith submitted, representing that he had been informed that the English Government would take possession of San Juan de Nicaragua in January, 1848.

In another letter, dated the 8th of April, 1848, Mr. Livingston states that "at the request of the minister for foreign affairs of Nicaragua he transmits a package of papers containing the correspondence relative to the occupation of the port of San Juan by British forces in the name of the Mosquito nation."

On the 3d day of June, 1848, Elijah Hise, being appointed charge' d'affaires of the United States to Guatemala, received his instructions, a copy of which is herewith submitted. In these instructions the following passages occur:

The independence as well as the interests of the nations on this continent require that they should maintain the American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American Republics and to permit them to establish

new colonies upon this continent would be to jeopardize their independence and to ruin their interests. These truths ought everywhere throughout this continent to be impressed on the public mind. But what can the United States do to resist such European interference whilst the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their own protection?

This last significant inquiry seems plainly to intimate that the United States could do nothing to arrest British aggression while the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their protection.

These instructions, which also state the dissolution of the Central American Republic, formerly composed of the five States of Nicaragua, Costa Rica, Honduras, San Salvador, and Guatemala, and their continued separation, authorize Mr. Hise to conclude treaties of commerce with the Republics of Guatemala and San Salvador, but conclude with saying that it was not deemed advisable to empower Mr. Hise to conclude a treaty with either Nicaragua, Honduras, or Costa Rica until more full and statistical information should have been communicated by him to the Department in regard to those States than that which it possesses.

The States of Nicaragua, Costa Rica, and Honduras are the only Central American States whose consent or cooperation would in any event be necessary for the construction of the ship canal contemplated between the Pacific and Atlantic oceans by the way of Lake Nicaragua.

In pursuance of the sixth article of the agreement of the 7th of March, 1848, between the forces of Great Britain and the authorities of Nicaragua, Senor Francisco Castillon was appointed commissioner from Nicaragua to Great Britain, and on the 5th day of November, 1848, while at Washington on his way to London, addressed a letter to the Secretary of State, a translation of which is herewith submitted, asking this Government to instruct its minister plenipotentiary residing in London to sustain the right of Nicaragua to her territory claimed by Mosquito, and especially to the port of San Juan, expressing the hope of Nicaragua "that the Government of the Union, firmly adhering to its principle of resisting all foreign intervention in America, would not hesitate to order such steps to be taken as might be effective before things reached a point in which the intervention of the United States would prove of no avail."

To this letter also no answer appears to have been returned, and no instructions were given to our minister in London in pursuance of the request contained in it.

On the 3d day of March, 1847, Christopher Hempstead was appointed consul at Belize, and an application was then made for his exequatur through our minister in London, Mr. Bancroft. Lord Palmerston referred Mr. Bancroft's application for an exequatur for Mr. Hempstead to the colonial office. The exequatur was granted, and Mr. Hempstead, in a letter to the Department of State bearing date the 12th day of February, 1848, a copy of which is herewith submitted, acknowledged the receipt of his exequatur from Her Britannic Majesty, by virtue of which he has discharged his consular functions. Thus far this Government has recognized the existence of a British colony at Belize, within the territory of Honduras. I have recalled the consul, and have appointed no one to supply his place.

On the 26th day of May, 1848, Mr. Hempstead represented in a letter to the Department of State that the Indians had "applied to Her Majesty's superintendent at Belize for protection, and had desired him to take possession of the territory which they occupied and take them under his protection as British subjects;" and he added that in the event of the success of their application "the British Government would then have possession of the entire coast from Cape

Conte to San Juan de Nicaragua." In another letter, dated the 29th day of July, 1848, he wrote:

I have not a doubt but the designs of Her Majesty's officers here and on the Mosquito shore are to obtain territory on this continent.

The receipt of this letter was regularly acknowledged on the 29th day of August, 1848.

When I came into office I found the British Government in possession of the port of San Juan, which it had taken by force of arms after we had taken possession of California and while we were engaged in the negotiation of a treaty for the cession of it, and that no official remonstrance had been made by this Government against the aggression, nor any attempt to resist it. Efforts were then being made by certain private citizens of the United States to procure from the State of Nicaragua by contract the right to cut the proposed ship canal by the way of the river San Juan and the lakes of Nicaragua and Managua to Realejo, on the Pacific Ocean. A company of American citizens entered into such a contract with the State of Nicaragua. Viewing the canal as a matter of great importance to the people of the United States, I resolved to adopt the policy of protecting the work and binding the Government of Nicaragua, through whose territory it would pass, also to protect it. The instructions to E. George Squier, appointed by me charge' d'affaires to Guatemala on the 2d day of April, 1849, are herewith submitted, as fully indicating the views which governed me in directing a treaty to be made with Nicaragua. I considered the interference of the British Government on this continent in seizing the port of San Juan, which commanded the route believed to be the most eligible for the canal across the Isthmus, and occupying it at the very moment when it was known, as I believe, to Great Britain that we were engaged in the negotiation for the purchase of California, as an unfortunate coincidence, and one calculated to lead to the inference that she entertained designs by no means in harmony with the interests of the United States.

Seeing that Mr. Hise had been positively instructed to make no treaty, not even a treaty of commerce, with Nicaragua, Costa Rica, or Honduras, I had no suspicion that he would attempt to act in opposition to his instructions, and in September last I was for the first time informed that he had actually negotiated two treaties with the State of Nicaragua, the one a treaty of commerce, the other a treaty for the construction of the proposed ship canal, which treaties he brought with him on his return home. He also negotiated a treaty of commerce with Honduras; and in each of these treaties it is recited that he had full powers for the purpose. He had no such powers, and the whole proceeding on his part with reference to those States was not only unauthorized by instructions, but in opposition to those he had received from my predecessor and after the date of his letter of recall and the appointment of his successor. But I have no evidence that Mr. Hise, whose letter of recall (a copy of which is herewith submitted) bears date the 2d day of May, 1849, had received that letter on the 21st day of June, when he negotiated the treaty with Nicaragua. The difficulty of communicating with him was so great that I have reason to believe he had not received it. He did not acknowledge it.

The twelfth article of the treaty negotiated by Mr. Hise in effect guarantees the perfect independence of the State of Nicaragua and her sovereignty over her alleged limits from the Caribbean Sea to the Pacific Ocean, pledging the naval and military power of the United States to support it. This treaty authorizes the chartering of a corporation by this Government to cut a canal outside of the limits of the United States, and gives to us the exclusive right to fortify and command it. I have not approved it, nor have I now submitted it for ratification; not merely because of the facts already mentioned, but because on the 31st day of December last Senor Eduardo Carcache, on being accredited to this Government as charge' d'affaires from the State of Nicaragua, in a note to the Secretary of State, a translation of which is herewith sent, declared that he was "only empowered to exchange ratifications of the treaty concluded with Mr. Squier, and that the special convention concluded at Guatemala by Mr. Hise, the charge' d'affaires of the United States, and Senor Selva, the commissioner of Nicaragua, had been, as was publicly and universally known,

disapproved by his Government."

We have no precedent in our history to justify such a treaty as that negotiated by Mr. Hise since the guaranties we gave to France of her American possessions. The treaty negotiated with New Granada on the 12th day of December, 1846, did not guarantee the sovereignty of New Granada on the whole of her territory, but only over "the single Province of the Isthmus of Panama," immediately adjoining the line of the railroad, the neutrality of which was deemed necessary by the President and Senate to the construction and security of the work.

The thirty-fifth article of the treaty with Nicaragua, negotiated by Mr. Squier, which is submitted for your advice in regard to its ratification, distinctly recognizes the rights of sovereignty and property which the State of Nicaragua possesses in and over the line of the canal therein provided for. If the Senate doubt on that subject, it will be clearly wrong to involve us in a controversy with England by adopting the treaty; but after the best consideration which I have been able to give to the subject my own judgment is convinced that the claims of Nicaragua are just, and that as our commerce and intercourse with the Pacific require the opening of this communication from ocean to ocean it is our duty to ourselves to assert their justice.

This treaty is not intended to secure to the United States any monopoly or exclusive advantage in the use of the canal. Its object is to guarantee protection to American citizens and others who shall construct the canal, and to defend it when completed against unjust confiscations or obstructions, and to deny the advantages of navigation through it to those nations only which shall refuse to enter into the same guaranties. A copy of the contract of the canal company is herewith transmitted, from which, as well as from the treaty, it will be perceived that the same benefits are offered to all nations in the same terms.

The message of my predecessor to the Senate of the 10th February, 1847, transmitting for ratification the treaty with New Granada, contains in general the principles by which I have been actuated in directing the negotiation with Nicaragua. The only difference between the two cases consists in this: In that of Nicaragua the British Government has seized upon part of her territory and was in possession of it when we negotiated the treaty with her. But that possession was taken after our occupation of California, when the effect of it was to obstruct or control the most eligible route for a ship communication to the territories acquired by us on the Pacific. In the case of New Granada, her possession was undisturbed at the time of the treaty, though the British possession in the right of the Mosquito King was then extended into the territories claimed by New Granada as far as Boca del Toro. The professed objects of both the treaties are to open communications across the Isthmus to all nations and to invite their guaranties on the same terms. Neither of them proposes to guarantee territory to a foreign nation in which the United States will not have a common interest with that nation. Neither of them constitutes an alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest. Nicaragua, like New Granada, is a power which will not excite the jealousy of any nation.

As there is nothing narrow, selfish, illiberal, or exclusive in the views of the United States as set forth in this treaty, as it is indispensable to the successful completion of the contemplated canal to secure protection to it from the local authorities and this Government, and as I have no doubt that the British pretension to the port of San Juan in right of the Mosquito King is without just foundation in any public law ever before recognized in any other instance by Americans or Englishmen as applicable to Indian titles on this continent, I shall ratify this treaty in case the Senate shall advise that course. Its principal defect is taken from the treaty with New Granada, the negotiator having made it liable to be abrogated on notice after twenty years. Both treaties should have been perpetual or limited only by the duration of the improvements they were intended to protect. The instructions to our charge' d'affaires, it will be seen, prescribe no limitation for the continuance of the treaty with Nicaragua. Should the Senate approve of principle of the

treaty, an amendment in this respect is deemed advisable; and it will be well to invite by another amendment the protection of other nations, by expressly offering them in the treaty what is now offered by implication only--the same advantages which we propose for ourselves on the same conditions upon which we shall have acquired them. The policy of this treaty is not novel, nor does it originate from any suggestion either of my immediate predecessor or myself. On the 3d day of March, 1835, the following resolution, referred to by the late President in his message to the Senate relative to the treaty with New Granada, was adopted in executive session by the Senate without division:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of Central America and New Granada for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal rights of navigating such a canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

President Jackson accorded with the policy suggested in this resolution, and in pursuance of it sent Charles Biddle as agent to negotiate with the Governments of Central America and New Granada. The result is fully set forth in the report of a select committee of the House of Representatives of the 20th of February, 1849, upon a joint resolution of Congress to authorize the survey of certain routes for a canal or railroad between the Atlantic and Pacific oceans. The policy indicated in the resolution of the 3d March, 1835, then adopted by the President and Senate, is that now proposed for the consideration and sanction of the Senate. So far as my knowledge extends, such has ever been the liberal policy of the leading statesmen of this country, and by no one has it been more earnestly recommended than by my lamented predecessor.

Z. TAYLOR.