New Granada and the United States.

The circumstance of my presence in New York, affords me the opportunity of treating the relations of the two nations in view of the Message of the President of the United States to the American Congress, in which official document are presented the questions that had arisen between the two countries in an erroneous manner, and with a misapprehension of the facts.

My position as a public man in New Granada, being at the present time a Senator of the Republic, and the officer elect to exercise the Executive Power in case of the death or resignation of the actual Executive, imposes upon me the duty of defending the National right, and of presenting to my country, to the United States, and to the whole world, the facts as they exist, and the questions from their true point of view.

The circumstance of my having been the President of the Republic from 1845 to 1849, during which time the treaty of peace and amity with the United States was made, enables me to treat the question, presenting a retrospective view, in order that it may be seen in its true light, and exhibiting on which side justice lies in the present political emergency.

The United States had not been able to obtain from New Granada a new treaty of commerce and friendship after the expiration of that made with Colombia, on the 3d of October, 1824, exchanged at Washington on the 27th day of May, 1825, and expiring in twelve years, as stipulated by the first clause of the 31st Article, or on the 27th of May, 1837. For nine years New Granada sustained the principle of differential du-

JT 7/12/16

helguera_p_0685_001 ✓ p. [1]

002 ✓	2-3
003 ✓	4-5
004 ✓	6-7
005 ✓	8-9
006 ✓	10-11
007 ✓	12-13
008 ✓	14-15
009 ✓	16-17
010 ✓	18-19
011	b/c

Notes1
Notes2
Notes3

P:0685

Mosquera, Thos. C. de

New Granada and the United States.

; 19 pages.

Content: An answer to President's Pierce's declaration of 1856 regarding the Panama railway. Contrary to Pierce's position, Mosquera claims that New Granada has the right to charge for freight and mail at a certain rate as prescribed by treaty, and that the complaints of the Panama Railroad Company are unfounded.

HELGUERA COLLECTION

PAMPHLETS

NUMBER: P- 0685

AUTHOR: Mosquera, Thos. C. de

TITLE: New Granada and the United States.

Place of Publication: New York

Publisher: UNK

Date: 1856

Dimensions: 22 3/10 x 14 5/10cms; pp 1-19.

Condition: Wrappers missing, but good.

General Notes: Gen. Mosquera rejects US President Franklin Pierce's allegation that New Granada had not complied with its treaty obligations.

34th Article, which treats of import duties, establishes the manner of their payment upon goods for consumption, and the 32d Article stipulates that the Company shall not pay import duties upon the effects it may bring, while the 33d and 34th Articles exempt from all duties persons and effects passing over the Railroad. It cannot be said that the vessels which arrive at the ports are effects that pass over the Railroad, and it is left to the judgment of the Executive Power to determine what is necessary for the Railroad, and its appurtenances.

No one is more deeply interested than the Railroad Company in the preservation of order on the Isthmus, and a serious dispute between New Granada and the United States would bring ruin to the Company. Hostilities once begun, the rights of war include the right to obstruct the roads, whereby the enemy may pass. If such an unfortunate event should occur, the Company would lose the transit route, its shares would become worthless, and it would be very difficult to replace the works. Barbarism would come over the Isthmus, and these fatal consequences, though omnious to American commerce, would be unfortunate and terrible for New Granada, who would behold the wild Desert of Darien extended to Panama. The mind is pained to contemplate such great misfortunes, but they are possible, and may Heaven prevent that my foreboding be fulfilled, for that would be the crowning misfortune consequent upon the lamentable 15th of April.

The duty of the Panama Railroad Company is to co-operate with the Government of New Grenada for the friendly solution of these questions, and to rightly estimate their pecuniary advantages, without endeavoring to embitter the state of affairs.

The questions have become sufficiently embittered by the improper reports of some of its employees, and it should only listen to those who are prudent and moderate, and it has such who are very estimable. It is not mine to individualize them,

for that would be an abandonment of the position I hold in my own country, and particularly on the Isthmus, where I am at present Vice-Governor of the State, by election of the Legislature for the present constitutional term.

THOS. C. DE MOSQUERA.

NEW YORK, *5th Dec.*, 1856.

affair with coolness and a calm manner. The Congresses of both Nations will be in session during the beginning of the coming year, and the members of each will devote an examination of the conduct of their respective administrations. To act in any other manner would be to violate the liberal ideas, and the civilization of both Americas.

These thoughts, emanating from an old republican, I trust will be viewed with indulgence by my own countrymen, and by the enlightened members of the American Congress, for whom I write without the presumption of believing myself capable of directing their thoughts; but I make use of this precious freedom common to both countries, to publish what in my view is proper to be expressed. The President himself will do us justice if he will honor me with a perusal of my reply to his Message.

Closing here my remarks upon the purely international questions, I will now give a rapid glance at the complaints of the Panama Railroad Company, to which the Message alludes.

I presume that the Directors of the Company have laid their claims before the American Government, in view of the fact that the Message states that the Charter of the Company has been infringed.

I have already stated that the Company, if it has any claim to make, must apply to the Executive Power and to the tribunals of New Granada, without the intervention of any other authority, as is stipulated in the 59th Article of its Charter, laying down the manner of proceeding. A violation of this Article makes it responsible for the consequences, and they will lie upon the Company. It has openly infringed the 28th, 29th and 56th Articles of its Charter, in not delivering the American mails to, and receiving them from the post offices; and in not maintaining a resident agent with full powers in Panama.

The 28th and 29th Articles treat only of the transportation of the mails, and not of the fiscal duty which may be imposed by the Republic, as sovereign of the territory; and for this reason the 30th Article states that the Executive Power shall at all times determine what foreign nations shall be permitted to transport their correspondence by the Isthmus, and cedes to the Company the right to make special contracts for their

transportation, but concludes with the stipulation that this power to make contracts shall not be opposed in any manner to existing contracts with any nation or nations. What existing contracts are these? The only one at that time was with the United States, by which New Granada agreed to carry the American mails across the Isthmus for thirty dollars if under one hundred pounds in weight, and for twelve dollars for every succeeding hundred pounds, or fraction thereof.

During the discussion in the Granadian Congress of the postal law of 25th April, 1856, before the disturbances of Panama were known, and in order to cede to that State a part of the income, that it might have resources wherewith to maintain public order, the preceding laws and the Charter of the Railroad were examined, and the right of the Company to make the contracts for transportation was not infringed. I have already stated that its former President, Mr. Stephens, while in Bogota soliciting new concessions for the Company, which were conceded, never opposed or protested against the law of 7th of June, 1850, which authorized the Executive Power to make contracts with other nations for the passing of closed mails, securing the greatest possible advantages for New Granada. This law is in accordance with the 30th Article of the Charter, which says that at all times the Executive Power shall determine what foreign nations may pass their correspondence by the Isthmus.

If the Company thinks itself entitled to an interpretation more favorable to itself, let it apply to the Executive Power, setting forth its reasons; and if justice is not done to it, then to the Supreme Court, which is designated by the Constitution and the Granadian laws to determine such points, which would be done, having in view the stipulations of the 60th Article of the Charter, which are favorable to the Company.

So far as regards its opposition to the tonnage law, it has not the slightest foundation, nor is there in the Charter any Article referring to ships, or to the supreme authority which the nation has over its foreign commerce; on the contrary, the

between those who had a taste for such affairs, while the voice of men of reason was overborne. The Governor was called, and when he arrived at the scene of tumult, he, and those accompanying him, were fired upon from the Railroad Station; Mr. Sabla, a clerk of the American Consul, and Senor Obarrio, a citizen of Panama, were wounded, and a ball passed through the hat of the Governor. The Governor ordered the Chief of Police to occupy the station house, using force if he was fired upon, and this gave rise to the prolonged tumult, during which eighteen persons became victims, who have not been identified because of the confusion, and of the departure of the passengers for California. This ominous affair, like those of Chagres and Panama in 1850, has taken another character from the manner in which the Consul, Mr. Ward, has conducted, embittering it on his side; and from the neglect of opportune measures on the part of the authorities, who found themselves impotent during the disorder.

Unfortunately, the invasion of Nicaragua by Walker had given rise to alarm among a part of the people of the country, and it was stated that the filibusters were about to invade the Isthmus. Idle persons who had come to settle in Panama, with perhaps evil intentions, circulated a rumor about that time, that the invaders were among the transit passengers, and they excited the negroes by telling them that they would be returned to slavery. This miserable intrigue among an ignorant people has produced its ill effects, and it has required great exertion to remove this impression, and prevent the establishmnnt of a popular error which might bring new disasters.

Such are, in short, the facts, which have been clearly and conscientiously explained by Senor Pombo, the Secretary of Foreign Affairs, to the American Minister at Bogota. It would be too long to enter here upon a discussion, point by point, of this matter, and what I have said states it clearly.

When the first advices reached Bogota, I took occasion to say, as a Senator, during a conference of the two houses of Congress, that the nation and the government were under the

necessity of remedying these evils, and doing ample justice in the matter, in order to avoid international questions. I was contradicted by a member of the radical party, when I presented the whole question in, as I think, a clear and conclusive manner. I made similar statements to my friends, the Vice President of the Republic, now acting President, and to the Secretary for Foreign Affairs; and afterwards, I sustained a bill for creating a permanent force, to garrison Panama and other points, supporting the Secretary of War, Senor Jaramillo, and Deputies who introduced the bill, which was passed by the House of Representatives this year, at the request of the Executive Power.

All this shows that Congress and the Executive Power have had, and have a wish to be just; and while the limitations of a democratic republic debilitate executive action, the affair should not be precipitated to a solution, when also we have proved a vehement desire to arrange it amicably. With this object the Executive Power directed the return from Costa Rica of General Herran, and that he might explain to the Government of the United States, hoping always that the wisdom of the members of the American Cabinet would justly interpret our desire to maintain peace and the friendly relations so long since established between the two nations.

I acknowledge that the national honor, and a sentiment of justice on the part of the Granadians, Congress and the Executive power, require that a just indemnity shall be made to the sufferers, after examining who they were, of what nations and what their industrial position. But to act in any other way would be to remedy one evil by doing a greater. The victims that a war may bring, and its evil consequences, can only be tolerated when there is an obstinate refusal of justice. The interruptions of friendly relations between New Granada and the United States would bring fatal results to both countries. When a nation of two and a half millions of people are outraged, it is probable that the whole country would become inflamed, and new passions and disorders be created. The interests both of Granadians and Americans require that public questions shall not be unduly hastened at a time when a new administration is about to attain in each country. Why should those who are departing from power leave them an unsatisfactorily settled question? The impartiality of the newly elected Presidents, Mr. Buchanan and Señor Ospina, both enlightened and true republicans, whose public lives are well known, is called upon to examine this

not vessels of war, and straining the interpretation of the 8th Article, demanded that New Granada should transport the correspondence according to the existing convention. In doing this it recognised that the right of passing the mails was subject to postal conventions after the treaty of 1846, exchanged in 1848. The Republic was obliged to pay the high freight for canoes and mules, which obtained on the Isthmus transit from 1849 to December 1851, and the exhausted treasury of New Granada paid, while that stipulation lasted, more than eighty thousand dollars over and above the sum received from the United States for the service performed. This fact proves how far New Granada has carried her good feeling for the United States, and how unjust the President is in his Message, and in the menacing tone with which he says he will resist the execution of our laws.

The American Government has no right to intervene in our questions with the Panama Railroad Company, while the Company does not comply with the 59th Article of its Charter, which stipulates that controversies that may arise shall be determined by the magistrates according to the laws of New Granada; and that no intervention of any authority or functionary other than those legally established with jurisdiction in New Granada shall be allowed. And this is more notable in the 60th Article of its Charter, which enacts that the interpretation of its clauses shall be in the sense most favorable to the Company. The Company has openly infringed the 28th and 29th Articles. It has not complied with the 56th Article, to maintain in Panama a representative, with powers sufficient to act in its name in all cases where it may be necessary, which it did not have on the unfortunate 15th of April; it would have been most important had such an agent been present in that unhappy affair. These are infringements, and the stipulations cited are clear, showing that the President has not taken a comprehensive view of all the questions in addressing Congress, and in authorizing American citizens to resist the laws of the country without previous friendly and prudent discussion, and after having observed the stipulations of the 4th and 5th clauses of the 35th Article of the Treaty.

Closing here my remarks on the postage and tonnage laws, I will proceed to examine the disagreeable question of the affair of the 15th of April, 1856.

Having shown what has been the situation of Panama since 1849, omitting a narrative of all the excesses committed, always begun by some adventurer of either nation, it is not strange that I anticipated a collision between passengers, who insulted and ill-treated the colored population. Though many might indolently bear blows, stripes, and other insults, there were others ungovernable, who returned insult for insult, for which reason, and the knowledge I had of the country, I supported on the floor of Congress in 1855, the opinion of Gen. Herran, then Secretary of War, that a garrison should be maintained in Panama. Two laws were passed in that year, and in the last 150 men were set down as a permanent force in Panama, against the opinion of the radical party which sustained the abolition of a standing army. This act of Congress proves that it wished to maintain the safety of the Isthmus. The tranquillity that reigned in the country induced the new Secretary of War, against the opinion of us who asked for a garrison, not to send it, but to confide the security of the Isthmus to its police. When I passed through Panama in August, 1855, I advised several members of the State Legislature to ask for the garrison accorded by law, which they did; but the government deemed that public order could be well maintained by the police and national militia of the Isthmus. Under these circumstances came the unfortunate 15th of April, and according to information which I obtained while passing over the Isthmus in September last, I learned that, stripped of the acrimony with which it has been related by persons interested in magnifying it, it is as follows:

An American, whose name has been published in California papers, disputing with a colored man, fired a pistol at him, and then commenced a fight between the two. Each had friends that took part in the tumult, and the conflict became general

ritory of the Republic, or from foreign countries, to be transported over the Railroad, whatever may be its destination, shall indispensably pass through the Post Offices of New Granada, which shall open with the Company an annual account of postage, in order to compute with the share of profit which may belong to New Granada, in conformity with the arrangement in the thirtieth article of this contract, and in order to guard against any fraud in this respect."

The 30th article does not treat of the fiscal duties upon the mails, according to the laws I have cited, but of their transportation. The literal meaning of this article was held in view by Congress in passing the law of 25th of April. I will treat this question as it relates to the Railroad Company in another place. What ground, therefore, has the President in stating that the treaty with the United States has been infringed? Surely none.

The Message supposes that the aforesaid law levies a tax of more than three dollars on every pound of mail matter transported across the Isthmus, which would amount to nearly two millions. The convention with England stipulates in its 11th Article, that the *letter* and newspaper mails shall pass in closed bags through the post offices; and the 20th Article of the same convention stipulates that the *letters* contained in the mails shall pay a transit duty of two rials (20 cents) for each Granadian ounce. The Granadian pound weighs 7,717 grains, and the American pound 7,000 grains; therefore they pay only 20 cents for each $482\frac{5}{16}$ English grains; that is to say, estimating the differences between Granadian and American money at four per cent., two dollars and sixty-nine cents per pound *on the letters only*, for printed matter and the mail bags pay nothing at all. Supposing that there passes the Isthmus yearly, 2,958,681 letters, as stated in the official data published in the American Almanac of 1856, which may be estimated 589,936 ounces, these at the rate of twenty cents an ounce would make the duty amount to $117,987.20, and not to two millions of dollars.

The Granadian Congress could not impose a less duty than

that she collects from Great Britain, and her Senators and Representatives never doubted that she was exercising her perfect right. We had also in view the fact that the United States collects here from New Granada, because she has no postal convention, as the American law says, 20 cents for every letter to Chagres or Panama, 34 cents to Carthagena, and 28 cents to Bogota and Buenaventura, besides 8 cents for every newspaper sent, and 4 cents each for those that come from there; while in New Granada letters from the United States pay only 15 cents, and printed matter nothing. The American Government is right in doing this, because there is no postal convention, and New Granada is also right. If the United States will make a postal treaty all this can be arranged; but do not tell us that we infringe a treaty that does not exist, and that we wish to collect two millions of dollars. The foreign postage law was not enacted solely for the United States; but it is a general law for mails passing the Isthmus; in order to provide for a fund wherewith to meet the expense of a public force to maintain the safety of the Isthmus transit.

A statement has been published in the official Gazette of the Granadian Government, that a new postal convention is being negotiated with Great Britain, reducing the postage on letters; and by an existing law of the Republic these advantages may be extended to other nations, and a mutually advantageous treaty may be made with the United States; the more so that New Granada entertains eminently liberal principles with friendly nations, which is well known to the American Government, and of which I will cite an example.

New Granada made a postal treaty with the United States on the 6th of March, 1844, for *mails sent in vessels of war*, which might be established by the American Government, stipulating that the mails should be transported across the Isthmus for thirty dollars a trip, if under one hundred pounds in weight, and twelve dollars for each additional one hundred pounds. The American Government did not establish packet vessels of war; and when the trade with California opened it contracted the transportation of the mails by steamers that were

the right or power of passing over the road or roads that may be made on the Isthmus; and the meaning of conceding a perfect right of transit is clear, as under the laws of nations which defines the rights, and prescribes the duties of nations in their intercourse with each other, it is known that the sovereign of a country may concede or deny to foreigners the right of transit or residence. The same article in the above extract limits the right of imposing tolls or charges on the transit to the term that they shall be also common to Granadians. It is consequently clear how this right of tolls and charges is to be understood, and these words have as ample a signification in Spanish as in English; "tolls," meaning "a tax paid for some liberty or privilege"; and the meaning of "charge" in this case is even more express, it being "to set or lay on; to impose as a tax."

The same article of the treaty stipulates that import duties may be collected in the country, and that goods which may have paid them, shall be entitled to drawback upon their exportation. This directly proves that New Granada has the perfect right to impose duties on goods passing over the Railroad, with the stipulation that they shall also be paid by Granadians. The question with the Company I will treat in another place, as the international question is first. The 35th Article also establishes the mode of collecting export duties, and regulating commerce, always under the supposition of paying fiscal duties, and refers to the articles which abolish the differential duties; and this article concludes by stipulating that the United States in return for these concessions will guarantee to New Granada the neutrality of the Isthmus, and sovereignty of the Territory, which are the only guarantees it derives from the stipulations. These stipulations were made by New Granada, with a liberal feeling towards the commerce of civilized nations, and that she might enjoy under them the advantage of exporting the products of the Southern and Western provinces of the Republic, which is the only advantage the country can have in carrying on her trade through the route; and to obtain this, she has first to construct other roads from the interior to

the coast of the Pacific. Throughout the treaty, the reciprocity of favors is extended equally to the United States and New Granada—that is to say, to their citizens, passengers, vessels, merchandise and correspondence.

I will now pass to the second question, the law in regard to postage to be collected on the mails and correspondence of the United States. The Message says the tax or contribution demanded is more than three dollars on every pound of mail matter transported across the Isthmus of Panama. The law itself stipulates only that the letter mails shall pay on crossing the Isthmus the same as is now paid by Great Britain, according to the convention of that Government with the Republic. The law is a general one for foreign mails crossing the Isthmus in closed bags, that is to say over any road over the Isthmus, and not only by the Railroad. This enactment, which is contained in the 2d Article of the law of 25th of April, 1856, is in accordance with the law of 7th of June, 1850, which authorizes the excutive power to permit, between the ports of Panama and Chagres, (now Colon,) and Panama and Portobelo, and vice versa, the transit of closed mails carried by special messengers, it being the duty of the executive to obtain the greatest possible advantages for the State.

The law was approved only three days after the approval of the contract with the Panama Railroad Company, and was never objected to by its agent, Mr. Stephens, who was in Bogota at that time; it is also in accordance with the 5th Article of the law of 29th of April, 1846, which directs the collection of a postage of fifteen cents on every letter not weighing more than half an ounce, and twenty-five cents for each ounce, and so on in proportion. So that the new law reduces the postage from twenty-five to twenty cents per ounce. The same law enacts by its 5th Article, that all correspondence crossing the Isthmus, shall pass through the Post Offices, and for a contravention of the law, a fine of quadruple the postage. The 28th Article of the privilege conceded to the Panama Railroad Company, stipulated as follows:

"All the correspondence which may arrive from the ter-

my orders, and the disorder was suppressed and security given to the foreign treasure.

The Panama Railroad Company were not able to complete their road for want of hands, and the hundreds and thousands of foreigners it carried there at the beginning, were, in the greater part, victims to the insalubrity of the deleterious climate of the virgin forests of the Isthmus ; when Mr. Totten indicated to it the only method of carrying out the enterprise by bringing natives of New Granada from the provinces of Carthagena and Sabanilla. These were the useful laborers who constructed that road. Mr. Totten being assisted by the good offices of General Joaquin Posada Gutierrez, who constantly supplied the work with hands till the conclusion of the first isthmus route opened to the commerce of the world.

The Isthmus transit being opened from one sea to the other, Panama lost the only advantages its inhabitants obtained from their position, which were the transit freights. The concessions made by the government and the inhabitants of lands for the road-way and stations, the greater part gratuitous, and the other at a small cost, brought no indemnity to the inhabitants of Panama. The concession made by New Granada, in collecting no transit duty on goods passing through her territory, is not appreciated. And because she has abolished all impost duties on the Isthmus, in order not to molest the trade, although the manner of proceeding in the collection of such duties is expressly stated in the contract with the Railroad Company, it is now assumed that New Granada has no right to impose duties. All this is worth much more than the pitiful indemnity of the portion that corresponds to the republic for the rights she has as sovereign of the territory. In another place I will further elucidate this point in reviewing each of the four which the President has touched in the Message.

The Message states that " The government of that republic undertook, a year since, to impose tonnage duties on foreign vessels in her ports, but the purpose was resisted by this government, as being contrary to existing treaty stipulations with the United States, and to rights conferred by charter upon the

Panama Railroad Company, and was accordingly relinquished at that time, it being admitted that our vessels were entitled to be exempt from tonnage duty in the free ports of Panama and Aspinwall."

This is an error. The State of Panama enacted a tonnage law, not the Congress, which alone has power to regulate foreign trade in New Granada, as in the United States; and for this reason, and not because of reclamations of the American Government, that law was annulled, which at once cut off the question which had been raised by the Government of the United States. These antecedents will be found in the records of the Senate here, and in those of the Congress of New Granada.

The Congress of New Granada subsequently enacted a general law regulating for the entire Republic the tonnage duties; and derogating the former laws which abolished these duties in the free ports of Tumaco, Buenaventura, Carthagena, Panama, Montijo, Bocas del Toro, Chagres, and Colon, (Aspinwall). Upon what article of the existing treaty does the President found his supposition that this law of tonnage dues is contrary to the treaty? There is no such stipulation; on the contrary the 35th Article stipulates, among other things, as follows: "The Government of New Granada guarantees to the Government of the United States, that the right of way or transit across the Isthmus of Panama, upon any modes of communication that now exist or may be hereafter constructed, shall be open and free to the Government and citizens of the United States; and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied upon the citizens of the United States, or their said merchandise, thus passing over any road or canal that may be made by the Government of New Grenada, or by the authority of the same, *than is under like circumstances levied upon and collected from the Granadian citizens.*"

The article above extracted, says that New Granada guarantees *the right of way or transit.* This is clearly and expressly

after the exchange of the treaty of 1846, on the 10th of June, 1848, approved by the Grenadian Congress and ratified by the American Senate.

I have made this simple, but important relation, to prove, 1st, That the loyal course of New Granada, promoting the general interests of both nations, is of much value in questions of policy; and does not merit the unworthy manner in which the Granadian people have been treated by some of the agents of the American Government. 2d, That no one can better know the stipulations of a treaty than those who have made it; and 3d, That in entering upon the question in order to dispel before my own countrymen, the citizens of the United States, and the civilized world, the errors in the President's Message, I possess the requisite data.

As a Senator of the Republic of New Granada I shall raise my voice before my countrymen to defend our national rights, to do justice to just claims, and to show that since 1855, I had foreseen the events of the 15th of April, 1856, for I knew how affairs were managed at Panama.

The question must be divided into two parts ; 1st. That which has relation to the foreign affairs of the two nations ; and, 2nd, The question peculiar to the Panama Railroad Company.

Before doing that, I have to set forth other antecedents, as the affair is too complex to be treated entirely separate.

While the Panama Railroad Company was carrying on its work, the rich gold mines of California were discovered, and the Isthmus became the scene of transit between North America and Europe and California. The country was invaded by an immense immigration, and the golden wealth of California brought to Panama and Chagres, men and money. It attracted not only useful men, but also a great number of evil-doers from all nations for the purpose of plundering and becoming rich. The ancient morality of the Granadian people was the only bar that prevented disorder. Notwithstanding, the adventurers that went from diverse places commenced to create confusion by opposing the authorities of the country, and there were es-

tablished in the Granadian territories, villages and hamlets of foreigners who violated the laws, and claimed for themselves the right of executing justice. From that time men who had neither charity nor Christian principles, used their firearms against the unarmed colored inhabitants of the Isthmus, in the belief that the killing of a negro was the same as shooting a monkey. These men were not restrained by the example of the large number of well-behaved persons who, in their transit through Panama, were useful to its interests. The evil disposed were joined by others, blacks who came from Jamaica, Saint Domingo and other islands, and from the Atlantic coast of New Granada; and retaliation soon began between whites and blacks.

To relate now the history of the six years that have passed on the Isthmus of Panama, would be to present the most ominous picture of the crimes committed, almost always instigated by evil disposed foreigners. The passions became daily more excited. In May, 1850, several Frenchmen attempted to do themselves justice by investigating a robbery ; and when they were about to punish the suspected criminal, it was reported that they were about to hang him, which produced a tumult similar to that of the 15th of April, 1856. Fortunately, I happened to be in Panama, and being informed of the affair, I went to sustain the Governor, and was enabled to prevent greater evils by affording protection to the transient persons and residents of Panama. The thieves who had congregated on the Isthmus from different points threatened the transit of treasure, and knowing the importance of safety to the interoceanic trade, I obligated myself to the insurance companies to protect the treasure, and my obligations were fulfilled.

In 1851, an Irish gentleman and others, Americans and foreigners, undertook to make a revolution in the country, and to establish a government of their own ; the British consul, Mr. Perry, and the American consul, Mr. Corwine, feared that their houses would be sacked by those people, and they asked for protection from Governor Obaldia. Being at that time on the Isthmus, the Governor placed the limited force there under

ties, which was rejected by the United States, for which reason a new treaty could not be made, and the American Minister had not been able to attain any concession. While in charge of the Executive power as President of the Republic, I adopted a different course, and deemed it necessary to abolish the differential duties. With this object I proposed, during a conversation with Mr. B. A. Bidlack, Charge d'Affairs for the United States, the negotiation of a treaty, in which the differential duties should be abolished, and that we should enter upon more intimate relations with the American Republic. Mr. Bidlack received with pleasure and surprise my intimation, for so far was he from hoping to obtain this, that he had not full powers to make a treaty. I intimated to him that the Secretary for Foreign Affairs, Sor. M. M. Mallarino, now vested with the Executive power, as Vice President, was already authorized to confer with him privately, in order to avoid complications with other diplomatic representatives, who availed themselves of their position in the country to prevent New Granada from abolishing the differential duties.

I had in view a higher object, which was the construction of an inter-oceanic railroad on the Isthmus of Panama, for the service of the commerce of the world, and for this purpose had directed the New Granadian Minister in France and England, that he should propose to those Governments a treaty guaranteeing the neutrality of the Isthmus and the sovereignty of that Territory. I proposed the same to Mr. Bidlack, and the Secretary for Foreign Affairs drew up the proposition contained in the 35th Article of the existing treaty; it was not till that proposition had been accepted that a contract for a railroad at Panama was made with a French Company, represented by Mr. Mateo Klein, and the administration asked for the passage of the Second Article of the Legislative decree of 8th of June, 1847, authorizing it to transfer that privilege to any other Company, if the French Company did not carry it into effect. Under this authority, I directed that the affair should be transferred from the New Granadian Legation in France to the one in the United States, as the American Government had approved the conduct of its representative, Mr. Bidlack, in negotiating the treaty with New Granada. This treaty, proposed *sub spe rati* by the Administration over which I presided, for the purpose of drawing closer the relations between the two Republics, was accepted without other variation than the wording of the 1 to 5, 7, 8, 10, 13, 15 to 24, and 27 to 34 Articles, which, although the articles proposed treated the same matters, Mr. Bidlack desired should be worded as in similar articles in the treaty of 5th of December, 1825, between the United States and Central America, to which I had no objection, as the manner of wording only was treated. The members of Mr. Polk's Administration, Mr. Marcy, the present Secretary of State, and Mr. Buchanan, the future President of this Republic, well know the history of this affair, and what was the friendly feeling of New Granada toward the United States, which should not be forgotten in the history of the foreign relations of a country, the more so, as the views which animated the two governments had a much more elevated range than the narrow circle in which they are now viewed by the President.

The Mexican war prevented the ratification of the treaty by the Congress of 1846-7, the approval by the Senate being wanting; and antagonistic views existing on the part of other governments, which desired that the treaty should not be approved by the United States, I deemed an extraordinary mission necessary, and General P. A. Herran was appointed Envoy Extraordinary and Minister Plenipotentiary, to urge the approval of the treaty, and to stimulate the formation of a Company for the construction of the Railroad between the two oceans on the Isthmus of Panama. Happily in the Senate of the United States there were members who were sagacious, and who saw the importance of the question. A contract was made with W. H. Aspinwall, John Lloyd Stephens, and Henry Chauncey, by Gen. Herran, on the 28th of December, 1848, which I approved as President of the Republic, and I asked for the law passed on the 12th of June, 1849, which was approved by the administration that succeeded mine in that year,