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ANGLO-AMERICAN ISTHMIAN DIPLOMACY
— AND THE CLAYTON-BULWER TREATY

by

George W. Shipman

A Thesis submitted to the
Faculty of the School of Graduate
Studies in partial fulfillment
of the
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George W. Shipman

Introduction

The Panama Canal is one of the major commercial waterways of the world and, furthermore, it is vital to the defence of the United States. Before this canal could be constructed, it was necessary to persuade the British government to give up its right to share with the United States the building of an isthmian canal. The Clayton-Bulwer treaty of 1850 had provided that neither the United States nor Great Britain would carry out the project singly. Later through the Hay-Pauncefote treaty Great Britain agreed to abrogate the Clayton-Bulwer treaty and allowed the United States alone to build and fortify the canal. This was an obvious success for American diplomacy.

Most accounts of the origins of the Clayton-Bulwer treaty have been written in a manner that leaves the impression that the United States was duped into the involvement and that, once involved, was unable to maintain a relationship with Great Britain and Central America that was in line with American policy and public opinion. This paper cites evidence which leads to the conclusion that Secretary of State John M. Clayton actually achieved a distinct diplomatic victory

in securing the treaty. The victory lay in the effective alteration of the traditional British policy of containment of the United States as a result of the decisions made by the British government in negotiating and signing the Clayton-Bulwer treaty.

Much of the British diplomatic correspondence relating to the treaty was inaccessible to the author. However, all channels of American diplomatic correspondence for the negotiation period were explored and secondary sources on the British side, as well as considerable primary material was used. Extensive use was made of the John M. Clayton Papers at the Library of Congress and the National Archives collection of official State Department correspondence.

The Clayton-Bulwer treaty affected Anglo-American isthmian diplomacy for half a century. It is doubtful, however, that it was the major factor in preventing the construction of a canal during this period. When the United States was sufficiently strong to challenge the British in the isthmus, the latter accepted the United States as a potential partner in any possible canal. When the United States was prepared to proceed alone, the British once more recognized the new nation's ambitions and pride. Much credit must go to the British for the sort of realism that avoided conflict and paved

the way for eventual cordial ties with their American
cousins.

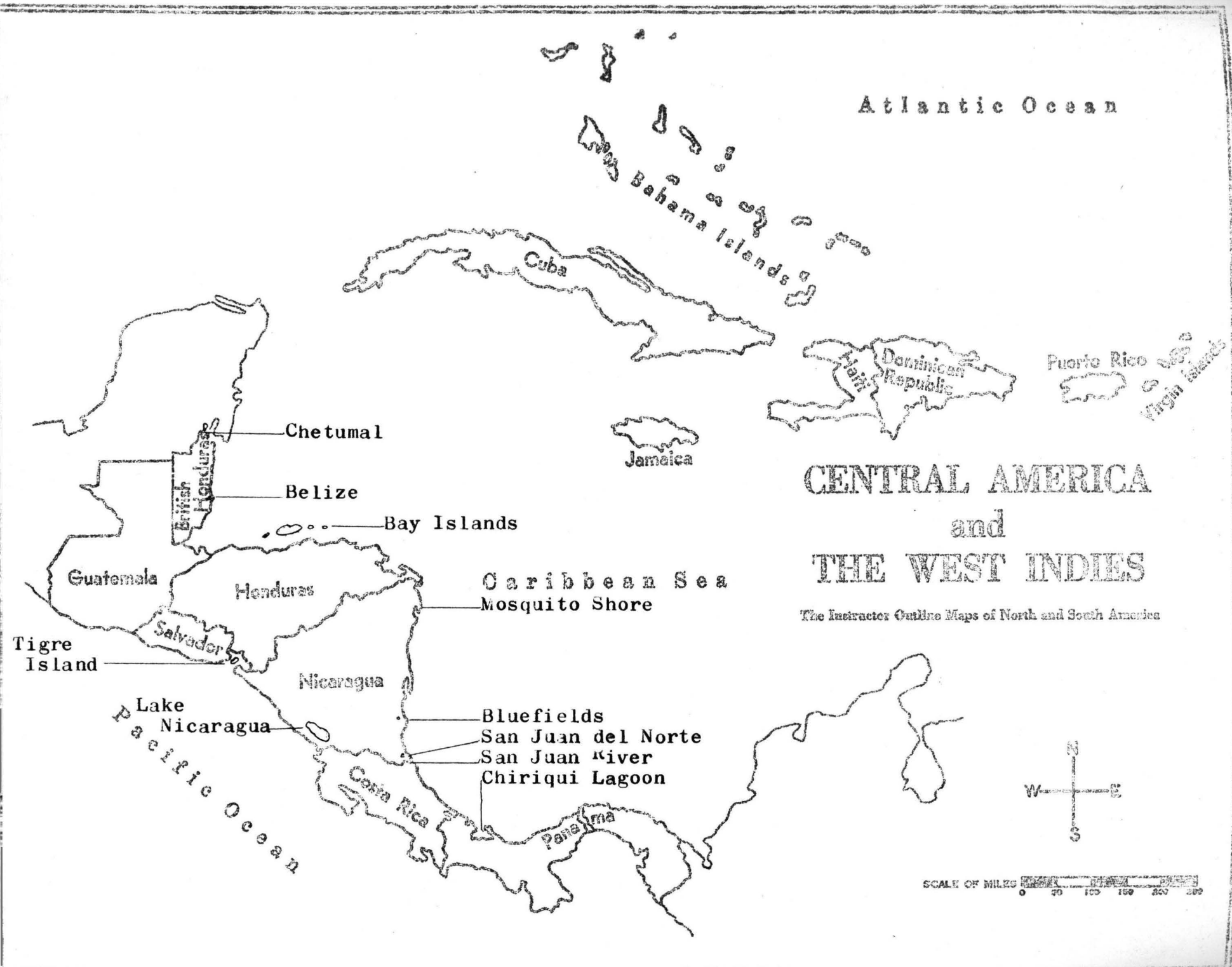


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I. BRITISH AND SPANISH RIVALRY IN CENTRAL AMERICA UP TO 1814

Spanish Discovery

Spanish claims to sovereignty over the Atlantic coast of Central America were based on discoveries made as early as 1502. After touching the shore at Cape Honduras in that year Christopher Columbus followed the coast of Central America south to Panama. A few years later (between 1506 and 1508) two more Spanish explorers, Pinzón and Solís, landed at Cape Honduras.¹ This expedition, however, followed the coastline north along the shores of present day British Honduras to Yucatan. The Hernandez de Cordoba expedition of 1517 to Yucatan eventually led to the Cortez expeditions of 1518 and 1519 which resulted in the conquest of Mexico.

The year 1527 saw the Spanish conquest of the Yucatan peninsula and the establishment of a provincial governor, Francisco de Montejo. The following year Governor Montejo set out on an exploratory expedition to the south along the coast of the present site of British Honduras. The governor sailed from Yucatan

¹D.A.G. Waddell, British Honduras (London: Oxford University Press, 1961), 3.

down the length of the Central American coast until he reached Golfo Dulce, where he turned back to Yucatan. Shortly afterward Governor Montejo sent a subordinate, Lieutenant Davila, on a similar mission, but also to establish a settlement at Chetumal. Lieutenant Davila found the Indians too determined for his small force to overcome and was forced to abandon Chetumal after only a short occupation. He and his party found it necessary to escape in canoes and flee down the coast of Central America. The reports of Lieutenant Davila's expedition merely confirmed the suspicions of Governor Montejo that the region was unsuitable for colonization.

In 1535 Governor Montejo was also made governor of the province of Honduras, which extended his domain to include the Gulf of Honduras and the Golfo Dulce region. However, in 1544 Montejo was relieved of his governorship. The splitting of the two provinces left the Golfo Dulce area still a part of the Yucatan province but with a rather slender line of communications between itself and Chetumal (which was resettled in 1546). The loss of this territory (Honduras) caused the line of communications between Chetumal and Golfo Dulce to be neglected. The unsuitability for settlement of the coast between the two points was the major reason for rapid neglect of the coastal region.

In 1549 the Golfo Dulce area was withdrawn from the province of Yucatan, eliminating any reason for maintaining ties with the coastal area north to Chetumal. Henceforward the Spanish failed to construct settlements or maintain physical control over the north eastern Atlantic coast of Central America, basing their rights of sovereignty upon the discovery and exploration of the area. The location of the area in relation to Spanish centers of activity and the hostility of the natives were the area's greatest disadvantages.

The Spanish hegemony in the Caribbean area was successfully challenged by the British in 1655 when Cromwell took Jamaica. After defeating the Dutch fleets in Europeans waters the British fleet was used by Cromwell in the Caribbean rather than allow the well equipped and efficient fleet to lay idle.² Privateering was the primary occupation of the Englishmen who were seeking fortunes in the Caribbean at the Spaniard's expense. Freebooting was a lucrative field for the English captains as long as Spanish treasure ships transported their bullion to Spain. After the pirates looted the Spanish treasure ships they usually burned or abandoned them. However, some of the pirates

²W.E. Lunt, History of England (New York: Harper Brothers, 1956), 450.

soon learned that the logwood cargo from Central American forests they had been burning after stripping the ship of its riches, was also quite valuable. As the Spanish ships became scarcer the pirates found it relatively easy to found a small settlement at Belize and cut their own logwood.

With the suppression of privateering and piracy by the British as well as the Spanish many of the adventurers turned to the logwood industry at Belize. The logwood settlement prospered so rapidly that by 1670 the British government attempted to negotiate with Spain for the recognition of the rights of British subjects in the area. In a treaty of that year, article seven read:

It is agreed that the most serene King of Great Britain, his heirs and successors, shall have, hold, keep and enjoy forever with plenary right of sovereignty, dominion, possession and propriety, all those lands, regions, islands, colonies, and places, whatsoever, being or situated in the West Indies, or any part of America, which the said King of Great Britain or his subjects do at present hold or possess.³

The treaty was negotiated for the purpose of settling the disputed claim of the British to Jamaica. The

³Lewis Hertslett, A Complete Collection of the Treaties and Conventions and Reciprocal Regulations at Present Subsisting Between Great Britain and Foreign Powers (London: Henry Butterworth, 1840), Vol. II, 196-197. See Appendix, page 122.

British, however, also attempted to utilize the same clause in their claim to the Belize settlement. The Spanish ignored the British claims and continued to harass the British settlement.

From 1670 until 1763 British subjects in Belize were able to retain control of the area (with the exception of a short period in the 1730's when Spanish drove them out). Although the Spanish denied the legality of the settlements and Britain officially demurred in favor of the Spanish, the settlers maintained their positions and industries.

The conclusion of the Seven Years' War in 1763 and the subsequent peace treaties (Peace of Paris) resulted in the reestablishment of Spanish sovereignty in Central America. In the treaty, Great Britain agreed to recognize Spanish sovereignty and the Spanish granted concessions to the settlers in the area. Spain allowed the settlers to remain in the area on a temporary basis. The "Baymen" (British subjects on the Central American coast) were to demolish all fortifications in exchange for the privilege of cutting the local woods and Spanish protection. The agreement between Great Britain and Spain did not settle the problem, however, because of the rather lenient interpretation by the Baymen of the treaty stipulations. Although the

Spanish succeeded in obtaining the desired concession from the British government, the real problem at the moment was to force the Baymen to go along with the British agreement.

In 1779, with the American Revolution in progress, Spain declared war on Great Britain and utilized the opportunity to attempt to drive the Baymen from Belize. The Spanish forces surprised the Baymen and captured the settlement before the news of the hostilities reached the British settlements. Spain managed to retain control of the coastal settlements throughout the war. The peace negotiations led to the Treaty of Versailles in 1783 which spelled out the Spanish and British positions in Central America much more clearly than any other agreement in the past. Spain retained her sovereignty over the Belize coastal area and granted some closely defined concessions to the Baymen. Their wood cutting industry was to be confined to an area between the Hondo and Belize rivers.⁴ The provisions of the treaty were too restrictive for the Baymen, however. They continued to violate Spanish sovereignty and law by extending their domain beyond the depicted boundaries of the treaty. The Baymen had

⁴"State Papers", The Annual Register, 1783, 334-335. See Appendix, page 130 and map on page 131.

found the area allocated to them already cut over (by themselves) and lacking mahogany. Mahogany was a commodity which had only recently been developed as a valuable product of Central America.

After three years of discussion and controversey, the two nations negotiated a "Convention Between Great Britain and Spain" which was dated July 14, 1786.⁵ The new treaty reaffirmed Spanish sovereignty over the territory but granted larger concessions to the Baymen. Their territory was extended south to the Sibun river, an area upon which the Baymen had been encroaching for years according to the Spanish. The new treaty also granted the Baymen the right to mahogany and most other products they had not been allowed before. The Spanish demanded, however, that the Baymen construct no fortifications, no permanent plantations, nor any formal governmental bodies. In short, the Spanish would tolerate a settlement of only a temporary nature. Spain retained the right of inspection twice a year in order to safeguard her sovereignty over the area.

Although the Spanish attempted to regulate and control the settlement, several factors worked in opposition to a peaceful co-existence. The first

⁵loc. cit., p. 1786, 263. See Appendix, page 139 and map on page 131.

factor was the influx to Belize from the Mosquito Shore of settlers who were displaced by the stipulations of the treaty of 1786. These new immigrants also increased the competition in the Belize lumber industry. The attempts of the Baymen to increase their dominions and to establish permanent plantations brought harsh reprisals from the Spanish. Another factor was the jealousy of the Spaniards in the wood cutting industry. They were as vigilant for British encroachments as the inspectors were.

The Baymen became distressed at their vulnerability and the many Spanish threats. They were constantly appealing to Britain for the appointment of a Superintendent to help them in their relations with the British government in London. A Colonel Despard arrived in 1786 to serve the Baymen as their first Superintendent. Colonel Despard did not quite meet with the approval of the Baymen because he felt the settlers ought to live up to their treaty obligations. He constantly co-operated with the Spanish inspecting officers, which didn't exactly endear him in the hearts of the settlers. Colonel Despard was replaced when he tried to substitute his direct administration for the traditional public meeting of the settlement. Colonel Hunter, Despard's replacement, restored the old system of governing to the settlements and also

prepared the settlers for the possibility of war with Spain. After he completed his mission and the war threat failed to materialize Colonel Hunter was recalled to London.

From 1791 until 1797 Belize had no superintendent. The possibility of renewed hostilities with Spain saw the appointment of a Colonel Barrow as Superintendent. Colonel Barrow's major task was to prepare the defenses of the settlement for the probable Spanish attack. When war finally came, he was able to lead the settlers to victory over the Spanish in their last attempt to take Belize by force.

Although the British settlers in the area usually managed to maintain a military superiority over the Spanish, the British government always acquiesced in favor of the Spanish at the negotiating table. The third article of the Peace of Amiens in 1802 read:

His Britannic Majesty restores to the French republic and its allies, viz. his Catholic majesty and the Batavian republic, all the possessions and colonies which respectively belonged to them, and which have been either occupied or conquered by the British forces during the course of the present war.⁶

Napoleon's invasion of Spain in 1808 caused an alliance in 1809 between Spain and Great Britain. The

⁶Williams, 8.

alliance brought an end to four years of hostilities between the two countries in order to meet the French challenge. In actuality the alliance was an end to hostilities and a temporary deferrment of disputes until 1814. The 1814 treaty proved to be a crushing blow to the Baymen because it reaffirmed the provisions of the treaty of 1786 concerning Spanish sovereignty over the Central American territory.

The Bay Islands

In 1502, during his fourth exploratory voyage, Christopher Columbus landed on, and claimed for Spain, a group of islands in the southeastern part of the Gulf of Honduras. These islands later became known as the Bay Islands and, although largely uninhabited, they were considered a Spanish possession until 1642. In that year a force of buccaneers landed on the largest of the islands, Ruatan, and established a base of operations for their depredatory activities. The Spanish drove the British freebooters off the island in 1650. The British did not return until 1742, when war was renewed between Britain and Spain. As usual, however, the British relinquished their position to the Spanish in the peace treaty following the war. The treaty of Aix-la-Chapelle recognized

Spanish sovereignty in Central America, as did most of the previous treaties. The British position in Ruatan remained rather tenuous until the early nineteenth century. Until that time British settlers were officially excluded from the Bay Islands by the same agreements previously mentioned concerning Belize: the treaty of Versailles, the supplemental treaty of 1786, the alliance of 1809, and the treaty of 1814, all of which reaffirmed Spanish sovereignty over the area.

The Mosquito Shore

It has been mentioned earlier that Columbus journeyed south from the Cape of Honduras and laid claim to the land as he travelled. On his southern route Columbus sailed along the coasts of present day Honduras and Nicaragua, which he claimed as Spanish territory by right of discovery. Due to the inhospitality of the terrain and the Indians, lack of natural wealth for exploitation, and distance from Spanish centers of activity the "Mosquito Shore" (so named for the Indians residing there) was sparsely inhabited. In spite of these facts Spain still maintained her claims to sovereignty over the length of the Central American coast.

The Indian inhabitants of the shore were a rather

fierce group known as the Mosquitos or the Moscos. They were made up of three racial strains; Caucasian, Negro, and American aborigine. Early Spanish efforts to colonize the area included unsuccessful attempts to subjugate the Mosquitos. The Mosquitos retained the memory of harsh treatment at the hands of the Spanish and henceforward maintained a decidedly hostile attitude toward them. The lack of wealth in the coastal area and the enmity of the Indians forced the Spanish to seek their fortunes further inland.

The British managed to establish rapport with the Mosquitos when the Spanish failed. British privateers found the Mosquitos a natural ally and cultivated a lasting friendship with the Indians. After the capture of Jamaica in 1655 Oldman, the Mosquito chief, was taken to England where an alliance of rather dubious validity was negotiated. From that time on the Mosquito Indians described themselves as subjects of the British throne.⁷

The British authorities on Jamaica immediately began to utilize their new-found allies, the Mosquitos, in the recovery of runaway slaves seeking refuge in the

⁷At first appearances that gesture on the part of the British government appeared to be nothing more than the flattering of a petty chieftain, but the consequences and the precedent setting of the act would later be of a great advantage to the British government.

coastal regions. The British also introduced the use of firearms to the Mosquitos and supplied them with weapons to be used against their mutual enemy, the Spanish. It was only a matter of a few years until the British on Jamaica began to establish small settlements on the Central American mainland. These settlers soon began to clamor for their rights as Englishmen whenever they encountered difficulties with the Spanish and they began to prod the Mosquitos to ask for the British protection guaranteed them under the alliance negotiated by Oldman. The British governor of Jamaica didn't seem to accept their argument as a sound premise for British protection, but did send Justices of the Peace to the coast in order to maintain order and regulate the commercial affairs of the settlements.

British involvement in the affairs of the Mosquito Shore was increased in 1739 when war between Spain and Britain was renewed. Governor Trelawney of Jamaica sent Captain Robert Hodgson to the Mosquito Shore in order to negotiate a new alliance with the Indians.⁸ The ultimate purpose of the alliance was to secure cooperation in fomenting a general revolt along the

⁸Williams, 17.

coast against the Spanish which would enable the British to obtain possession of the area. Captain Hodgson not only secured an alliance with the Indians but also a cession of their lands to Britain.⁹ Hodgson and his Mosquito allies failed to precipitate any sort of a general revolt in Central America, but he did strengthen the overall British position on the Mosquito Shore by obtaining the land cession from the Mosquitos and defeating a Spanish expedition in 1747. As a reward for his successful intrigues against the Spanish and his generation of a greater determination among the British settlers on the Mosquito Shore he was made Superintendent.

Although the terms of the treaty of Aix-la-Chapelle in 1750 called for evacuation of the territory by the British, Superintendent Hodgson stood his ground in the face of Spanish threats. He maintained that it was necessary to remain on the coast in order to prevent hostilities between the British settlers and the Spanish authorities. The Spanish didn't accept Superintendent Hodgson's reasoning and began to make preparations for dislodging him. Governor Knowles of Jamaica cautioned the home government about Hodgson's impetuosity on the Mosquito question. The government in London counseled Hodgson to move more cautiously.

⁹Ira D. Travis, The Clayton-Bulwer Treaty (Michigan Political Science Association, 1899), 28.

The retirement of Governor Knowles and the outbreak of the Seven Years' War in 1756 introduced a new opportunity for aggrandizement in Central America. During the new conflict there were no major territorial gains made by the British, but they were able to maintain their position throughout the war. The Peace of Paris of 1763 provided that Britain should destroy "all fortifications which her subjects had erected in the vicinity of Honduras Bay and other places in the territory of Spain in that part of the world".¹⁰ The Spanish had apparently intended that the abovementioned section include all of Spanish America, but Great Britain later announced some reservations in interpreting that portion of the treaty. Britain granted that the Black River settlement was to be regarded within the Bay of Honduras region (hence it should be abandoned), but not the territory extending to the south of that region; i.e. the settlements at Bluefields, Cape Gracias a Dios, and San Juan. The son of Robert Hodgson, Captain Robert Hodgson, was appointed as the Superintendent of the area and served from 1767 until 1775. During that period Captain Hodgson established an elective commission which served a semi-legislative capacity in the governing of the

¹⁰Hertslett, Vol. II, 235. See Appendix, page 128.

Mosquito Coast.

The Spanish officials continued to register complaints with Great Britain against the settlements, but they were largely ignored. At that time Britain began to espouse a policy which would greatly effect its position while negotiating with the United States in 1850; the maintenance of a protectorate over the Mosquito Kingdom. Until this period Britain had merely claimed difficulty in controlling it's subjects and their actions in Central America. During Captain Roger Hodgson's tenure as Superintendent the British deemed it expedient to uphold its obligations under the various treaties of alliance with the Mosquitos. These treaties recognized the Mosquito Kingdom as sovereign and independent. The British also relied on their activities on the Mosquito Shore. As it has been early mentioned, the Mosquito Indians considered themselves under the protective wing of Great Britain. It would seem that the British were attempting to make good their claims to the coastal regions, or the long cherished dream of obtaining the interior regions to Lake Nicaragua.¹¹

¹¹ Although several writers hold that Great Britain coveted the interior regions of Nicaragua and Honduras, no precise reason for the covetousness is given. The British may have been motivated by the desire to obtain greater areas of forest in order to exploit the logwood

The Spanish registered protests with the government in London, but all to no avail until 1779. British violation of Spanish sovereignty in Central America certainly weighed heavily in Spain's decision to declare war on Britain during the American Revolution in 1779. The war was an excuse for Spain to attempt to forcibly dislodge the British enemy from her Central American possessions. Spain immediately took possession of Belize and managed to retain control of it for the remainder of the war. Britain, however, managed to secure a foothold on the Mosquito Shore after some early Spanish victories.¹²

In the peace negotiations at Versailles in 1783 the British were again forced to recognize Spanish sovereignty in Central America. At first the British negotiators and ministry balked at accepting an article which restored to Spain all possessions to be found on the "Spanish Continent". However, Charles James Fox, the Cabinet head, pointed out to the cabinet and King George III that the British did not have to accept the Spanish interpretation of the "Spanish Continent".

industry and obtain timbers and masts for their ships. It is possible that some persons in the British hierarchy were farsighted enough to realize the potential value of the right of transit across the isthmus, but it seems doubtful that the Central American policy of Great Britain in 1779 rested solely upon isthmian transit rights.

¹²Travis, 26-27.

At Fox's behest the British government allowed the article to stand.¹³

After signing the treaty of Versailles in 1783 the Spanish attempted to get the British to evacuate the settlements on the Mosquito Shore. The British replied that the Spanish had never conquered the Mosquito Indians and could not claim the coast to be part of a "Spanish Continent". The British referred to the coast as part of "the American Continent". It is needless to say that the Spanish were furious over that turn of events. The Spanish persisted in their demands and finally Britain assented to negotiate a supplemental treaty, which was signed in 1786 and which clarified the Central American situation. The new treaty emphatically guaranteed Spain's sovereignty over the Mosquito Shore.

His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described.¹⁴

The treaty of 1786 was unpopular in Britain as well as with the settlers on the Mosquito Shore. The

¹³Travis, 28.

¹⁴"State Papers" The Annual Register, 1786, 263.

majority of the settlers, however, adhered to the stipulations of the treaty and evacuated the territory under discussion. Although the Spanish had secured their title to the Mosquito Shore they could not maintain possession of it. The few settlers that remained collaborated with the Mosquitos to defeat the Spanish recovery program. By 1796 the Mosquitos had driven the last of the Spanish from their territory. Spain continued to voice its claim to the Mosquito Shore even though it was not able to mount another military expedition to recover it.

Although she frequently held portions of Central America Great Britain never possessed a clear title to any of the land. The strongest claims for Britain lay in Belize (British Honduras) by right of settlement, development, and agreement. Even though Spain had earlier discovered Belize, British settlers moved into the area and settled there after several unsuccessful Spanish attempts to do so. The settlers suffered the hardships of the primitive environment but managed to develop a viable economy based upon the products of the forest. Finally, by agreement the British secured the right from the original possessor, Spain, to carry on their enterprises in Belize.

Britain's position in relation to Central America

was stabilized near the turn of the century (1800) due to her recognition of Spanish sovereignty in the treaty of 1796 and the reaffirmation of this recognition in the treaties of 1802, 1808, and 1814. At the same time, British energy and ingenuity was being heavily taxed on the European continent by the French Revolution and the Napoleonic wars.

After the defeat of Napoleon two factors motivated the British to renew their activities in Central America; the Latin American independence movement and the expansion of the United States. These two factors and their effects upon the nature and the result of the British complicity in Central American affairs are important to an understanding of subsequent developments.

II. THE SCOPE OF THE CONFLICT ENLARGES

Great Britain and the Central American Independence Movement

The Anglo-Spanish alliance of 1809 called for a later treaty to settle any outstanding disputes between the two governments.¹ In 1814 such a treaty was negotiated. One of the disputes settled was the question of sovereignty over the Mosquito Shore, the Belize settlement, and the Bay Islands. Unhappily for the Baymen, the British government reaffirmed its position as stated in the treaty of Paris (1783) and the supplementary treaty of 1786, guaranteeing Spanish sovereignty.

During the Napoleonic Wars Spain lost effective control over her Latin American colonies. Great Britain became the guarantor of the Spanish colonies for the war years in opposition to her prior role in Latin America.² In order to preserve the strength of her Spanish ally Britain withdrew support from insurgent movements throughout the Spanish colonies and encouraged those engaged in such movements a policy of reconciliation

¹See appendix, page 148.

²William W. Kaufmann, British Policy and the Independence of Latin America, 1804-1828 (New Haven: Yale University Press, 1951), 42.

with the mother country. The British government also encouraged the Spanish to open to British merchants colonial ports which previously had been closed to protect the Spanish commercial monopoly.

Although the British claimed to be trying to save the Spanish empire, two factors worked against this preservation. The first factor was that Britain staunchly opposed any transfer of Spain's troops from Europe to her American colonies in order to pacify insurgent forces. Britain maintained that they were needed to oppose Napoleon in Europe. Although the Spanish troops were probably needed on the European continent, the fact remains that without such troops in Latin America the insurgents had a much freer hand in their activities. The second factor working against Spain's retention of her colonies was that the coffers of the various colonies grew at a rapid pace due to the increased earnings of import duties. These duties were increased by the growth in imports of British goods during the war with France. The monies raised were later used in the revolutionary struggles against Spain which followed that war.

On September 21, 1821 the Declaration of Independence of the United Provinces of Central America was announced. Almost simultaneously the government of this budding

nation also announced its claims by right of inheritance to the areas then held by the British settlers. Although the British settlers in Central America clamored for formal British recognition of their status as British colonists, the British government did not immediately renew its claims to the areas. The British colonial secretary reacted to the settler's demands by asking the Crown's legal advisers the status of Belize (an area to which Britain seemingly had the strongest claim). On the basis of the treaties in 1783, 1786, 1802, 1809, and 1814 the legal advisers asserted that Spain still retained sovereignty over the area.³ At that time the British government briefly considered negotiating with Spain for the rights to the Belize territory; however, that plan was not immediately put into effect. The British foreign minister, Lord Palmerston, refused to negotiate with the Central Americans because he had no intention of recognizing their claim to the former Spanish titles even implicitly.

The Monroe Doctrine

Before immediately delving into the British schemes and negotiations it is necessary to introduce a second factor aside from Central American independence which

³Williams, 32.

greatly affected the complexion of the Central American scene. Emerging from the War of 1812, the United States began to feel it's importance in the Western Hemisphere. The desire for territorial expansion and the development of national self-awareness began to emerge as part of the national image. The continuous extension of the American frontiers westward seemed to "prove" to Americans that the United States was destined for greatness and was fit to watch over the continents of North and South America.

As champions of democracy and freedom, the American leaders looked benignly upon the revolutionaries of the Latin American colonies of Spain. The United States government recognized it would be unwise to take an open part in the revolution or recognize the new countries until Spain finally exchanged ratifications of the Adams-Onis treaty in 1820.⁴ The United States also remained a trifle hesitant about recognizing the countries because President Monroe wasn't certain about the attitudes of the powers of the Grand Alliance.⁵

⁴Spain would not ratify the treaty immediately because she feared the United States would recognize her rebelling colonies, thereby facilitating their attempts for international acceptance. However, Andrew Jackson requested permission from President Monroe to enforce the treaty "at the mouth of a cannon" which the President did not oppose too strongly. That suggestion prompted the Spanish to action.

⁵Kaufmann, 147.

(The Grand Alliance was an agreement between Russia, Austria, France and Prussia to restore monarchies, particularly Spain, to their former positions prior to the French Revolution. In Spain's case that meant the restoration of her colonies.) However, in 1822 President Monroe finally did recognize several Latin American governments, a move which placed the United States squarely in the path of the Grand Alliance's plans for Spanish restoration.

British Foreign Minister George Canning also opposed the Grand Alliance's plans for Latin America, but not for such altruistic reasons as did the United States. Canning wished to maintain the position of the British merchants who had displaced the Spanish trade monopolies upon the success of the revolutions. He announced his opposition to the intervention of the Grand Alliance in Spain, but to no avail. On August 16, 1823 Canning broached the subject of the possibility of a joint proclamation by the United States and Great Britain in opposition to the announced plans of the Grand Alliance. Richard Rush, the American Minister to London, recognized that Canning was attempting to achieve two ends with one tactic. If the United States and Great Britain joined in making such a proclamation, Great Britain would surely defeat the ambitions of the European

powers, an action and this would re-establish Britain in the European balance of power. In 1823 Great Britain had recognized none of the new Latin American countries but hoped to entice those countries to negotiate preferential trade treaties in exchange for recognition, a move which would re-inforce Britain's influence in that area. Rush immediately demanded that Britain recognize the existing governments in Latin America as a prerequisite to Anglo-American co-operation. Such a move might cause immediate severance of relations with the Grand Alliance powers and defeat the purpose of Britain's commercial interests in Latin America. After about a month of unfruitful diplomatic sparring between the two men, the subject was dropped.⁶

After the negotiations were suspended between Rush and Canning the latter opened conferences with the French Minister, Prince Jules de Polignac, in an effort to prevent French interference in Latin America. The French were willing to go along with the desires of Canning as long as they could secure the same trade advantages as Great Britain. On October 12, 1823 a memorandum was signed by Canning and Polignac agreeing to the abovementioned stipulations. The Polignac Memorandum (as the agreement came to be known) was

⁶H.C. Allen, Great Britain and the United States (New York: St. Martin's Press, Inc., 1955), 373-374.

kept under wraps for the time being because the knowledge of the agreement throughout Europe could have been injurious to the reputation of France.

Canning was rudely startled on December 24, 1823 by the arrival in London of a copy of President Monroe's famous Monroe Doctrine. That doctrine came as severe blow to Canning who had no inkling of the possibility of such a message, Monroe had told congress:

...we should consider any attempt on their part to extend their system to any portion of this Hemisphere, as dangerous to our peace and safety ...we could not view any interposition for the purpose of oppressing them...than as the manifestation of an unfriendly disposition towards the United States...Europe is still unsettled... Our policy...is not too interfere in the internal concerns of any of its powers...⁷

Canning was then faced with the threat of the United States assuming the leadership role in Western Hemisphere, which he felt he could not tolerate. Canning's fears became so great that he envisaged the United States as the head of a confederation of the nations of the Americas which would indeed stand as a great threat to Britain and Europe as well.⁸ Even if the United States did not reach that height, Canning foresaw Britain's loss in trade and the negotiation of

⁷Samuel F. Bemis, A Diplomatic History of the United States (New York: Henry Holt, 1936), 209-210..

⁸Allen, 378.

preferential trade treaties between the Latin American nations and the United States. The United States by assuming a dominant or leading role in the Americas seemed to pose a great threat to British influence and commerce.

Canning began to discard all doubts he may have previously entertained concerning the possibility of future conflicts and disagreements with the United States. He found it necessary to make known the contents of the Polignac Memorandum and his earlier overtures to the United States in order for Britain to resume her posture in the eyes of the Latin American and European nations. Canning chose that moment to utter his famous pronouncement, "I called the New World into existence to redress the balance of the Old" in an attempt to exonerate himself.

The British Foreign Minister naturally took offence at the American attempt to exclude European influences from the New World. He felt that the United States had implied that the Western Hemisphere had become a special sphere of influence for the United States. Almost immediately Canning began efforts to subvert the role of the United States by denying the validity of the Monroe Doctrine. The next step, however, was a more vigorous plan of action. Canning instructed his

representatives to the 1826 Panama Congress to work against any American schemes for attaining hegemony in Latin America and generally speaking, to oppose any plan adding to the influence of the United States.⁹

The most galling point for Canning was the exclusion of European colonization in the New World, even though the Monroe Doctrine did not oppose existing European establishments. Canning pointed out that the boundaries of the United States were as yet unsettled. This led him to contend that the United States had practically established the Western Hemisphere as a "land reserve" for the future expansionist policies of the United States.

Although in 1823 the people of the United States were slowly growing cognizant of their potential and were proud of their achievements, there does not appear to have been any reason to fear a great power struggle between the United States and Great Britain. However, mutual distrust led the two nations to take what each felt to be necessary precautions, and often positive action, to foil the plans of the other. As has been previously mentioned, Great Britain feared the loss of influence and particularly commerce in Latin America to the United States. That fear was well-founded, but the accusation that the United States hoped to eventu-

⁹ibid.

ally lead a confederation of American states was based on the overactive imagination of Canning. Americans at that time were proving themselves to be very ambitious, but they were not quite fulfilling Canning's expectations.

Secretary of State John Quincy Adams, who had been the moving spirit of the Monroe Doctrine, was following a policy which would give the United States a relatively free hand with the lands which were on the Western frontier for future settlement. No formal American policy called for the acquisition of the entire Hemisphere, nor would it ever. As history would later reveal there were several leaders in American history who would call for aggrandizement of greater areas, but not of the entire hemisphere. As a matter of fact, the United States went into a state of near isolation after the announcement of the Monroe Doctrine (isolated from European affairs at any rate) and seemed to stay out of the world picture.

The Monroe Doctrine drew a response from Great Britain that was largely undeserved. After announcing the doctrine the United States seemed bent on proving that it meant nothing by its announcement more than it wished to be left alone. In Central America the British were allowed to continue their intrigues

unmolested. The United States appeared to have only meant the doctrine to apply to lands contiguous to its borders and not the entire hemisphere, contrary to Canning's suspicions. However, the British continued their programs of intrigue and politics to obtain a solid foothold in the Caribbean in order to arrest any future attempts of the United States and to further their own commercial interests. In order to accomplish these ends Great Britain found it necessary to consolidate her positions in the Bay Islands, the Mosquito Shore, and the Belize settlement.

III. BEGINNING OF THE ANGLO-AMERICAN STRUGGLE IN CENTRAL AMERICA

British Complicity In The Collapse of the United Provinces of Central America

In the previous chapter the position of the Central American Republic in relation to the disputed British settlements, particularly Belize, was indicated. The Central Americans expressed the opinion that they inherited the Spanish title to all of the Spanish possessions in Central America. If that premise had been acceptable, Great Britain would have been in the same position in Belize as she had been when the Spanish held sovereignty. The only change would have been that Central America would have been the sovereign power. The Central Americans attempted to make good their claims to the territory but Britain, as it has been previously mentioned, recognized only the Spanish title to the territory.

At first appearances the British position on Spanish sovereignty seems to be rather silly but upon closer examination it appears more reasonable. Although Spain was no longer in effective control of her former Central American possessions, she still claimed sovereignty out of a rather vain hope that she would one day recover the errant colonies. Although it probably

galled many British subjects in Central America, the government in London recognized the Spanish claim to Central America for the purpose of maintaining a reasonably legitimate position there.

In 1834 new conflicts arose between the Central Americans and the settlers at Belize. The settlers had previously asked for formal British colonial status, they did so again and seemed to be considerably more serious this time. They called a convention of delegates and adopted a colonial form of government. After changing the name from Belize to British Honduras they petitioned London for acceptance as a colony.¹

That action prompted Palmerston to follow a course which he had considered earlier; negotiation with Spain for the cession of the rights to the Belize settlement to Great Britain. In 1835 these negotiations were initiated but without much hope for success. The Spanish government simply did not care to pursue the matter with a great deal of enthusiasm, so the British Minister to Madrid decided to drop the subject.² With the conclusion of the attempt to secure sovereignty over the territory from Spain it appears Great Britain

¹Williams, 34.

²loc. cit., 35.

simply relied on its former treaties with Spain and ignored the demands of the Central Americans.

The history of the Central American Republic was short and quite explosive. Perhaps the major problem of the Republic was one which has affected many new and revolutionary nations up until the present day: the overzealousness of the revolutionaries in their cause which bred intolerance towards any deviation from a particular pattern or scheme. There were two major revolutionary groups; the Liberals and the Monarchists. The former preferred a republic of sorts while the Monarchists obviously preferred a King. The two factions, thus diametrically opposed to each other, proved to be quite intolerant in their relations with each other. Neither faction controlled the Republic for long because of the factionalism among the five states (Salvador, Honduras, Nicaragua, Costa Rica, and Guatemala). This factionalism and civil war never ceased during the history of the country and quite obviously was much to the liking of Great Britain. Even in the face of threats and acts of territorial aggrandizement by Britain the Central Americans could not unite long enough to deal with the problem.

For reasons just mentioned Great Britain ignored the demands and threats of the Central Americans. Also

for those reasons it proved expedient for Britain's agents to intervene in the domestic affairs of the Central American Republic and add to the chaos, thus making life easier for the colonists in British Honduras.³ There is little doubt that Great Britain realized the advantages of the disintegration of the Central American Republic and actively worked toward that end.⁴ When that disintegration came in 1838, Great Britain's position in Central America was the strongest it had ever been. In opposition to British Honduras were Honduras, Nicaragua, and Salvador. Costa Rica was in the midst of a border dispute with Nicaragua, and Guatemala now was growing fearful of American ambitions in Mexico.⁵

The Establishment of the Mosquito Protectorate

Although the British settlement in British Honduras appeared to be the major British territory in the region, the Mosquito Shore was about to become Britain's most

³Travis, 34.

⁴loc. cit., 35.

⁵British agents were growing fearful of the threat of American expansion into Central America and were quite vocal about their opinions. The possibilities of American annexation of Texas appeared to be only a step in the direction of Central America.

significant foothold in Central America. Mention has been made of the alliances concluded as early as 1655 between Great Britain and the Mosquito kingdom. The precedent of the early alliances and the Mosquito territorial cession of 1740 to Captain Robert Hodgson were merely witness to the friendship that existed between the two peoples. In 1816 that friendship was again demonstrated by the coronation of the Mosquito King at Belize by the British. In 1825, the British crowned a Mosquito King but with less enthusiasm than before. It appears as if Britain were still apprehensive about her position in Central America and chose to consolidate the Belize settlement rather than risk overextension on the Mosquito Shore. The usual flow of gifts from the British to the Mosquitos slowed to a trickle until the late 1830's. At that time Britain's position seemed to be growing more secure with the weakening of the Central American republic and she was rekindling plans for the Mosquito Shore.

It was really not until the appointment of Alexander MacDonald to the superintendent's post at Belize in 1840 that Britain began to evolve a well organized policy concerning the Mosquito Shore. MacDonald was a rather zealous man who felt the need to control the isthmian transit routes in order to

maintain British commercial superiority. About the time of MacDonald's appointment many people within the United States and Great Britain were beginning to appreciate the necessity for a shorter route to the Pacific from the Atlantic Ocean. There was also a great deal of distrust between Britain and the United States concerning each other's motives in Central America.

Shortly after his appointment, MacDonald discovered the scope of the "Anglo-Mosquito alliance" while examining old records of Belize. He felt the alliances and protection given by the British to the Mosquitos for two hundred years could work to great British advantages. The first positive act he completed was to have himself appointed as regent in the ruling King's will. Upon the King's death in 1840 MacDonald became the acting regent and appointed his private secretary, Patrick Walker, as the "supervisor of Mosquito affairs". Walker sailed for Bluefields where he established his capitol of "Mosquitia" and began his rule.

It was not long before Walker and MacDonald were in the midst of several disputes with the Central American nations which were engaged in disputing the territorial sovereignty of the Mosquitos with Britain. MacDonald was aware of the desirability of the possession

of the east coasts of Nicaragua, Honduras, and Costa Rica with reference to isthmian transit mainly because the coast of Nicaragua included the mouth of the San Juan river. A cursory glance at a map of Central America shows the obvious potential of an isthmian transit route which travels up the San Juan river to Lake Nicaragua near the Pacific coast of Nicaragua. Any nation or transit company following that route would find it necessary to obtain permission from the controlling government of San Juan del Norte. With the British literally controlling the mouth of the river no nation could traverse the isthmus without British permission.

In August, 1841, MacDonald moved to secure the situation just described. He sailed with the Mosquito King to San Juan del Norte in a British war ship accompanied by another war ship flying the Mosquito colors. Colonel Quijano, the Nicaraguan commandant of San Juan del Norte was told that he must acknowledge the sovereignty of the Mosquito King over that port city. The Colonel declined to do so and was summarily taken prisoner by MacDonald. After proclaiming the authority of the Mosquito King in San Juan del Norte MacDonald then announced that Great Britain recognized the authority of the Mosquito King and would not view

"with indifference" any attempt to usurp his right.

The recognition of the Mosquito King's sovereignty brought an immediate chorus of protests from most of the Central American nations.⁶ With the siezure of San Juan by the Mosquito King and MacDonald's recognition of the King's sovereignty the British secured their position in Central America. Although there were some muffled cries within the United States, Americans, generally speaking, were caught up in their domestic problems and the issue of Texas annexation.

Throughout the history of British affairs in Central America there were many men and events which stand out in retrospect. Alexander MacDonald was fortunate enough to have been on the scene at a time when British influence was at a crossroads. MacDonald siezed that opportunity to earn a place in the history of isthmian diplomacy. His ability to foresee the approaching conflict with the United States and to realize the importance of securing the Mosquito protectorate enabled him to establish British influence even more securely in Central American affairs.

⁶Williams, 41. Honduras was the only nation that did not oppose Britain's move. In fact, Honduras likewise recognized the Mosquito sovereignty. At that time Honduras desired to become a British protectorate and was willing to bear almost any burden in order to achieve that end!

MacDonald secured that position at a most propitious moment, for the United States was entering an era which would thrust it into a position diametrically opposed to that of Great Britain.

Growing American Distrust of British Activities
In Mexico and Texas

In any discussion of the Clayton-Bulwer treaty it becomes necessary to consider the significance of the Texan revolution against Mexico. Most writers of the period treat that revolution in a rather cursory manner.⁷ However, this revolution is a significant key to American involvement in the isthmian diplomacy of 1850. During the Texas revolution and the period thereafter prior to the annexation of Texas, British plans for excluding the United States from Central America came into the open. The annexation of Texas eventually resulted in war with Mexico, which in turn, resulted in the acquisition of California by the United States. With the acquisition of California the need for an isthmian canal was brought into sharp focus. Thus the Texan revolution eventually resulted in the inauguration of a new phase in American foreign policy aimed at a particular rival, Great Britain, with

⁷Ira D. Travis, Mary W. Williams, Richard W. Van Alstyne, etc.

a set goal, the acquisition of canal rights.

Until the conflicts with Great Britain over the disposition of Texas in the 1840's, Americans were generally unaware that the British had been following a policy of containment in the American Southwest.⁸ Canning hardened that policy in 1825 after his treatment from the Monroe Doctrine by striving to maintain the strength of Mexico as a buffer state against further American expansion. Because of British commercial and political involvement in Mexico it was natural in 1836 for Britain to hope for a Mexican re-conquest of Texas. Therefore, Palmerston did not award recognition to the Texan representative who approached him in 1837. However, within a short period, British commercial involvement in Texas helped to change Palmerston's attitude.⁹ It also became apparent to the British by 1838 that Mexico could not re-conquer her former province. Upon arriving at that conclusion Palmerston renewed his policy of

⁸Ephraim D. Adams, British Interests and Activities In Texas, 1838-1846 (Baltimore: The Johns Hopkins Press, 1910), 15.

⁹Professor E. D. Adams also compiled a rather enlightening volume of British diplomatic correspondence from the period 1838-1846 which gives the reader great insight into British attitudes concerning the Texas controversy. Ephraim D. Adams, British Diplomatic Correspondence Concerning the Republic of Texas--1838-1846 (Austin, Texas: The Texas State Historical Association, 1917).

containment of the United States by attempting to secure Texas as an ally.

Palmerston first attempted to trade diplomatic recognition to Texas for a treaty granting the British the "right of search", which could have effectively curtailed the slave trade with North America. He was willing to recognize the independence of Texas because he felt that a strong, independent nation such as Texas could become an effective buffer to future American aggrandizement in the Southwest. Great Britain also sought the development of a cotton growing center in Texas which would compete with southern United States and present an alternative source of raw cotton in the event of a war between the United States and Great Britain.

While Palmerston was attempting to secure the influence of Britain in Texas Americans were also hard at work in behalf of their own interests in Texas. During the revolution many sympathetic Americans sought to aid the Texans by enlisting both volunteers and money for the Texas cause. The United States, however, was not unified in its effort to aid the Texans. Although the people of the South and the West were strongly in favor of the revolution and eventual annexation, the people of the North were opposed to supporting the

revolt. The cause of the disagreement immediately came to the fore; the North feared the admission of Texas to the Union as one or more slave states. Largely due to Northern opposition, the United States would not immediately annex Texas, Mexico would not recognize Texan independence but persisted in threatening invasion. Texas sought help in Europe. In exchange for close commercial ties with France and Great Britain (particularly the latter) Texas hoped to attain political and military support from those countries. Great Britain later (1844) offered to mediate between Mexico and Texas and to attempt to gain Mexican recognition of Texas in exchange for the abolition of slavery.¹⁰

Whether or not Texan diplomacy was intended to secure American annexation by playing on the fears of American politicians is still unknown. From all appearances the Texans threatened a close alliance with Great Britain in order to persuade the American legislators to annex the Republic of Texas. The fact remains, however, that Texas did negotiate treaties with Great Britain and presumably would have abided by those agreements if the United States had not

¹⁰ Adams, British Interests, 146.

afforded Texas the protective cloak of annexation. The public and the political forces of the United States began to debate the motives of the British in Texas and became uneasy about growing British influence in that nation. Although the annexation of Texas did not receive the necessary two thirds vote in the Senate in 1844, the election of Polk in that year was viewed by many as a mandate for expansion. In December 1844 Tyler again submitted the annexation proposal, this time in the form of a joint resolution by both the Senate and the House of Representatives. It received the necessary majorities in February 1845.¹¹

The British policy of containment in the Southwest, then, met with almost complete failure. The United States secured the state of Texas and was already looking west of Texas to the Pacific coast. The containment policy of the British, in actuality, gained them nothing. During the diplomatic encounters, British efforts to contain the United States in its "drive to the West" were apparent; this merely served as an incentive to the Americans. The knowledge that the British had attempted to impede American expansion aroused a distrust of almost all things British,

¹¹Alexander DeConde, A History of American Foreign Policy (New York: Charles Scribner's Sons, 1963), 189.

particularly when those "things" were in any possible way competitive with American plans.

Although the official policy of the United States does not appear to have encompassed the acquisition of Mexico and Central America the suspicions aroused by the Texan revolution and the eventual war with Mexico certainly appeared to the British to be well founded. Therefore, the British grew to be quite wary over the designs of the rapidly growing young giant, the United States. Britain was fearful of losing her commercial and political influence throughout Central America and possibly all of Latin America. American control of Central America would also have meant one other vastly important thing to Great Britain; the exclusive control of an isthmian transit route, possibly even a canal! The control of that route by such a powerful economic rival as the United States simply could not be countenanced by Britain. The fear of such a situation led Britain to increase the extent of her claims throughout Central America in order to consolidate the British position in the face of possible future demands from the United States.¹²

As it has been shown above, the distrust was a two way street. The United States had not yet overcome

¹²Williams, 46.

it's fear and distrust of Great Britain from as far back as her Revolutionary days and the activities of the British in Mexico and Texas certainly failed to ingratiate them in the eyes of Americans. Many Americans were fearful of British designs on the Pacific coast (California and Oregon) and felt the United States should secure these territories as soon as possible in order to keep them from the clutches of the British.

Without entering a lengthy narrative of the Mexican War it will suffice to say that the United States not only made good her claims to Texas, but also acquired New Mexico and California through the Treaty of Guadeloupe-Hidalgo.¹³ The acquisition of California completed the American claims to the Pacific coast because the Oregon Territory had been obtained through the Oregon Treaty of June 15, 1846.¹⁴ The new possessions of the United States soon pointed out a glaring deficiency in the American communications system. Although railroads were beginning to prove their efficiency in eastern United States, the practicability of a transcontinental railroad was unheard of

¹³Hunter Miller, Treaties and Other International Acts of the United States (Washington: United States Government Printing Office, 1937), Vol. V, 207.

¹⁴ibid., 3.

in 1848. For many years Americans had been aware of the potentialities of a trans-isthmian canal in Central America but no formal governmental policy was developed. With the acquisition of California and the beginning of a new era in westward movement all modes of transportation to the Pacific coast were exploited. The possibility of developing an isthmian transit route immediately became a necessity for the maintenance of political, commercial and military control over the new western territories and states.

Palmerston Defines the Mosquito Protectorate

Prior to the war between Mexico and the United States it became apparent to Palmerston that the American appetite for land in the West would not stop with the acquisition of Texas. Inasmuch as Mexico had stated that the American annexation of Texas would mean war between the neighbors it was a foregone conclusion to assume that the United States would attempt to acquire California upon Texas' annexation. (American demands for, and attempts to purchase, California were well-known at that time.) It was not too difficult for Palmerston to envisage the future conflict over the trans-isthmian transit rights in the light of the abovementioned conclusions.

The future of British influence in Central America would have been considerably dimmed if the United States had been allowed to obtain an exclusive transit right. The greatest loss to the British in that eventuality would not have been in Central America, however. Once an isthmian canal was completed the American commercial interests would have strengthened their continental communications well enough to place the British interests in the Orient in the gravest of dangers. In view of such a threat to British interests Palmerston set about securing Central America against the policies of the United States.

In 1847 the first step Palmerston was to instruct Patrick Walker, the Mosquito superintendent, and Frederick Chatfield, the British Consul-General for Central America, to: 1) unearth the most authentic information concerning the true nature of the boundaries claimed by the Mosquito King and, 2) to submit their (Chatfield's and Walker's) opinions concerning the boundaries Britain ought to claim for the Mosquito kingdom. After a short time Walker and Chatfield reported back to Palmerston that they felt Britain ought to support Mosquito claims along the Atlantic shoreline from the Roman river in the north to the San Juan river in the south. The claims of the Mosquito King, however,

were more considerable than those mentioned above. Both Chatfield and Walker felt that the claim by the Mosquito King that his domain extended as far south as the Chiriqui lagoon in New Granada should be held in reserve for possible future use. They felt the claim should only extend southward to the San Juan river because Costa Rica was in the hands of the Servile party (monarchists) which favored British harassment of Nicaragua. However, both men felt, in view of the chaotic Central American situation, the claims ought to be held in reserve for possible future use by the British.¹⁵

Palmerston followed the advice of his agents and authorized them on June 30, 1847 to inform the interested governments of Central America that Great Britain recognized the Mosquito kingdom to exist within the northern boundary of the Roman river and the southern boundary of the San Juan river.¹⁶

Palmerston's action seemed animated by the precedent established by the former Belize superintendent, Alexander MacDonald, in 1840. In fact, after the announcement of the British protectorate in 1848 over

¹⁵Travis, 41.

¹⁶loc. cit., 42-43.

the Mosquito kingdom, Chatfield served up an ultimatum to the Nicaraguan officials at San Juan del Norte. Although MacDonald forcibly ejected the Nicaraguans in 1841 the Nicaraguan government sent new representatives to San Juan del Norte where they served with impunity until Chatfield's later ultimatum.

The Nicaraguan government protested and refused to relinquish their position. After the deadline (January 1, 1848) for evacuation had passed Walker entered San Juan del Norte at the head of British armed forces, raised the Mosquito flag, and expelled the Nicaraguans. The Nicaraguan force retired to Serapaqui up the San Juan river and built some fortifications. After Walker and the main British force departed from San Juan del Norte the Nicaraguans captured the remaining force and retired to Serapaqui. Walker returned and destroyed the Nicaraguan defenses and secured the river for the Mosquito King.

Nicaragua naturally protested the loss of her entire Atlantic coastline to the British, but to no avail. She even appealed to the American Secretary of State, James Buchanan, twice, also without effect. The Nicaraguan government sent Francisco Castellon to London to negotiate with Palmerston in 1848. Castellon was simply given a cool treatment until he was prepared

to return to Nicaragua. At that time Palmerston informed Castellon that the Mosquito territory never belonged to Spain because she did not conquer the Indians. Palmerston further denied that Nicaragua could claim sovereignty over the land even if Spain did have title to it, on the grounds that Spain did not recognize Nicaraguan independence. Palmerston claimed the Nicaraguans only gained the right to self rule over the territories they occupied, not the Mosquito Shore.¹⁷

Palmerston's position of denying that Spain ever controlled the Mosquito Shore was a rejection of the isthmian policies of Britain since 1783. From that year until 1848 Great Britain had recognized the sovereignty of Spain over the Mosquito Shore. Finally, in 1848 Palmerston changed the British posture by recognizing the independence and sovereignty of the Mosquitos. Palmerston also committed Great Britain to protect the sovereignty of the Mosquito King from the claims of the Nicaraguans (and the Hondurans). In view of the approaching conflict with the United States over the isthmian transit route Palmerston's move to control the most feasible route appears to be a wise, although high-handed, one.

¹⁷loc. cit., 46-47.

IV. EARLY AMERICAN ATTEMPTS TO SECURE ISTHMIAN TRANSIT RIGHTS

The Bidlack Treaty

In any treatment of American isthmian diplomacy it becomes necessary to examine closely the preconditions and stipulations of the Bidlack treaty negotiated December 12, 1846. Benjamin A. Bidlack was appointed United States Charge d' Affaires to Bogota, New Granada on May 14, 1845. Bidlack was not sent to Bogota with instructions to secure isthmian transit rights. In fact, he was sent with no specific instructions at all! As far as the American government was concerned Charge Bidlack was appointed to his position merely to fill a diplomatic vacancy.¹

Prior to Bidlack, however, there had been several diplomatic appointees to Bogota who had been sent there with very specific instructions indeed. An earlier treaty of commerce and amity between the two nations, dated October 3, 1824, had created a good deal of friction. In that treaty there existed a clause which New Granada soon regretted calling for no discriminating duties between the two nations.² After many attempts

¹Miller, Vol. V, 146.

²ibid., 144. Soon after the ratification of that treaty New Granadan officials learned that the clause calling for the abolition of discriminatory duties meant

to have that clause abrogated, New Granada finally allowed the treaty to lapse upon the conclusion of its agreed upon twelve year life. The United States wished to re-establish the former conditions and attempted to negotiate a new treaty with the New Granadans. The New Granadans, however, would have nothing to do with the treaty proposals of the United States which included the same stipulations that proved so injurious to their economy in the past.

In 1843 William Blackford, then Chargé d' Affairs, renewed negotiations in a more cordial atmosphere but was forced to concede to the New Granadans several points on discriminatory duties. Blackford returned to Washington in 1845 with the treaty for it's approval by the Senate. Although the Blackford treaty was the most favorable agreement reached between the two nations in years, the Senate failed to ratify it.³

Shortly before the Senate rejection of the treaty, Bidlack was sent as Blackford's replacement with instructions only concerning some claims difficulties

that New Granadan industries suffered from lack of stimulation, a condition that remained uncured throughout much of Latin America until recently.

³ibid., 145.

between the two countries. Quite unexpectedly, Bidlack found himself in a position of being responsible for persuading the Granadans to accept new terms. He reported within a short time that the New Granadan government was willing to meet the terms of the United States.⁴ In a dispatch to Washington on November 27, 1846 he wrote:

I am anxiously awaiting authority and instructions to make a Treaty with this government abolishing the differential duties which are now charged against us.

I have the promise of this Government to make such a Treaty and am desirous of concluding it at once as the government may change its views hereafter.

I think it proper also [sic] to observe that from various causes which I will not now stop to mention I consider it important that a Treaty should "immediately" [sic] be made with New Granada securing to the Government of the United States "the right of way across the Isthmus of Panama". I think I have prepared the way for such a Treaty, [,] But I have candidly advised the Secretary of Foreign Relations, that I have not as yet any special powers or instructions to act on either of the above points. He has nevertheless signified his willingness to open negotiations [sic] with me in reference to both in order that if we should be fortunate enough to agree upon anything satisfactory to the President of the United States it may be presented to the Senate of the United States at its approaching session.⁵

In recommending the negotiation of two treaties, Bidlack

⁴Joseph B. Lockey, "A Neglected Aspect of Isthmian Diplomacy", The American Historical Review, Vol. XLI, (Jan., 1936), 297.

⁵Bidlack to Buchanan D.S. 11 Despatches, Colombia, No. 28, November 27, 1846, quoted in Miller, Vol. V, 149..

recognized the need for eliminating the discriminatory duties and also the attainment of isthmian transit rights. Both were courses of action he felt his government wished to pursue, but he still had received neither instructions nor permission to negotiate for such goals. It must be remembered that Bidlack was not sent to Bogota to obtain either of these ends but he was aware of their importance and the value placed upon their attainment by the United States.

Although Manuel M. Mallarino, the Secretary of Foreign Relations for New Granada, knew that Bidlack had not received instructions, nor the powers to commit the United States in any treaty, he was still willing to negotiate a treaty. Bidlack suddenly found himself able to dictate terms on discriminatory duties to Mallarino; a feat that none of Bidlack's predecessors had been able to accomplish! However, the American agent found that Mallarino wished to include an isthmian transit agreement in the same treaty.⁶ Not only was the isthmian transit agreement to be included in the treaty for peace, amity and commerce, but Mallarino wanted the United States to guarantee the neutrality of the isthmus. Inasmuch as past American policy had been opposed to guarantees of sovereignty

⁶ibid.

Bidlack felt that a guarantee of the neutrality of the isthmus would not be a violation of American diplomatic precedent.

Charge Bidlack believed that he had prepared the way for the treaty but a comparison of contemporary conditions in Latin America in 1845 and the content of Bidlack's treaty reveals otherwise. In the first place, Mallarino was fearful of the designs of Great Britain on the Central American isthmus and British intrigues with New Granada's neighbors. In view of American expansionism, British officials in Central America attempted to consolidate their position on the isthmus. At that time New Granadans were suspiciously observing the British activities in the Mosquito protectorate. The New Granadans also feared the possibility of the return from exile of Juan Jose Flores, a former threat to New Granadan territorial sovereignty while the Ecuadoran strong man. Flores had earlier fled to Europe where he immediately received covert encouragement from Lord Palmerston in his efforts to assemble a mercenary army from Ireland and other military supplies.⁷

Although Bidlack wrote that he was responsible for

⁷Lockey, 301.

the favorable conditions of the pending negotiations it is obvious that he either overlooked the contemporary conditions or greatly exaggerated his personal role. At any rate, it becomes apparent in the light of the existing circumstances that Secretary Mallarino was forced to sacrifice the previously sacred discriminatory duties in order to obtain an American guarantee of New Granadan sovereignty over the Panama isthmus. At first glance such a guarantee seems to be a small price to pay for the reduction of a nation's discriminatory duties. However, Secretary Mallarino had the perspicacity to realize that the only real threat to the territorial rights of New Granada lay in the isthmian ambitions of Great Britain. What better way to protect the rights of New Granada in the face of the British threat than to secure the support of Britain's greatest opponent?

Even though Mallarino obtained territorial security for New Granada in the Bidlack Treaty it must not be intimated that the United States was duped into an unprecedented foreign involvement. The United States, in actuality, risked very little in guaranteeing the neutrality of the Panama isthmus. In the first place, Great Britain maintained no claims to isthmian territory any further south than the Chiriqui Lagoon.⁸ Although

⁸Williams, 47. Although the British officially recognized Mosquito sovereignty only as far as a few miles south of the San Juan River, they held in reserve

that territory was within the New Granadan borders it did not lay within the boundaries of the Panama isthmus. Inasmuch as the British were the only real threat to New Granada's isthmian territory the United States risked very little and gained a good deal through the treaty.

According to at least one historian⁹ the Bidlack treaty signalled the end of one era and the beginning of another in Latin American affairs. In their attempt to remain competitive with the United States, the British committed many aggressions against the Latin American nations. Until that time (1840's) Latin America had relied upon the British for protection but they finally grew to fear the British designs. New Granada was the first to claim a new protector in the United States.

The Hise Treaty

The acceptance of the Bidlack treaty by the Senate on June 3, 1848 seemed a manifestation of the spirit permeating the United States concerning the Anglo-American conflict. With the American plans for expansion

the Mosquito King's claim to the Chiriqui Lagoon.

⁹Lockey, 305.

to the Pacific coast in full blossom Americans would brook no interference with their "manifest destiny" from any quarter. As early as December, 1845 President Polk had declared that the United States would not "in silence permit any European interference in the North American Continent".¹⁰ Although President Polk was referring specifically to Texas and Oregon he was alive to the possibility of application of that principle to Central America also.¹¹ At that stage of affairs, however, Polk was aware of the probability of war with Mexico and could ill afford another enemy. As a matter of fact, instead of directly conflicting with the British schemes in Central America the Bidlack treaty was negotiated in order to obtain an isthmian route that was not claimed by Great Britain.

Although President Polk managed not to antagonize the British in Central America during the Mexican War, he did try to remain alert for British aggressions. Shortly after Alexander MacDonald, the Belize superintendent, issued his ultimatum to the Nicaraguan officials at

¹⁰James D. Richardson (ed.), A Compilation of the Messages and Papers of the Presidents, 1789-1897 (Washington: Government Printing Office, 1899) vol. IV, 398.

¹¹David Y. Thomas, One Hundred Years of the Monroe Doctrine (New York: The MacMillan Company, 1923), 86-87.

San Juan del Norte, (see p.38) Polk decided to take steps to counter British schemes in Central America. The appointment of Elijah Hise as Charge d' Affaires to Guatemala was his first step in that direction. Hise was first instructed to ascertain the extent of the British aggressions, particularly on the Mosquito Shore, and to attempt to create a degree of cohesion among the five Central American nations. The latter effort was a naive attempt to achieve re-unification of the Central American state which had little chance for success. If successful, however, it could have hopefully become an effective deterrent to British aggressions.¹²

Upon reaching his Central American destination in the autumn of 1848 Charge Hise found that Nicaragua, Honduras and Salvador were allied in opposition to the British aggressions and were naturally sympathetic to the American representative. As has been stated earlier, Guatemala was fearful of American plans for Central America. One of Hise's assignments was to allay those fears. At the time of Hise's arrival in Central America, Costa Rica was in the hands of the Monarchist party which was very sympathetic to British plans and was also in the midst of a border dispute with Nicaragua.

¹²Travis, 58.

Britain was certainly a natural and desirable ally for Costa Rica and for that reason the latter nation found it expedient to oppose American plans.

It was only a matter of weeks before Charge Hise became convinced that British agents were attempting to secure both coasts of the isthmus, which would give them control of any conceivable canal route.¹³ In December, 1848, Hise wrote to his government in Washington explaining his views and asking for permission to negotiate treaties with the Central American states which could thwart the British plans and promote American ambitions. Again, in May, 1849, Hise wrote Washington pleading for permission to negotiate transit treaties with the Central Americans.¹⁴ He received no such permission, however.

Finally, in exasperation, Charge Hise negotiated treaties of commerce and friendship with Nicaragua and Honduras. After signing those treaties, Hise negotiated another treaty with Nicaragua which granted the United States transit rights through that Central American nation. In exchange for perpetual transit rights and the authorization for an American canal company to

¹³loc. cit., 59.

¹⁴Williams, 57.

assume construction of a canal, Hise was forced to pledge American guarantees of sovereignty for Nicaragua.¹⁵

Before condemning Elijah Hise for conducting his "independent foreign policy", as his contemporaries did, certain attendant circumstances merit consideration. In the first place, the acquisition of California and New Mexico by the United States and the discovery of gold in the former territory created a very strong demand for a more expeditious route to the Pacific Ocean. As an agent of the United States, Hise felt himself bound to protect the interests of his country and to also be foresighted in carrying out his duties. He realized the need for a shorter route to the new American possession. Hise was endeavoring to protect American interests from the British. He felt the British Consul-general, Frederick Chatfield, was attempting to eliminate American influence in Central America. Such an endeavor was anathema to American plans, Hise thought, because it might jeopardize development by the United States of transisthmian communications, and thus would be detrimental to the future of American territories on the west coast of North America.¹⁶ In the light of these conditions it is difficult to condemn

¹⁵Thomas, 89.

¹⁶Travis, 61.

Elijah Hise for overzealousness. Rather, he deserves praise for his perspicuity in dealing with the ambitions of his British counterpart, Frederick Chatfield.

The Squier Treaty

Although Charge Hise had labored hard, and not ineffectively, in behalf of the United States, his treaty with Nicaragua was rejected by his superiors. The new Whig administration under President Zachary Taylor replaced Hise with Ephraim G. Squier as Charge d' Affaires to Central America. Although President Taylor and his Secretary of State, John M. Clayton, were less aggressive in the field of foreign affairs than President Polk had been, they promised to maintain the American opposition to the exclusive control of an isthmian transit by one nation (particularly Great Britain).¹⁷

In his instructions to Charge Squier, Secretary Clayton maintained the right of Nicaragua to the Mosquito Shore. Clayton asserted that the United States recognized the earlier Spanish claim to Central America by right of discovery. He observed that although the British had often violated Spanish sovereignty they ultimately recognized Spanish claims

¹⁷loc. cit., 62.

in several subsequent Anglo-Spanish treaties. Since the Spanish title to Central America had been considered valid by the British, Clayton implied the British had contradicted themselves by recognizing the Mosquito claims and not those of the Central American states. Clayton observed that the Central American states had inherited title to the former Spanish claims and that those states had contested all other claims to the territories. In essence, Clayton recognized Central American claims to the Mosquito Shore and not those of the British.¹⁸

The Secretary of State further declared that the United States sought the development of a canal through Central America and would brook no interference from Britain. Concerning the ownership of the canal Clayton said that the United States desired "no monopoly of the right of way for our commerce, and we cannot submit to it if claimed for that of any other nation."¹⁹ Squier was also instructed to negotiate treaties of commerce and amity with Nicaragua and Honduras. The treaty with the former nation, however, was to contain a clause guaranteeing citizens of the United States

¹⁸ibid.

¹⁹Thomas, 90.

the same isthmian transit rights as the citizens of Nicaragua. Squier was instructed, however, to avoid guarantees of sovereignty for Nicaragua. He could only join in a mutual promise of protection for the transit company by Nicaragua and the United States.

Upon his arrival in Central America, Charge Squier immediately set about his duties and was warmly received by his hosts. One man who did not receive Squier too warmly, however, was Frederick Chatfield, the British Consul-general to Central America. Chatfield had been warned by the government in London to be alert to the activities of Elijah Hise and had been outmaneuvered by that American agent. He did not need a second admonition to remind him of his failure in his contest with Hise. During Squier's tour of duty in Central America a strong rivalry developed between the two men, each trying to outmaneuver the other for the benefit of his country.

Squier's first accomplishment at his new post was to secure a contract between Nicaragua and the American Canal Company in August, 1849. His next step was to negotiate a treaty with Nicaragua which granted the United States the right of transit through Nicaragua. The two nations promised to defend the canal company in its' endeavor and also to protect

the sovereignty of Nicaragua over the canal route.. As long as the canal remained in the hands of American citizens both countries guaranteed its' neutrality. Any nation wishing to enter the same agreement was welcome to do so, thereby dis-spelling any allusion to exclusive American control.²⁰

Chatfield, however, was not idle during Squier's negotiations. Prior to Squier's arrival in Central America the British Consul-general had advocated to the home government the siezure of Pacific coast ports in order to consolidate the British grip on possible canal routes. He maintained that such a move could be attributed to Central American indebtedness to the British government and banks. Although Chatfield wrote to Lord Palmerston many times advising the siezure of Central American territory he was always rebuffed by the Foreign Minister. Chatfield was not easily swayed from his goal, however, and decided to take steps to obtain a strategic point on the Pacific coast of Central America for his government. He settled upon Tigre island in the Gulf of Fonseca as the most desirable target. In January, 1849 Chatfield notified the Honduran government that Great Britain

²⁰Williams, 63.

had placed a lien on Tigre island and would sieze it if Honduras did not meet her debts.²¹ Palmerston, shortly afterwards, advised Chatfield that Great Britain's interests would be better served by the payment of debts than by the siezure of an island.²²

The rivalry between Chatfield and Squier continued as Squier moved to checkmate his counterpart. In the autumn of 1849 Squier negotiated the cession of Tigre island by Honduras to the United States for a period of eighteen months in order to avoid the pending British siezure. Chatfield countered immediately by ordering siezure by Naval Captain J. A. Paynter of the islands claiming proprietary rights to it due to the lien established in the previous January. Then, the commander of the British naval forces in the Caribbean, Admiral Sir Phipps Hornby, ordered the naval force to evacuate Tigre island because he knew Lord Palmerston would become upset over Chatfield's action. Both the American and British agents in Central America had obviously exceeded their instructions and their actions had aroused mutual antagonisms. Britain and the United States disavowed the actions of their agents because the two governments had entered into negotiations con-

²¹loc. cit., 65.

²²ibid.

cerning the Central American isthmian difficulties by that time.

Although Secretary Clayton and Foreign Minister Palmerston feared the motives of each other concerning isthmian affairs neither man wanted to risk war over the problem. The difficulties arising from the isthmian problem were mainly generated by mutual suspicion and the overzealousness of the two nations' agents in Central America.²³ Men such as Elijah Hise, E. G. Squier, Frederick Chatfield and Patrick Walker were dedicated to the best interests of their countries but managed to involve those nations in dangerous programs. The actions of these men, happily, did not always reflect the advice of their superiors. In fact, they often went beyond the authority vested in them.

Britain's Frederick Chatfield attempted to follow the previous pattern of Patrick Walker in securing strategic isthmian points in order to maintain British control of the isthmian transit routes. That policy was basically of a preventive nature. If the United States had obtained exclusive control of a transit route across the Central American isthmus and stabilized

²³Julius W. Pratt, A History of United States Foreign Policy (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1957), 289.

its' west coast territories it would have been conceivable that the Americans might gain commercial superiority in the Orient. The several military advantages that would have accrued to the United States would have made the situation intolerable to the British government and people. Chatfield and his subordinates throughout Central America felt the United States desired a monopoly over these transit routes and labored vigorously to thwart the endeavors of the Americans (although Lord Palmerston cautioned Chatfield to be more tactful).

The British agents located in Central America worked against any exclusive control of trans-isthmian routes by the Americans, but in the process appeared to be attempting, themselves, to secure exclusive control over the future canal routes for Great Britain! That action appeared to the American agents in Central America to be an attempt to deprive the United States of the means of access her western possessions and hence to threaten their security. In actuality, the United States sought no exclusive control of a canal route.²⁴ nor did Great Britain. The activities of the

²⁴ Julius W. Pratt maintains that the Hise and Squier treaties gave the United States exclusive control of the transit routes. The Hise treaty does call for exclusive transit rights but the treaty was not considered by the Taylor administration. Mr. Hise was

representatives of Britain and the United States in Central America managed to arouse public opinion on both sides of the Atlantic but, fortunately, cooler heads eventually prevailed.

not advised by Secretary Buchanan to negotiate for the rights of transit that he obtained. The Squier treaty obtained transit rights for the United States but these rights cannot be construed as exclusive since any other nation could obtain those rights by assuming the same guarantees. Squier was, in fact, advised by Secretary Clayton not to obtain exclusive rights.

V. THE CLAYTON-BULWER TREATY

Negotiations In London

Until the spring of 1849 both Great Britain and the United States had relied upon their agents in Central America to ascertain each other's motives in that area. In view of the activities and suspicions of those agents it is not surprising that the two nations were at loggerheads over the situation. On March 8, 1849, John M. Clayton became the United States Secretary of State and soon set in motion a program designed to bring about the development of a trans-isthmian canal.

On April 30 Clayton wrote to George Bancroft, United States Minister to London, directing him to inform Francisco Castellon, Nicaraguan Chargé d' Affaires to London, that the United States had decided to accede to Nicaragua's request to attempt to induce the British to give up claims to Nicaraguan territory.¹ He also instructed Bancroft to advise Castellon to "continue firm in asserting the rights of his government . . ."² Clayton's letter of April 30 appears to

¹Williams, 68.

²U.S. Documents., serial no. 579, document 75, 224, quoted in Williams, 68.

have been the turning point in the American treatment of the problem because a few days later (May 2) Secretary Clayton wrote to Bancroft, giving him special instructions concerning the British involvement in the Nicaraguan territorial question. Until that time the United States had contented itself with allowing American agents in Central America to deal with the issue in that region. Clayton's new instructions stated the American position in relation to the issue of sovereignty in Central America. The United States recognized the former Spanish title to Central America and the subsequent claim to inheritance of it by the Central American states. Clayton maintained that the Mosquito Indians were merely a tribe of savages, and not a sovereign state; thus, that they could not possibly claim sovereignty to the Mosquito Shore and were subject to the laws of the nations in which they lived. Inasmuch as the United States had been requested by Nicaragua to investigate British complicity in maintaining the Mosquito protectorate, Clayton said that the United States felt bound to demand an explanation of the British position on the issue. Bancroft was further instructed to question Lord Palmerston concerning the motives of Great Britain in Central America.³ Did Britain intend to settle or colonize

³ibid.

any part of the territory, and upon what principle?
Did the British claim the San Juan river in any way?

If Lord Palmerston indicated that Britain planned to continue to maintain the right to any of those points, Bancroft was directed to point out that the United States did not desire the exclusive control of an isthmian canal and felt it inexpedient for any other great maritime power to do so. Bancroft was to explain that the United States disclaimed any such interest in Central America but could not tolerate the violation of the territorial rights of others, particularly if the violation led to control of a trans-isthmian highway by a great maritime power.⁴ If Palmerston would not acquiesce in the face of the American argument Bancroft was directed to present a formal protest to Great Britain.

Bancroft immediately set about following Clayton's instructions but was delayed by Palmerston's unavailability for an interview. In August, 1849 Bancroft managed to secure such an interview. At that interview the American minister presented his government's position and questions.⁵ As expected, Palmerston

⁴ibid.

⁵House Executive Document 75, 1st session of the 31st Congress., 108, 234, quoted in Travis, 93.

denied any intentions on the part of his government to obtain colonies or to make settlements in Central America. To a specific question concerning the British occupation of San Juan del Norte (by that time renamed Grey Town) Palmerston answered that it was a possession of the Mosquito Indians, although occupied by the British, and that the British occupation would soon end. He emphasized the ownership of that port by the Mosquitos and declined to recognize that the Nicaraguan had any right to claim it. Although Lord Palmerston re-affirmed the British protectorate over the Mosquito kingdom he maintained that the British and American interests in Central America were the same. He also subscribed to Clayton's belief that the entire world would benefit from the construction of a trans-isthmian communication.⁶

While awaiting his interview with Lord Palmerston, Bancroft attempted to follow another part of his instructions concerning Costa Rica. Costa Rica and Nicaragua were in the midst of a boundary dispute over the southern bank of the San Juan river,⁷ and Clayton feared that Costa Rica's friendship for Great

⁶ibid.

⁷Pratt, 287.

Britain might result in a land cession of that area to Britain. Bancroft was directed to obtain a promise from the Costa Rican minister to London, Felipe Molina, that Costa Rica would not yield to any "foreign aggression". Molina promised Bancroft that Costa Rica would stand firmly against such an aggression even though he had asked for the British protection only five months earlier!⁸

The negotiations and interposition by the United States in behalf of Nicaragua did not appear to be making much progress for the latter nation by mid-summer, 1849. At that time Nicaraguan Chargé d' Affaires to London, Francisco Castellon, asked Bancroft for the annexation of his country to the United States.⁹ Bancroft replied that he was not instructed on that subject and suggested that Nicaragua attempt to settle her problems with Britain and Costa Rica. Castellon asked Lord Palmerston to submit their differences to arbitration but Palmerston rejected his proposal.

In the face of British opposition and Central American confusion Bancroft made the decision to

⁸Travis, 70-71.

⁹Williams, 73.

submit the written protest authorized by Clayton. Bancroft noted that the only point of the discussions that he and Lord Palmerston agreed upon was the desirability of the trans-isthmian communication. Without agreement on the question of sovereignty, however, there could be no amicable settlement on the route. Bancroft also noted the difficulty he had in obtaining interviews with Lord Palmerston and correctly concluded that the British Foreign Minister did not want to discuss the issue.¹⁰ Before he was able to complete the protest and submit it to Lord Palmerston, Bancroft was recalled by Secretary Clayton.

During the interval between the recall of Bancroft and the appointment of a new minister to London, Secretary Clayton learned of the agreement concluded between the Atlantic and Pacific Canal Company and the government of Nicaragua.¹¹ That contract called for a sea-to-sea passage through Nicaragua that would have violated British pretensions to the Mosquito territory, including Grey Town. Since the United States did not recognize the sovereignty of the Mosquitos over that territory Clayton was aware of the potential repercussions with Great Britain. Secretary Clayton was also painfully

¹⁰Thomas, 93-94.

¹¹ibid.

aware that Charge Squier had been instructed to do all within his power to help the canal company secure that contract and upon the success of that venture Squier was also instructed to negotiate a treaty securing the rights of transit to the citizens of the United States. Although Anglo-American relations were not the most cordial at that time, it was certain that Palmerston would have been greatly offended if he had received word of the contract and the treaty without a proper explanation from a representative of the United States government. In order to deal with that eventuality Clayton directed William C. Rives, the new United States Minister to France, to stop in London on his way to his new appointment in Paris.¹² His purpose was to acquaint Lord Palmerston with the American position in reference to the new incidents.

Rives was instructed to explain to the British foreign secretary that the United States viewed "the title of the state Nicaragua, which entered into this contract, as irrefragable," and that the United States was about to make a treaty with her on the subject.¹³ If Palmerston made it clear to Rives that he planned

¹²loc. cit., 95.

¹³loc. cit., 94.

to support the Mosquito protectorate then Rives was to continue on his way to Paris and leave the business of a formal protest to the newly appointed minister to the St. James court, Abbott Lawrence.

Although Rives had some difficulty in obtaining an interview with Lord Palmerston, he was eventually received cordially on September 24, 1849. While waiting for his interview Rives made a study of the British position concerning Central America. He soon became convinced that Great Britain had become fully involved with the Mosquito position. He felt that the British had followed a policy that was based on testing her commercial rivals in Central America and taking everything that they allowed. The British position, therefore, was attained on a piecemeal basis.¹⁴

Upon meeting with Palmerston, Rives explained that his purpose was to relate the position of the United States in the Central American conflict. That position was that the United States supported the Nicaraguan territorial rights to the proposed canal route. Rives pointed out that the major reason for American interest in any improved communications system which would provide greater contact with the American territories on the Pacific coast. Following his in-

¹⁴Travis, 96.

structions, Rives then informed Palmerston of the obvious advantages to world commerce that a neutral canal would afford. At the same time, however, Rives also pointed out the equally obvious disadvantages of one great commercial power controlling the canal. The control of Grey Town by British authorities in the name of the Mosquitos would be looked upon with dissatisfaction by the other commercial powers, according to Rives. The control of the eastern terminus of the proposed canal by Britain raised the obvious allegation that that country was attempting to secure exclusive control of the isthmus. Rives asked Lord Palmerston to explain the British position concerning Grey Town, the Mosquito protectorate and the proposed canal.¹⁵

In answer to Rives' question Palmerston stated that although the Mosquitos were savages the British government had recognized them as a sovereign government for more than a century.¹⁶ That sovereignty (including their sovereignty over Grey Town) was based on the fact that the Indians and their territories had never been conquered by either the Spanish or the

¹⁵Thomas, 95.

¹⁶Travis, 97.

Central Americans. Palmerston denied that Great Britain held Grey Town in order to control the canal route. In fact, he agreed to join in the construction of any canal as long as it would remain "a common highway for the use and benefit of all nations."¹⁷

In conclusion, Rives suggested to Lord Palmerston that Britain utilize her influence on Costa Rica and the Mosquitos, while the United States do the same with Nicaragua in order to bring about a canal project that would benefit all nations.¹⁸ When he left, Rives was certain that he had obtained satisfactory answers and that the two nations had been drawn closer by the discussion. Rives felt the only reason the British had secured the eastern terminus at Grey Town was to prevent the United States from obtaining exclusive canal rights.¹⁹

Shortly after Rives' departure for the continent, Abbott Lawrence arrived in London to fill Bancroft's vacancy as Minister to Great Britain. Lawrence was presented to Lord Palmerston and the Prime Minister, Lord John Russell. On October 19, Lawrence wrote to

¹⁷ibid.

¹⁸Williams, 79.

¹⁹loc. cit., 80.

Clayton echoing Rives hopes for agreement.²⁰ Both Russell and Palmerston had repeated the latter's earlier attitudes concerning the future hope of the trans-isthmian canal and Anglo-American co-operation.²¹

Lawrence's optimism received a minor set-back on the basis of a letter written to him on the following day by Secretary Clayton.²² On October 20, 1849, Clayton wrote his complete instructions to Lawrence. In that letter Clayton wrote that Britain had revealed to him a determination to maintain the Mosquito protectorate. The maintenance of the Indian's sovereignty over Grey Town and the adjoining lands stood as obstacles to the development of any trans-isthmian communication the United States had in mind. Inasmuch as the United States recognized Spain's earlier right to the disputed territory and the inheritance by the Central American states of that same land, Clayton explained that the United States could not tolerate the Mosquito claim. In summation Clayton maintained

²⁰State Department Archives, National Archives, microcopy 30, roll 56. Lawrence to Clayton, Oct. 19, 1849. Cited hereafter as "S.D.A., microcopy . . ."

²¹ibid.

²²S.D.A., microcopy 77, roll no. 75. Clayton to Lawrence, October 20, 1849.

that the United States would not allow the British claims in behalf of the Mosquitos to stand in the way of the trans-isthmian canal. Again Clayton mentioned the desirability of a free and undisputed route across the isthmus, calling for British evacuation of Nicaraguan territory.

In order to obtain a "healthy" atmosphere for co-operation in Central America the American secretary of state directed Lawrence to call for British evacuation of Central American territory "without prejudice to any rights that British subjects might have acquired under treaty stipulations between Great Britain and Spain".²³ Clayton also suggested that the United States and Great Britain enter into a treaty guaranteeing the independence of Nicaragua and Honduras and the freedom of the proposed canal. The problem of the Mosquito Indians was to be solved by giving them a reservation to live on as long as that reservation did not interfere with the canal route. At that point Clayton offered Great Britain the good offices of the United States in settling British differences with Nicaragua.

As a final display of good faith, Clayton directed

²³ibid.

Lawrence to present the offer of a treaty between the two nations. That treaty or convention would bind both nations "never to colonize, annex, settle, or fortify any part of the ancient territory of Guatemala, embracing Nicaragua, Costa Rica, Honduras, and indeed, the whole Mosquito coast."²⁴ If Great Britain rejected those proposals Lawrence was instructed to inform Palmerston of the tenor of the Hise treaty. Clayton tried to use the Hise treaty as a lever to force Britain into an amicable agreement. He directed Lawrence to tell Lord Palmerston that the Hise treaty would not be submitted to the senate if Great Britain would join with the United States in guaranteeing the freedom of the isthmian transit. Clayton made it clear to Lawrence that if Britain did not acquiesce the Hise treaty or a similar treaty that Squier might negotiate would be submitted to the senate in order to secure the transit route.

Lawrence received Clayton's dispatch in early November and immediately obtained an interview on November 8, 1849 with Lord Palmerston in order to lay his country's views before the foreign secretary. In presenting his case to Lord Palmerston, Lawrence simplified his instructions by revealing the American

²⁴ibid.

desire to see Great Britain, Nicaragua, and Costa Rica settle their differences. The upshot of such a reconciliation could be relieved tensions between the United States and Great Britain over Central America. Such a situation would have presaged an amicable agreement between those two nations for the development of a trans-isthmian communication.²⁵

In order to obtain Palmerston's views in writing Lawrence dispatched a note to the foreign secretary immediately after the interview. In that letter Lawrence asked (1) whether Great Britain planned to occupy, colonize, or settle any part of Costa Rica, Nicaragua, the Mosquito coast, or any other part of Central America, and (2) if Great Britain would join the United States in guaranteeing the neutrality of a ship canal. Lawrence re-affirmed earlier statements that the United States had no ulterior motives in Central America and planned no colonization.²⁶

On November 14 Lawrence wrote to Clayton that he had received Palmerston's answer to his letter of

²⁵The trend of the discussion between Palmerston and Lawrence was relayed by the latter to Clayton via a despatch on November 9, 1849. S.D.A., microcopy 30, roll 56.

²⁶S.D.A., microcopy 30, roll 56. Lawrence to Clayton, November 9, 1849, enclosure: Lawrence to Palmerston, Nov. 8, 1849.

November 9.²⁷ Lawrence explained to Clayton that he had not divulged to Palmerston the stipulations of the Squier treaty because he felt that the atmosphere in Britain was still conducive to an amicable agreement and feared the Squier treaty would upset that atmosphere. Palmerston had sent two separate notes, one dealing with the Squier treaty and the other with Lawrence's written queries of November 8, 1849. The first note explained that Palmerston was under the impression that the Squier treaty called for the United States to coerce Great Britain to give up Grey Town to Nicaragua.²⁸ If that were the case, wrote Palmerston, it was an obvious aggression against British trust by the United States. He naturally demanded an explanation.

The second note from Lord Palmerston answered Lawrence's inquiries by stating that Great Britain did not intend to colonize, annex, or settle any part of Central America.²⁹ It asserted more specifically,

²⁷S.D.A., microcopy 30, roll 56, Lawrence to Clayton, November 14, 1849.

²⁸S.D.A., microcopy 30, roll 56, Lawrence to Clayton, November 14, 1849, enclosure #1: Palmerston to Lawrence, November 13, 1849.

²⁹S.D.A., microcopy 30, roll 56, Lawrence to Clayton, November 14, 1849, enclosure #2: Palmerston to Lawrence, November 13, 1849.

that Great Britain maintained no dominion over the Mosquito territory. He said Britain had been carrying on close relations with the Mosquito kingdom for two centuries. The foreign secretary went on to write that Great Britain also desired to enter an agreement with the United States in order to develop and protect a trans-isthmian canal. In fact, in order to better attain that end Great Britain would use its' influence with the Mosquitos to secure passage through their territory (including Grey Town)! Lord Palmerston also agreed to serve with the United States in bringing about a settlement between Nicaragua and Costa Rica.

In seeking quick answers from Palmerston, Lawrence managed to narrow the scope of the issue quite rapidly. Lord Palmerston had made it quite clear that Great Britain still recognized the Mosquito claim of sovereignty to Grey Town and the alleged Mosquito Shore. In a letter to Palmerston dated December 14, 1849 Lawrence recapitulated the mutual goals which both nations had agreed upon.³⁰ He wrote that both nations wanted the waterway built because of the obvious advantages; the canal would bring Britain closer to

³⁰S.D.A., microcopy 30, roll 56, Lawrence to Clayton, November 22, 1849, enclosure #1: Lawrence to Palmerston, November 22, 1849.

her eastern empire and the United States closer to its' western territories. He observed that both nations had remarked upon the desirability of the construction of such a canal and promised to enter agreements pledging to protect it while under construction and after completion. Lawrence also pointed out that the United States had already been granted transit rights in exchange for guaranteeing the neutrality of the isthmus, although the treaty had not been ratified at that time. After the above recapitulation Lawrence arrived at his point of departure; in the face of all of those facts the only impediment to a peaceful settlement was the solution to the Mosquito problem. He wrote that the British protectorate over the Mosquitos remained as the only roadblock to the completion of a great service to the world and mankind. The establishment of a reservation for the Indians and the relinquishment of Grey Town and the adjoining territory to Nicaragua were again proposed.

By that position Lawrence achieved nothing more than a stalemate in London. His adamant attitude on the Mosquito protectorate proved to be the roadblock to continued useful negotiations on the Central American issue. Although he continued to communicate with Lord Palmerston on the subject of an isthmian

canal his efforts were wasted. Palmerston recognized that to attempt to obtain a reversal of positions by Lawrence on the Mosquito protectorate was futile because Lawrence simply was not authorized to do so. The foreign minister knew that an agreement made by Lawrence that gave up the Nicaraguan claim would have been negated by Lawrence's superiors in Washington. However, at the time negotiations in London were reaching a stalemate Sir Henry Lytton Bulwer was on his way to Washington as a special British Minister to the United States. The talks he would have with Secretary of State Clayton were to eventually break the stalemate.

Negotiations In Washington

Late in the summer of 1849 Elijah Hise returned to the United States from Central America with his Nicaraguan treaty. The exclusive nature of that treaty was bound to arouse British feelings, and it did. Not only were the British aroused by the treaty but the political opposition to the Taylor administration was upset also.³¹ Inasmuch as the administration did not possess a congressional majority the Hise treaty appeared to be in for a bad time. By accepting the treaty, the Democratic majority could have forced the

³¹Travis, 98.

Taylor administration into an open conflict with the British, or, if the administration failed to press the advantage provided by the treaty, the opposition majority could have claimed that the administration was giving up what had been gained through negotiation.³²

Secretary Clayton decided to withhold the treaty from the senate and the public press. If the public had learned of the treaty stipulations, the Democratic opposition could have mobilized the ever present anti-British feelings against the administration. The Secretary of State called John F. T. Crampton, British Minister to the United States, to discuss the situation existing between the two nations. During the confidential discussion Clayton made it clear to Crampton that Hise had negotiated a treaty objectionable to Britain.³³ Clayton also pointed out to Crampton the domestic political predicament just described and suggested that the two countries move cautiously in order to avoid a conflict. The purpose of the conference, then, was to reveal to Palmerston, through Crampton, that there was a danger of war between the two nations.³⁴

³²ibid.

³³loc. cit., 99.

³⁴loc. cit., 99-100.

At that point Clayton resolved to draw Great Britain into an agreement for co-operation in the development and protection of a canal.³⁵ He felt that if Palmerston could be shown the United States was sincere in its desire to develop a free and neutral canal then he would eventually join in the trans-isthmian project. Clayton thought that the British, upon becoming convinced that the United States did not want exclusive control of the proposed canal, would no longer need the Mosquito protectorate and would abandon it.

In a later interview between Crampton and Clayton which took place on September 30, 1849 Clayton promised to discard the Hise treaty and negotiate a new one with Nicaragua that would be open to all nations.³⁶ That treaty would guarantee protection to any company assuming the responsibility of the canal project and also provide no exclusive advantages to any nation. In exchange for the dropping of the Hise treaty Clayton hoped to gain British co-operation in the construction of the canal and guarantees of its neutrality.

³⁵ibid.

³⁶ibid.

Early in October, the canal contract negotiated between Nicaragua and the Atlantic and Pacific Canal Company as well as the Squier treaty arrived in Washington. Clayton immediately joined with Crampton in discussions over the provisions of Squier's treaty.³⁷ Although the treaty contained some objectionable provisions, it was considerably more desirable than the Hise treaty. The British minister objected to the fact that Nicaragua had ceded the route of the San Juan river, including the port of Grey Town, claiming that the territory ceded was Mosquito territory.³⁸ Clayton announced to the British minister that the United States planned to withhold the Hise and Squier treaties from the senate while the British government made its' decision concerning the co-operation of Britain and the United States in building a canal. However, the major stipulation for which Clayton was holding out was an agreement between Great Britain and the United States renouncing all claims to territory in Central America. If Great Britain decided against

³⁷ibid.

³⁸Palmerston would later protest to Lawrence in London that the Squier treaty called for the United States to deliver up Grey Town from British hands.

such steps Clayton promised Crampton he would submit one of the treaties to the senate. Inasmuch as public pressure was in favor of forcing Great Britain out of Central America the ratification of a treaty would have been an easy matter. Unless Great Britain accepted Clayton's proposals her situation would have become untenable and ratification of either treaty by the United States would have been tantamount to a declaration of war.³⁹

Looking at Clayton's policy in retrospect it is possible to determine the basis for the involvement between the United States and Great Britain. Purely and simply, the United States wanted to develop a trans-isthmian canal! Without delving into a number of detailed explanations the United States government felt that a canal was necessary in order for it to properly maintain its' western territories. In order to obtain that end the United States found it necessary to negotiate with the nations possessing routes feasible for such a canal.

Great Britain had developed a great distrust of American motives and actions in the Americas. The Monroe Doctrine and later policies of the United States were calculated to thwart European programs of coloni-

³⁹loc. cit., 101.

zation and control of the new world. These policies certainly did not ingratiate the United States in the eyes of Europe nor did they bring about any serious rupture in relations between the "old world" and the "new" until the one being discussed. The growth in popularity of the "manifest destiny" of the United States in the 1840's, however, had begun to instill a degree of distrust in Britain. The British began to have grave doubts about the wisdom of allowing the United States to obtain its' every desire.⁴⁰ Since the United States expressed a need for a trans-isthmian canal the British immediately feared for their positions in Central America and, more important, in Asia. These premonitions were based on the fear that the United States desired the exclusive control of the canal which, of course, would have threatened British position.

The British reaction to that fear seemed to be an attempt by the British agents in Central America to secure all the isthmian routes against American exploitation. In short, the action taken by the

⁴⁰ A clear example of Great Britain's determination to contain the United States was manifested in the policy of George Canning alluded to earlier in the text of this investigation. see Williams, 27.

British to prevent the Americans from obtaining exclusive control of a canal seemed to the Americans a British move to obtain exclusive control of the route. The agents of both nations dedicated themselves to defeating the "greedy motives" of the other which accomplished nothing, save the complication of the true goals of the two powers.⁴¹

As has been noted earlier, Clayton sought agreement on three basic points: (1) the joint guarantee of neutrality of the canal route; (2) co-operative efforts between the two nations in the protection and development of the proposed canal; and (3) the mutual denial of plans for territorial aggrandizement in Central America. Lord Palmerston agreed to the desirability of all those goals; however, the third point proved to be difficult to resolve mutually. On this point Lord Palmerston wrote that Great Britain desired no territory in Central America and that the British occupation of Grey Town was only for the Mosquito king.⁴² In the same letter Palmerston offered

⁴¹An excellent account of the competition between men such as Chatfield and Squier for the gain of the countries they represented can be found in Williams, 26-66.

⁴²S.D.A., microcopy 30, roll 56, Lawrence to Clayton, November 14, 1849, enclosure #2: Palmerston to Lawrence, November 13, 1849.

to use British influence on the Mosquito king in order to secure the canal route for the proposed international waterway.

Palmerston's attitude toward the Mosquito protectorate and the steps taken by some of the British agents in Central America continued to arouse American distrust. Secretary Clayton's attempts to bring about a peaceful settlement appeared doomed until the arrival in Washington of Sir Henry Lytton Bulwer, the special British Minister to the United States the British government had decided to acquiesce in favor of all of the American demands, except the abandonment of the Mosquito protectorate.⁴³ Bulwer correctly analyzed the American goal to be, primarily, the establishment of the canal. The demand for the abandonment of the Mosquito protectorate existed because it seemed to the Americans to stand in the way of development of the canal. In a move designed to suppress the Mosquito issue, Bulwer decided to emphasize the need for an agreement on the development of an interoceanic canal.

The negotiation of a convention between the two nations avoided any direct mention of abandonment of the Mosquito protectorate. Although Bulwer succeeded

⁴³Williams, 89.

in avoiding any discussion of the protectorate, Secretary of State Clayton managed to word Article one of the proposed convention in such a manner that it could be construed as meaning a British abandonment of the Indians. By February 3, 1850 the preliminary convention was completed and sent to England for Lord Palmerston's approval. During the period the convention was under consideration in London, public opinion against Great Britain was further aroused by the Tigre island seizure and the subsequent repercussions that incident created. In a letter to Abbott Lawrence dated February 13, 1850, Lord Palmerston disavowed the action of Chatfield as unwarranted.⁴⁴ However, in the same letter, Lord Palmerston informed Lawrence that the government of Honduras had become greatly indebted to Great Britain. Palmerston also maintained the many British citizens had been wronged in Honduras, and that, although he disavowed Chatfield's act, "Her Majesty's Government must not on that account be considered as giving up in any degree the claims which it has made on the Government of Honduras, and must hold itself free to use whatever means the Law of

⁴⁴S.D.A., microcopy 30, roll 56, Lawrence to Clayton, February 14, 1850, enclosure#2: Palmerston to Lawrence, February 13, 1850.

Nations may allow for obtaining redress which it demands if that redress should continue to be withheld."⁴⁵ Palmerston's disavowal must have been re-assuring to Clayton, but the statement that Britain sought redress from Honduras for the debts and actions seemed to be contradictory to the spirit of a sincere disavowal of Chatfield's actions.

On March 14, 1850 Secretary Clayton submitted the Squier treaty to the senate for its' advice and consent. Clayton's move seemed justified in the light of the apparent duplicity of the British statements. Then, on March 27, Bulwer addressed a note to Clayton informing him that Lord Palmerston had sent his approval for the proposed convention.⁴⁶ Along with that approval, Palmerston re-affirmed his earlier statement that Great Britain sought no territorial gain under the guise of the Mosquito protectorate.⁴⁷ With that reassurance, it became possible to enter into the convention with Great Britain.

One incident threatened the safety of the treaty

⁴⁵ibid.

⁴⁶S.D.A., microcopy 50, roll T-27, Bulwer to Clayton, March 27, 1850.

⁴⁷Palmerston's earlier statement referred to is his letter to Lawrence of November 13, 1849.

just prior to its' signing and transmission to the senate. On April 15, 1850 Bulwer sent a note to Clayton demanding the restraint of any American attempts to settle on Her Majesty's possession, Ruatan. Great Britain had secured Ruatan and the remaining Bay islands in 1841 and had maintained possession of the islands until that date. Clayton asked Bulwer to withdraw his note because it would imperil the acceptance of the treaty they had just negotiated. Clayton feared that the British would appear to be making new territorial claims in Central America. The American secretary of state assured Bulwer that the United States had no designs on the Bay islands. With that assurance Bulwer withdrew the note. After clearing the last roadblock, Clayton and Bulwer signed the treaty on April 19, 1850. The convention was submitted to the United States Senate on April 22, 1850.

In an effort to assure rapid ratification of his treaty, Clayton conferred with congressional leaders prior to the treaty's transmission to the senate.⁴⁸ William R. King, chairman of the Senate Committee on Foreign Relations, helped Clayton secure the approval of the treaty even in the face of a Democratic majority. An element of the senate was eager to defeat the

⁴⁸Miller, Vol. V, 68.

treaty because it did not call for the removal of the British from Central America. In the lobbying that took place, Clayton and Senator King were able to convince enough senators that the treaty was an enforcement of the Monroe Doctrine in that it did call for the abandonment of the Mosquito territory.⁴⁹ The first article of the treaty, it was explained, was left purposely vague in order to protect British pride.⁵⁰

Because of the advance preparations made by Senator King and Secretary Clayton the treaty received very little debate on the floor of the senate. On May 23 the convention was ratified by the United States Senate.

Five days prior to the exchange of ratifications Bulwer sent a note to Secretary Clayton that consisted of a declaration concerning an interpretation of the convention about to be concluded. That declaration was to have served as a qualification to the treaty and read as follows:

Declaration

In proceeding to the exchange of the Ratifications of the Convention signed at Washington on the 19th of April 1850 between Her Britannick [sic] Majesty and the United States of America,

⁴⁹Williams, 98-99.

⁵⁰ibid.

relative to the establishment of a communication by ship canal between the Atlantic and Pacific Oceans, The undersigned, Her Britannick [sic] Majesty's Plenipotentiary, has received Her Majesty's instructions to declare, that Her Majesty does not understand the engagements of that Convention to apply to Her Majesty's settlement at Honduras or to its Dependencies.

Her Majesty's Ratification of the said convention is exchanged under the explicit Declaration abovementioned.

Done at Washington the 29th day of June, 1850.

H. L. Bulwer⁵¹

On July 4, 1850 Secretary Clayton addressed a note to Senator King informing him of a counter-declaration that he planned to present to Bulwer prior to the exchange of ratifications.⁵² Clayton's note asked the senator if he (Clayton) could explain to Bulwer that the senate understood that British Honduras was not meant to be included in the convention. The senator answered in the affirmative.⁵³

Later that same day Secretary of State Clayton and the British Minister, Bulwer, exchanged ratifications of the treaty. Prior to exchanging the ratifications, however, Clayton handed to Bulwer a counter-declaration,

⁵¹S.D.A., microcopy 50, roll T-27, Bulwer to Clayton, June 29, 1850.

⁵²Miller, Vol. V, 683.

⁵³loc. cit., 684.

in answer to Bulwer's declaration of June 29th.⁵⁴ That counter-declaration stated that the United States did not mean to include British Honduras in the territory covered by the treaty stipulations. In writing of the territory Clayton wrote that the "title to them it is now and has been my intention throughout the whole negotiation, to leave, as the treaty leaves it, without denying, affirming, or in any way meddling with the same, just as it stood previously".⁵⁵ Both men were satisfied that the treaty had accomplished the ends of their respective nations.

⁵⁴loc. cit., 682-683.

⁵⁵ibid.

VI. CONCLUSION

Summary of the Decade of Difficulty, 1850-60

Relations between Great Britain and the United States were not immediately pacified upon the ratification of the Clayton-Bulwer treaty. In the first place, in order to begin the co-operative efforts which were called for by the treaty, it was a necessary prerequisite to have an atmosphere of cordiality and mutual trust. That condition was totally lacking throughout the decade 1850-60. It must also be remembered that President Zachary Taylor died on July 9, 1850, just five days after the exchange of the Clayton-Bulwer ratifications. The dismissal of Clayton and the appointment of Daniel Webster to the post of the secretary of state by the new President, Millard Fillmore, destroyed any possibility of Clayton implementing a policy in support of his convention.

Although the Fillmore administration did not display great enthusiasm for obtaining a final settlement of the Central American question, other reasons contributed greatly to the unsettled state of affairs.¹ On the Central American scene Costa Rica and Nicaragua

¹Williams, 323.

were very nearly at war with each other over boundary disputes.² Great Britain could not reach an acceptable agreement with Nicaragua over the Mosquito and Grey Town questions. Inasmuch as the British were considered as allies of Costa Rica and the Mosquitos, their position dictated that they be opposed to Nicaragua. That position naturally placed them in opposition to the United States. This aligned the signatories of the Clayton-Bulwer treaty in the same state of antagonism as they were in prior to the treaty!³

In spite of the stalemate that followed the treaty-signing relations remained peaceful for two years. That peace, however, was broken on March 20, 1852 when, by royal proclamation, Great Britain made the Bay islands an English colony. The British move proved to be a most tactless one in that it aroused those who had opposed the Clayton-Bulwer treaty in the United States against what was regarded as a "new" British aggression. The opponents of the treaty consisted mainly of Democrats, led by Senator Lewis Cass of Michigan. In order to make political capital of the situation, Senator Cass claimed that Clayton and the

²Travis, 129.

³ibid.

Whigs had acquiesced in the face of the British declaration presented by Bulwer on the 29th of June, 1850.⁴ Cass further stated that the Monroe Doctrine had been sacrificed to the Clayton-Bulwer treaty by Clayton's alleged recognition of the British colony of Honduras and the Bay islands as a dependency. Meanwhile, Clayton had been elected to the senate. The defense that Clayton used was that he, Clayton, had observed in his memorandum, dated July 5, 1850, and in his counter-declaration to Bulwer that the declaration made by a British representative had no legal bearing on the treaty itself. He repeated his position that no matter what the declaration or counter-declaration said they had no legal bearing on the treaty because the stipulations of those remarks had not been ratified by the senate.⁵

The United States declared that the areas claimed by Great Britain should be abandoned under the provisions of the Clayton-Bulwer treaty. The British, however, asserted that the Clayton-Bulwer treaty only condemned future territorial acquisitions. The ensuing deadlock of one year's duration did nothing more than create antagonism between the two nations and

⁴loc. cit., 144.

⁵ibid.

provide opportunities for American politicians to make capital of the situation by demanding a "strict interpretation of the Monroe Doctrine".⁶ During that time the United States officially maintained its' own interpretation of the treaty as valid and called for British co-operation.

By the year 1854 it became apparent to the British ministry that the United States would not give ground in the conflict. The ministry feared that the Democratic administration of President Franklin Pierce was using British involvement in the Crimean War to further its' ambitions of territorial aggrandizement.⁷ In fact, the British ministry thought most of Pierce's actions were motivated by an alliance of some sort between Russia and the United States. The British also felt that Pierce administration had used the conflict with Britain as means of re-gaining political prestige lost by its' inability to acquire Cuba and Santo Domingo, and to drive British influence from Central America.⁸ The final factor considered by Lord Clarendon, the new British foreign secretary, was the possibility of war with the United States. The possibility of that

⁶Richard W. VanAlstyne, "British Diplomacy and the Clayton-Bulwer Treaty, 1850-60," Journal of Modern History, XI, 172.

⁷loc. cit., 171.

⁸loc. cit., 172.

eventuality was not welcomed because of the attitude of the British public; it was definitely not in favor of a war with the United States.

A note from James Buchanan, United States Minister to London, to Lord Clarendon dated January 6, 1854 reprimanded the British because of their position in Central America.⁹ That note particularly discussed the recent British position on Belize and the Bay islands. Buchanan's upbraiding of the British brought into focus the thoughts concerning American motives just discussed and were partly responsible for a change in British attitude. The British ministry began to adopt a new policy concerning Central America and Lord Clarendon professed a desire to reach an accord in a note to Buchanan, dated May 2, 1854.¹⁰ The ministry was beginning to recognize the weakness of its' position in Central America and was willing to make great concessions to the United States. Perhaps the Crimean War was a factor, too. At any rate, Lord Clarendon promised to give up the Mosquito protectorate, return the Bay islands to Honduras, and to set definite boundaries for Belize. It appeared as

⁹loc. cit., 169.

¹⁰loc. cit., 175-176.

if the Anglo-American conflict was about to be resolved but the news of the Grey Town bombardment by Captain George N. Hollins of the United States Navy forced Clarendon to immediately withdraw the conciliatory offer of May 2, 1854.¹¹

Through the year 1855 the situation worsened between the two nations. A low in relations was reached in 1856 when the "recruiting charges" against John F. T. Crampton, Minister to the United States, finally brought about his expulsion on May 28, 1856.¹² By the time of Crampton's expulsion the possibility of war between Great Britain and the United States was being openly debated in both nations.¹³ At that time British statesmen were being subjected to a good deal of criticism because of their traditional Central American policy.¹⁴ The attacks against the ministry in the press and the Parliament appeared to bring about a change in attitude

¹¹ibid.

¹²During the Crimean War heavy casualties forced the British to resort to foreign enlistments. Crampton was accused of violating American neutrality laws by "luring" recruits to Nova Scotia where they were enlisted in the British armed forces.

¹³Williams, 324.

¹⁴Kenneth Bourne, "The Clayton-Bulwer Treaty and the Decline of British Opposition to the Territorial Expansion of the United States, 1857-60." Journal of Modern History, XXXIII, 287.

in those traditional British policies in Central America. The foreign secretary, Lord Clarendon, realized that Great Britain could ill afford a war with the United States because of the obvious damage to commercial relations and because the British people would not have supported such a war.¹⁵

Lord Clarendon took advantage of the situation to enter into negotiations with George M. Dallas, Buchanan's successor as United States Minister to London, in order to arrange a new agreement between the two governments. The Dallas-Clarendon convention would have replaced the Clayton-Bulwer treaty with several British concessions to the American demands.¹⁶ Among other things, the British promised to define the Belize boundaries, set up the Bay islands as "free territory" under Honduras, and recognize Nicaragua as possessing sovereignty over the Mosquito territory. (if Nicaragua would compensate the Mosquitos). The senate ratified the agreement after making one amendment; the senate demanded that Honduras be given complete sovereignty over the Bay islands. Great Britain rejected that amendment producing another stalemate.¹⁷

¹⁵Williams, 325.

¹⁶loc. cit., 327.

¹⁷loc. cit., 231.

The deadlock between the two nations produced a good deal of animosity within the United States. There were strong signs that Congress might unilaterally abrogate the Clayton-Bulwer treaty because it seemed to place limits only on the United States. Lord Francis Napier, Crampton's successor in Washington, advised Secretary of State Lewis Cass that Great Britain was prepared to negotiate directly with the Central American nations in order to alleviate the differences between Britain, Central America and the United States.¹⁸ The British minister said that Britain wished to carry out its' settlements in the spirit of the American interpretation of the Clayton-Bulwer treaty. Pierce's successor, President Buchanan, however, was not in favor of the British plan and encouraged continued efforts for the abrogation of the Clayton-Bulwer treaty.

Near the end of 1857 Lord Clarendon had come to the conclusion that Great Britain ought to agree with the United States to abrogate the treaty, return to the "status quo" in Central America, and negotiate a simple canal agreement with the United States.¹⁹ The only apparent alternative was to grant the American demands

¹⁸ *ibid.*

¹⁹ Bourne, 288.

in Central America which would cost a good deal of British pride. Lord Napier was instructed by Lord Clarendon to announce to the American government that Britain was willing to abrogate the treaty. The abrogation would have at least done away with the American contention that Britain would have to give up her Central American position.²⁰

The new British position appeared to have convinced the United States government that the nation's best interests would be served by retaining the Clayton-Bulwer treaty.²¹ Buchanan rejected the abrogation proposal although congressional leaders continued to discuss it. At that stage of affairs, Lord Napier managed to convince his superiors in London that it would serve Britain's best interests also to retain the treaty.²² Napier pointed out that although American colonization of the isthmus was inevitable, annexation was not if the Clayton-Bulwer treaty were retained in effect. He wrote:

The English Race whether by direct movement from the Mother Country or by transmission through

²⁰loc. cit., 289.

²¹Williams, 326.

²²Van Alstyne, "British Diplomacy and the Clayton-Bulwer Treaty, 1850-60". 180.

the United States will undoubtedly spread to the Central American Region, but under the provisions of the Clayton-Bulwer Treaty which can now be preserved by concessions insignificant if we turn from the past, and look to the future, that region can never be annexed or associated to the North American Confederation, but will maintain a separate and neutral position so desirable if we regard the avenues which traverse it and untie the Oceans.²³

Napier carried his argument further when he pointed out that American annexation of the isthmus certainly would not lead to equal transit rights for Britain. Finally, Napier contended that a return to the "status quo" would inevitably lead to war between the United States and Great Britain.

Upon learning that Great Britain was unfavorably disposed toward the abrogation of the Clayton-Bulwer treaty President Buchanan re-opened discussions with Napier.²⁴ Cordiality became the keynote of the discussions when it was learned that Britain had decided that she must divest herself of her Central American possessions (with the exception of Belize) in order to maintain the spirit of the treaty. Charles L. Wyke was appointed by the British government to proceed to Central America and negotiate settlements with

²³Napier to Clarendon, No. 90, June 7, 1857, F.O. 5/672 quoted in Van Alstyne, *ibid*.

²⁴Williams, 327.

Nicaragua, Honduras, and Costa Rica.²⁵ He soon came to an agreement with Nicaragua to recognize that nation's sovereignty over the Mosquito Shore and Grey Town.²⁶ Wyke negotiated a settlement with Honduras which returned the Bay islands to that nation and settled the boundary dispute between British Honduras and Honduras.²⁷ Costa Rica and Nicaragua finally agreed to recognize the southern bank of the San Juan river as the border between those two nations.²⁸ The settlement arrived at proved to be entirely satisfactory to President Buchanan and the Clayton-Bulwer treaty finally, in 1860, became a respected document in the United States.

Summary

In any discussion of a treaty it becomes necessary to ascertain first, the object of the treaty and second, whether that object was attained. From the American point of view it must be stated that two ends were desired. The primary goal was to secure the use of a trans-isthmian canal in order to develop a better system of

²⁵Travis, 196.

²⁶loc. cit., 198.

²⁷ibid.

²⁸ibid.

communications between the eastern and western sections of the United States. In order to remain within the bounds of diplomatic precedent the United States could not negotiate and ratify treaties with Central American nations which would grant exclusive rights of transit in exchange for American guarantees of the sovereignty to those Central American states. Another factor that stopped the United States from doing so was the presence of Great Britain in the isthmus region. Jealousy of Britain caused the United States to abstain from any acts of aggrandizement in Central America in order to obtain the desired canal. Since exclusive transit rights were out of the question, a co-operative project was the only apparent solution.

A secondary reason for negotiating the treaty between the United States and Great Britain was to satisfy those Americans who believed in the "manifest destiny" of the United States to lead the two Americas in democracy. The Monroe Doctrine became the rallying point for those who strongly supported that clause of the doctrine that called for non-colonization by Europeans and opposed the imposition of European political systems in the Americas. The Clayton-Bulwer Treaty appeared to promote this aim.

Secretary of State John M. Clayton was fully aware

of both of the abovementioned reasons for securing an agreement. However, he also felt that a trans-isthmian canal was of paramount importance. In the process of negotiating for the canal Clayton hoped to allay the fears of both Americans and Englishmen by eliminating the possibility of either nation obtaining exclusive control of an isthmian canal. The aggressions and intrigues of both nations were calculated to thwart the other's plans for exclusive canal rights. If Clayton eliminated British attempts to thwart American plans, there would be no further need for aggressions on either side.

British policy, from the days of George Canning, had been to assume leadership in Latin America.²⁹ That policy was obviously in contradiction to the Monroe Doctrine but then, the United States' policy happened to contradict British policy. Lord Palmerston certainly did not deviate from the "Canning school" when he secured the Mosquito protectorate as a precaution against exclusive American control of the most obvious canal route.

When Palmerston agreed to the Clayton-Bulwer

²⁹For an explanation of Canning's policy see chapter II, subchapter "The Monroe Doctrine".

convention he visualized the United States and Great Britain co-operating in the development and protection of a neutral canal. He did not anticipate withdrawal from the Mosquito protectorate because it would have been a severe setback to British prestige to appear to have been forced from her position. Nor did Palmerston expect to be forced to withdraw from Belize or the Bay islands. Belize was made up of an almost entirely English population while the Bay islands were claimed to be a dependency of Belize.

The next, and perhaps most important, question to be answered is whether or not the treaty resolved the issued at hand? Inasmuch as article one of the treaty states,

The governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said Ship Canal
 . . . ³⁰

it becomes apparent that the secretary of state had secured the agreement of Great Britain not to seek an exclusive transit through Central America. The greatest fear of Americans was that Britain would be allowed to obtain such an exclusive control of the isthmus, thereby depriving the United States of it's cherished goal. Obviously the Clayton-Bulwer treaty guarded against that

³⁰Article I, Clayton-Bulwer Treaty, April 19, 1850.

contingency!

The opening sentence in Article one continues:

agreeing, that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America . . .³¹

That phrase clearly stipulated against exercising dominion over Central America, denying Great Britain the right to exercise control over the Mosquitos.

After the ratification of the treaty, as has been mentioned above, the Democrats frequently attacked it, usually on the ground that it violated the Monroe Doctrine. Their contention was that the treaty acquiesced to British claims of rights to "Belize and its' dependencies". Such a claim is not supported by the facts. Secretary Clayton and Senator King both asserted in their correspondence, as did Clayton in his memorandum and counter-declaration to Crampton, that Crampton's declaration asserting Britain's right to "Belize and its dependencies" did not affect the treaty in any way. Any change in the treaty, in order to become effective would have had to be ratified by the senate. If Clayton had wanted to officially accept the British declaration as part of the treaty, he

³¹ibid.

would have had to re-submit the treaty and declaration to the senate for ratification.

Secretary Clayton and Senator King did recognize the British rights in Belize as granted by the Anglo-Spanish treaties of 1783 and 1786. The British claims to Belize, in fact, were very substantial inasmuch as their grant to rights in the area go as far back as 1670 and were granted to the British in an Anglo-Spanish treaty of that year. Another factor in favor of the British was that the Belize settlement was mainly made up of Englishmen. Britain's claims to the Bay islands as dependencies of Belize, however, were based on rather dubious grounds. The islands were over one hundred miles from Belize but just a few miles from the Honduran shore. Honduras strongly contested British control of the islands.

The main difficulty barring agreement, however, was the Mosquito protectorate. Clayton assumed that the British maintained the Mosquito protectorate in order to block the path of the United States in any attempt to obtain exclusive control of an isthmian transit route. With the negotiation of a co-operative agreement for the development of a canal, Clayton thought the British should abandon the Mosquito protectorate because there was no longer a threat of the United States obtaining exclusive canal rights.

When Great Britain announced the establishment of a British colony in the Bay islands in 1852 it appeared as if Great Britain would not live up to the treaty. Furthermore, the Mosquito protectorate was still in existence at that time and its' presence complicated an already complex situation. At that point the Democratic politicians and press began to give the treaty a difficult time by "pointing out" that it violated the Monroe Doctrine. The decade 1850-60 was an unstable period in American politics and politicians were struggling to find a political "whipping boy" in order to enhance their image in the esteem of the voting public. An attack upon a document that was claimed to violate sacred traditions of America was thought to be a telling defense of American heritage. The contemporary attacks upon the Clayton-Bulwer treaty were ill-founded, mis-directed, and clearly politically motivated.

Who scored a diplomatic victory in the Clayton-Bulwer treaty? Many historians have maintained that the British appear to have scored a triumph over American diplomacy.³² None state that victory more strongly than Richard W. Van Alstyne. In an article written for the Journal of Modern History Van Alstyne

³²A notable example is Richard W. VanAlstyne, "British Deplomacy and the Clayton-Bulwer Treaty, 1850-60". Julius W. Pratt's A History of United States Foreign Policy also holds that position. (289)

quite strongly states his case,

Beyond question, the Clayton-Bulwer treaty became a master-instrument of British diplomacy. It was the best insurance for peace in the western hemisphere that Great Britain could possibly have had. For it she sacrificed not one material interest, and she paid a price which was cheap in her own estimation to keep it.³³

He later wrote in the same article,

the United States could hardly be said to have been a satisfied partner at any time during the life of the Clayton-Bulwer treaty. It cabined our ambitions.³⁴

The fact that the treaty secured peace between Great Britain and the United States can hardly be interpreted as a British diplomatic "coup" because it must be remembered that Secretary Clayton also desired a peaceable settlement of the matter. The statement that the Clayton-Bulwer treaty "cabined our ambitions" is open to question. It was the opposition of the anti-slavery element which actually doomed further American expansion southward. Van Alstyne claims the American drive to penetrate Central America was stopped by the Civil War,³⁵ it must be remembered that the United States had already relinquished its greatest possible

³³Van Alstyne, loc. cit., 182-183.

³⁴ibid.

³⁵ibid.

opportunity to grab more territory after the defeat of Mexico. The growing power of the anti-slavery forces and the relative decline of southern political influence in the later 1850's brought to an end any chance of territorial aggrandizement in Central America.

There are sound reasons for concluding that the United States gained more than Britain from the Clayton-Bulwer treaty. In the first place, Secretary Clayton secured the agreement of Great Britain to co-operate in the development of a project of prime interest to the United States; the canal that could link the American western territories to the rest of the nation. The Treaty, by making a canal possible, strengthened the American position in the western hemisphere politically and commercially. The obvious future advantage to American commerce in Asia is another reason to consider the treaty an American diplomatic victory.

However, the greatest triumph for the United States in the treaty was the assertion, for the first time in the arena of international relations, of the Monroe Doctrine. Although James Monroe announced that doctrine in 1823, its' spirit had never been manifested so forcefully as in the negotiation of the Clayton-Bulwer treaty. Through that treaty, John M. Clayton eliminated the future possibility of British colonization

in Central America. The British position was eventually destroyed in the Bay islands and the Mosquito protectorate by the American enforcement and interpretation of the treaty throughout the decade. Because of the history of British rights in Belize that possession was retained, but no future establishments were made.

Past interpretations of the history of Anglo-American isthmian relations including the Clayton-Bulwer treaty quite uniformly regarded that treaty as virtually a capitulation to British foreign policy. To this writer, it appears to have been victory over that policy. The treaty violated the old containment policy of George Canning and in the end brought a reversal of that policy. Since Canning and his successors had sought to eliminate American influence and make British policy dominant in Latin America the treaty appears to have been a reversal for the British ministry. American territorial ambitions (what there were left) may have been thwarted but, Britain's ambitions were encumbered by the treaty also. At the very least, the Clayton-Bulwer Treaty was a British recognition of American partnership in the western hemisphere.

APPENDIX

Treaty between Great Britain and Spain
Signed at Madrid, the 8th Day of July, 1670
18

I. First, it is agreed between the above-mentioned Plenipotentiaries, Sir William Godolphin and the Earl of Penaranda, in the names of the Most Serene Kings respectively, their Masters, that the Articles of peace and alliance made between the Crowns of Great Britain and Spain, in Madrid, on the $\frac{13}{25}$ d of May, 1667, or any clause thereof, shall in no manner be deemed or understood to be taken away or abrogated by this present Treaty; but that the same shall remain perpetually in their ancient force, stability, and vigor, so far forth as they are not contrary or repugnant to this present Convention and Articles, or to anything therein contained.

II. That there be an universal peace, true and sincere amity, in America, as in the other parts of the world, between the Most Serene Kings of Great Britain and Spain, their heirs and successors, and between the Kingdoms, States, plantations, colonies, forts, cities, islands, and dominions, without any distinction of place belonging unto either of them, and between the people and inhabitants under their respective obedience, which

shall endure from this day for ever, and be observed inviolably, as well by land as by sea and fresh waters, so as to promote each the welfare and advantage of the other, and favour and assist one another with mutual love; and that every where, as well in those remote countries as in these which are nearer, the faithful offices of good neighbourhood and friendship may be exercised and increased between them.

VII. All offences, damages, losses, injuries, which the nations and people of Great Britain and Spain have at any time heretofore, upon what cause or pretext soever, suffered by each other in America, shall be expunged out of remembrance, and buried in oblivion, as if no such thing had ever past.

Moreover, it is agreed, that the Most Serene King of Great Britain, His heirs and successors, shall have, hold, keep, and enjoy for ever, with plenary right of sovereignty, dominion, possession, and propriety, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or in any part of America, which the said King of Great Britain and His subjects do at present hold and possess, so as that in regard thereof, or upon any colour or pretence whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same hereafter.

VIII. The subjects and inhabitants, merchants, captains, masters of ships, mariners of the Kingdoms, Provinces, and Dominions of each Confederate respectively, shall abstain and forbear to sail and trade in the ports and havens which have fortifications, castles, magazines, or warehouses; and in all other places whatsoever possessed by the other Party in the West Indies; to wit, the subjects of the King of Great Britain shall not sail unto, and trade in the havens and places which the Catholic King holdeth in the said Indies; nor in like manner shall the subjects of the King of Spain sail unto, or trade in those places which are possessed there by the King of Great Britain.

IX. But if, at any time hereafter, either King shall think fit to grant unto the subjects of the other, any general or particular licence or privileges of navigating unto, and trading in any places under His obedience who shall grant the same, the said navigation and trade shall be exercised and maintained according to the form, tenor, and effect of the said permissions or privileges to be allowed and given; for the security, warrant, and suthority whereof, this present Treaty and the ratification thereof shall serve.

X. It is also agreed, that in case the subjects and inhabitants of either of the Confederates with

their shipping (whether public and of war, or private and of merchants) be forced at any time through stress of weather, pursuit of pirates and enemies, or other inconvenience whatsoever, for the seeking of shelter and harbour, to retreat and enter into any of the rivers, creeks, bays, havens, roads, shores, and ports belonging to the other in America, they shall be received and treated there with all humanity and kindness, and enjoy all friendly protection and help, and it shall be lawful for them to refresh and provide themselves, at reasonable and the usual rates, with victuals and all things needful, either for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage; and they shall in no manner be detained or hindered from returning out of the said ports or roads, but shall remove and depart, when and whither they please, without any let or impediment.

XI. Likewise, if any ships belonging to either Confederate, their people and subjects, shall, within the coasts or Dominions of the other, stick upon the sands, or be wrecked (which God forbid), or suffer any damage, the persons shipwrecked and cast on the shore shall in no sort be kept prisoners, but, on the contrary, all friendly assistance and relief shall be administered to their distress, and letters of safe

conduct given them for their free and quiet passage thence, and the return of every one to his own country.

XII. But when it shall happen, that the ships of either (as is above-mentioned) through danger of the sea, or other urgent cause, be driven into the ports and havens of the other, if they be three or four together, and may give just ground of suspicion, they shall immediately upon their arrival acquaint the Governor or Chief Magistrate of the place with the cause of their coming, and shall stay no longer than the said Governor or Chief Magistrate will permit, and shall be requisite for the furnishing themselves with victuals, and reparation of their ships: and they shall always take care not to carry out of their ships any goods or packs, exposing them to sale, neither shall they receive any merchandize on board, nor do any thing contrary to this Treaty.

XIII. Both Parties shall truly and firmly observe and execute this present Treaty, and all and every the matters therein contained, and effectually cause the same to be observed and performed by the subjects and inhabitants of either nation.

XIV. No private injury shall in any sort weaken this Treaty, nor beget hatred or dissensions between the foresaid nations, but every one shall answer for

his own proper fact, and be prosecuted thereupon; neither shall one man satisfy for the offence of another by reprisals, or other such like odious proceedings, unless justice be denied or unreasonably delayed, in which case it shall be lawful for that King, whose subject hath suffered the loss and injury, to take any course according to the rules and method of the law of nations, until reparation be made to the sufferer.

XV. The present Treaty shall in nothing derogate from any pre-eminence, right, or dominion, of either Confederate in the American seas, channels, or waters, but that they have and retain the same in as full and ample manner as may of right belong unto them; but it is always to be understood, that the liberty of navigation ought in no manner to be disturbed, where nothing is committed against the genuine sense and meaning of these Articles.

In testimony of all and singular the contents hereof, we, the above-mentioned Plenipotentiaries, have signed and sealed this present Treaty, at Madrid, the ⁸/₁₈th day of July, 1670.

Signed

Wm. Godolphin (L.S.) The Count of Penaranda, (L.S.)¹

¹Lewis Hertslett. A Complete Collection of the Treaties and Conventions and Reciprocal Regulations At Present Subsisting Between Great Britain and Foreign Powers Vol. II (London: Henry Butterworth, 1840) 196-99.

Definitive Treaty between Great Britain and Spain
(and France).

Signed at Paris, the 10th of February, 1763

Extract. (Translation, as laid before Parliament.)

II. The Treaties of Westphalia, of 1648; those of Madrid, between the Crowns of Great Britain and Spain, of 1667, and 1670; the Treaties of Peace of Nimeguen, of 1678 and 1679; of Ryswick, of 1697; those of Peace and of Commerce of Utrecht, of 1713; that of Baden, of 1714; the Treaty of the Triple Alliance of the Hague, of 1717; that of the Quadruple Alliance of London, of 1718; the Treaty of Peace of Vienna, of 1738; the Definitive Treaty of Aix-la-Chapelle, of 1748; and that of Madrid, between the Crowns of Great Britain and Spain, of 1750; as well as the Treaties between the Crowns of Spain and Portugal, of the 13th of February, 1768, of the 6th of February, 1715, and of the 12th of February, 1761; and that of the 11th of April, 1713, between France and Portugal, with the guaranties of Great Britain; serve as a basis and foundation to the Peace, and to the present Treaty; and for this purpose, they are all renewed and confirmed in the best form, as well as all the Treaties in general, which subsisted between the high Contracting Parties before the war, as if they were inserted here word for word, so that they are to be exactly observed for the future, in their whole tenor, and religiously executed on all sides, in all

their points which shall not be derogated from by the present Treaty, notwithstanding all that may have been stipulated to the contrary by any of the high Contracting Parties. And all the said Parties declare, that they will not suffer any privilege, favour or indulgence, to subsist, contrary to the Treaties above confirmed, except what shall have been agreed and stipulated by the present Treaty.

XVI. The decision of the prizes, made in time of peace, by the subjects of Great Britain, on the Spaniards, shall be referred to the Courts of Justice of the Admiralty of Great Britain, conformably to the rules established among all nations, so that the validity of the said prizes, between the British and Spanish nations, shall be decided and judged according to the law of nations, and according to Treaties, in the Courts of Justice of the nation who shall have made the capture.

XVII. His Britannic Majesty shall cause to be demolished all the fortifications which His subjects shall have erected in the Bay of Honduras, and other places of the Territory of Spain in that part of the world, four months after the ratification of the present Treaty: and His Catholic Majesty shall not permit His Britannic Majesty's subjects, or their workmen, to be disturbed, or molested, under any

pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose, they may build without hindrance, and occupy without interruption, the houses and magazines which are necessary for them, for their families, and for their effects: and His Catholic Majesty assures to them, by this Article, the full enjoyment of those advantages and powers on the Spanish coasts and Territories, as above stipulated, immediately after the ratification of the present Treaty.

XVIII. His Catholic Majesty desists, as well for himself, as for His Successors, from all pretension, which he may have formed in favour of the Guipuscoans, and other His subjects, to the right of fishing in the neighbourhood of the Island of Newfoundland.

Done at Paris, 10th February, 1763.

Signed

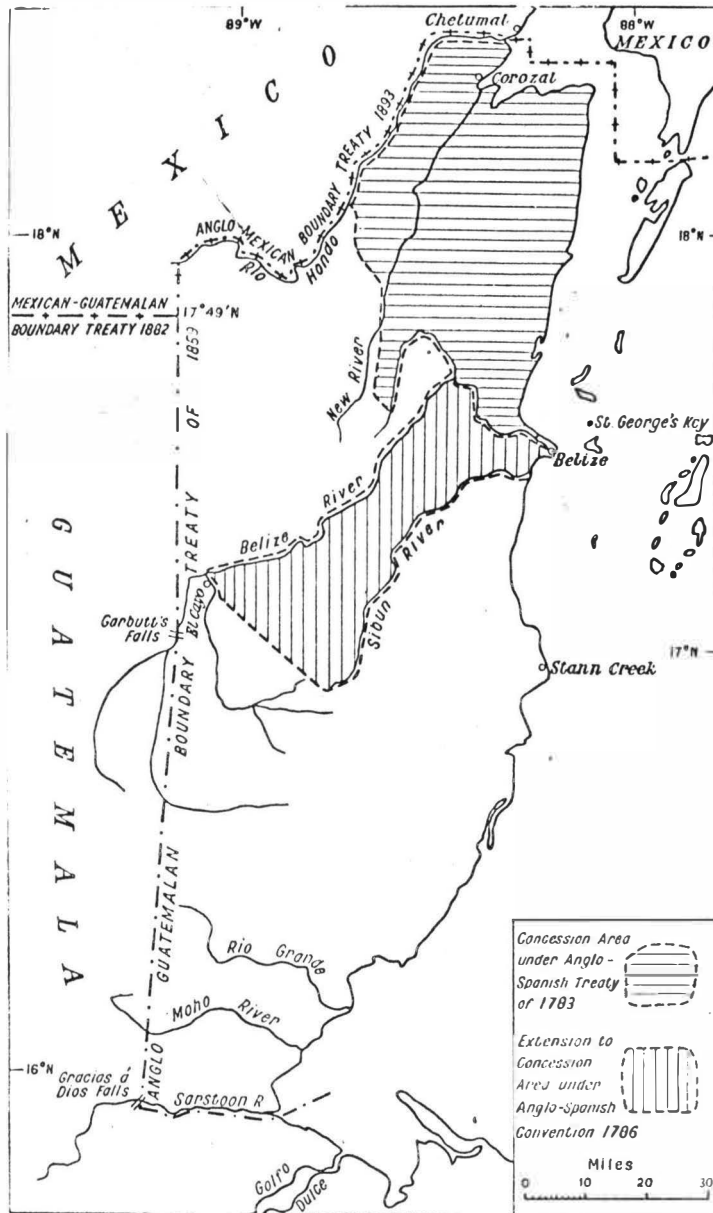
Bedford, C.P.S.(L.S.) Choiseul, Duc de Praslin,(L.S.)
El Marquis de Grimaldi,(L.S.)²

Definitive Treaty between Great Britain and Spain
Signed at Versailles, September 3, 1783

Extract. (Translation, as laid before Parliament.)

I. There shall be a christian, universal, and perpetual peace, as well by sea as by land, and a sincere

²loc. cit., 233-235.



A Definition of Spanish Grants
of Central American Territory To Britain by
Anglo-Spanish Treaties of 1783 and 1786¹

¹D. A. G. Waddell, British Honduras (London: Oxford University Press, 1961), 29.

and constant friendship shall be re-established between Their Britannic and Catholic Majesties, and between their Heirs and Successors, Kingdoms, Dominions, Provinces, Countries, Subjects, and Vassals, of what quality or condition soever they be, without exception either of places or persons; so that the high Contracting Parties shall give the greatest attention to the maintaining between themselves and their said Dominions and subjects, this reciprocal friendship and intercourse, without permitting hereafter, on either Part, any kind of hostilities to be committed, either by sea or by land, for any cause, or under any pretence whatsoever; and they shall carefully avoid, for the future, everything which might prejudice the union happily re-established endeavouring, on the contrary, to procure reciprocally for each other, on every occasion, whatever may contribute to their mutual glory, interests, and advantage, without giving any assistance or protection, directly or indirectly, to those who would do any injury to either of the high Contracting Parties. There shall be a general oblivion and amnesty of every thing which may have been done or committed, before or since the commencement of the war which is just ended.

II. The treaties of Westphalia, of 1648; those of Madrid, of 1667 and of 1670; those of Peace and of Commerce of Utrecht, of 1713; that of Baden, of 1714;

of Madrid, of 1715; of Seville, of 1729; the Definitive Treaty of Aix-la-Chapelle, of 1748; the Treaty of Madrid, of 1750; and the Definitive Treaty of Paris, of 1763; serve as a basis and foundation to the Peace, and to the present Treaty; and for this purpose they are all renewed and confirmed, in the best form, as well as all the Treaties in general which subsisted between the high Contracting Parties before the war, and particularly all those which are specified and renewed in the aforesaid Definitive Treaty of Paris, in the best form, and as if they were herein inserted word for word; so that they are to be exactly observed for the future in their full tenor, and religiously executed by both Parties, in all the points which shall not be derogated from by the present Treaty of Peace.

VI. The intention of the two high Contracting Parties being to prevent, as much as possible, all the causes of complaint and misunderstanding heretofore occasioned by the cutting of wood for dyeing, or logwood; and several English Settlements having been formed and extended, under that pretence, upon the Spanish continent; it is expressly agreed, that His Britannic Majesty's subjects shall have the right of cutting, loading, and carrying away logwood, in the district lying between the rivers Wallis or Belize,

and Rio-Hondo, taking the course of the said two rivers for unalterable boundaries, so as that the navigation of them be common to both nations, to wit, by the river Wallis or Belize, from the sea, ascending as far as opposite to a lake or inlet which runs into the land and forms an isthmus, or neck, with another similar inlet, which comes from the side of Rio-Nuevo, or New River; so that the line of separation shall pass straight across the said isthmus, and meet another lake formed by the water of Rio-Nuevo, or New River, at its current. The said line shall continue with the course of Rio Nuevo, descending as far as opposite to a river, the source of which is marked in the map, between Rio-Nuevo and Rio-Hondo, and which empties itself into Rio-Hondo; which river shall also serve as a common boundary as far as its junction with Rio-Hondo, and from thence descending by Rio-Hondo to the sea, as the whole is marked on the map which the Plenipotentiaries of the two Crowns have thought proper to make use of, for ascertaining the points agreed upon, to the end that a good correspondence may reign between the two nations, and that the English workmen, cutters, and labourers, may not trespass from an uncertainty of the boundaries. The respective Commissaries shall fix upon convenient places, in the territory above marked out, in order that His Britannic Majesty's subjects,

employed in the felling of logwood, may, without interruption, build therein houses and magazines necessary for themselves, their families, and their effects; and His Catholic Majesty assures to them the enjoyment of all that is expressed in the present Article; provided that these stipulations shall not be considered as derogating in any wise from His rights of Sovereignty. Therefore all the English who may be dispersed in any other parts, whether on the Spanish continent, or in any of the islands whatsoever, dependent on the aforesaid Spanish continent, and for whatever reason it might be, without exception, shall retire within the district which has been above described, in the space of eighteen months, to be computed from the exchange of the ratifications; and for this purpose orders shall be issued on the part of His Britannic Majesty; and on that of His Catholic Majesty, His governors shall be ordered to grant to the English, dispersed, every convenience possible for their removing to the settlement agreed upon by the present Article, or for their retiring whenever they shall think proper. It is likewise stipulated, that if any fortifications should actually have been heretofore erected within the limits marked out, His Britannic Majesty shall cause them all to be demolished, and He will order His subjects not to build any new ones. The English inhabitants, who

shall settle there for the cutting of logwood, shall be permitted to enjoy a free fishery for their subsistence, on the coasts of the district above-agreed on, or of the islands situated opposite thereto, without being in any wise disturbed on that account; provided they do not establish themselves in any manner on the said islands.

IX. Immediately after the exchange of the ratifications, the two high Contracting Parties shall name Commissaries to treat concerning new arrangements of commerce between the two nations, on the basis of reciprocity and mutual convenience; which arrangements shall be settled and concluded within the space of two years, to be computed from the 1st of January, 1784.

Done at Versailles, the 3rd of September, 1783.

Signed

Manchester, (L.S.)

Le Comte d'Aranda, (L.S.)

British Declaration

The new state in which commerce may perhaps be found, in all parts of the world, will demand revisions and explanations of the subsisting Treaties; but an entire abrogation of those Treaties, in whatever period it might be, would throw commerce into such confusion as would be of infinite prejudice to it.

In some of the Treaties of this sort, there are not only Articles which relate merely to commerce, but many others which ensure reciprocally, to the respective subjects, privileges, facilities for conducting their affairs, personal protections, and other advantages, which are not, and which ought not to be of a changeable nature, such as the regulations relating merely to the value of goods and merchandize, variable from circumstances of every kind.

When therefore the state of the trade between the two nations shall be treated upon, it is requisite to be understood that the alterations which may be made in the subsisting Treaties are to extend only to arrangements merely commercial; and that the privileges and advantages, mutual and particular, be not only preserved on each side, but even augmented, if it can be done.

In this view, His Majesty has consented to the appointment of Commissaries, on each side, who shall treat solely upon this object.

Done at Versailles, the 3d of September, 1783.

Signed Manchester, (L.S.)

Spanish Counter-declaration

The Catholic King, in proposing new arrangements

of commerce, has had no other design than to remedy, by the rules of reciprocity and mutual convenience, whatever may be defective in preceding Treaties of Commerce. The King of Great Britain may judge from thence, that the intention of His Catholic Majesty is not in any manner to cancel all the stipulations contained in the above-mentioned Treaties; He declares, on the contrary, from henceforth, that He is disposed to maintain all the privileges, facilities, and advantages, expressed in the old Treaties, as far as they shall be reciprocal, or compensated by equivalent advantages. It is to attain this end, desired on each side, that Commissaries are to be named to treat upon the state of trade between the two nations, and that a considerable space of time is to be allowed for completing their work. His Catholic Majesty hopes that this object will be pursued with the same good faith, and with the same spirit of conciliation, which have presided over the discussion of all the other points included in the Definitive Treaty; and His said Majesty is equally confident that the respective Commissaries will employ the utmost diligence for the completion of this important work.

Done at Versailles, the 3d of September, 1783.

Signed

Le Comte d'Aranda, (L.S.)³

³loc. cit., 235-245.

Convention between Great Britain and Spain
Signed at London the 14th of July, 1786

(Translation, as laid before Parliament.)

The Kings of England and of Spain, animated with the same desire of consolidating, by every means in their power, the friendship so happily subsisting between Them and Their Kingdoms, and wishing, with one accord, to prevent even the shadow of misunderstanding which might be occasioned by doubts, misconceptions, or other causes of dispute between the subjects on the frontiers of the two Monarchies, especially in distant countries, as are those in America, have thought proper to settle, with all possible good faith, by a new Convention, the points which might one day or other be productive of such inconveniencies, as the experience of former times has very often shewn. To this end, the King of Great Britain has named the most Noble and most Excellent Lord, Francis Baron Osborne, of Kiveton, Marquis of Carmarthen, His Britannic Majesty's Privy Councillor, and Principal Secretary of State for the Department of Foreign Affairs, &c. &c. &c., and the Catholic King has likewise authorized Don Bernardo del Campo, Knight of the Noble Order of Charles the Third, Secretary of the same Order, Secretary of the Supreme Council of State, and His Minister Plenipotentiary to

the King of Great Britain: who having communicated to each other their respective full Powers, prepared in due form, have agreed upon the following Articles:

I. His Britannic Majesty's subjects, and the other colonists who have hitherto enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exception, situated beyond the line hereinafter described, as what ought to be the frontier of the extent of territory granted by His Catholic Majesty to the English, for the uses specified in the 3d Article of the present Convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the Commissaries of the two Crowns, in 1783.

II. The Catholic King, to prove, on His side, to the King of Great Britain, the sincerity of His sentiments of friendship towards His said Majesty and the British nation, will grant to the English more extensive limits than those specified in the last Treaty of Peace: and the said limits of the lands added by the present Convention shall for the future be understood in the manner following:

The English line, beginning from the sea, shall take the centre of the river Sibun or Jabon, and continue up to the source of the said river; from thence

it shall cross in a straight line the intermediate land, till it intersects the river Wallis; and by the centre of the same river, the said line shall descend to the point where it will meet the line already settled and marked out by the Commissaries of the two Crowns in 1783: which limits, following the continuation of the said line, shall be observed as formerly stipulated by the Definitive Treaty.

III. Although no other advantages have hitherto been in question, except that of cutting wood for dying, yet His Catholic Majesty, as a greater proof of His disposition to oblige the King of Great Britain, will grant to the English the livery of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits, or produce of the earth, purely natural and uncultivated, which may besides being carried away in their natural state, become an object of utility or of commerce, whether for food or for manufactures; but it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles; or any fabric or manufacture by means of mills or other machines whatsoever, (this restriction however does not regard the use of saw mills, for cutting or otherwise preparing

the wood,) since all the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements of that kind, or the population which would follow, could be allowed.

The English shall be permitted to transport and convey all such wood, and other produce of the place, in its natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers, beyond their bounds, into the countries belonging to Spain.

IV. The English shall be permitted to occupy the small Island known by the names of Casina, St. George's Key, or Cayo Casina, in consideration of the circumstance of that part of the coasts opposite to the said Island being looked upon as subject to dangerous disorders; but this permission is only to be made use of for purposes of real utility: and as great abuses, no less contrary to the intentions of the British Government, that to the essential interest of Spain, might arise from this permission, it is here stipulated, as an indispensable condition, that no fortification, or work of defence whatever, shall at any time be erected there, nor any body of troops posted, nor any piece of artillery

kept there; and in order to verify with good faith the accomplishment of this condition sine qua non (which might be infringed by individuals, without the knowledge of the British Government) a Spanish officer of Commissary, accompanied by an English Commissary or officer, duly authorized, shall be admitted, twice a year, to examine into the real situation of things.

V. The English nation shall enjoy the livery of refitting their merchant ships in the southern triangle, included between the point of Cayo Casina, and the cluster of small islands, which are situated opposite that part of the coast occupied by the cutters, at the distance of eight leagues from the river Wallis, seven from Cayo Casina, and three from the river Sibun, a place which has always been found well adapted to that purpose. For which end, the edifices and storehouses, absolutely necessary for that service, shall be allowed to be built; but in this concession is also included the express condition of not erecting fortifications there at any time, or stationing troops, or constructing any military works; and in like manner it shall not be permitted to station any ships of war there, or to construct an arsenal, or other building, the object of which might be the formation of a naval establishment.

VI. It is also stipulated, that the English may freely and peaceably catch fish on the coast of the country assigned to them by the last Treaty of Peace, as also of that which is added to them by the present Convention; but without going beyond their boundaries, and confining themselves within the distance specified in the preceding Article.

VII. All the restrictions specified in the last Treaty of 1783, for the entire preservation of the right of the Spanish Sovereignty over the country, in which is granted to the English only the privilege of making use of the wood of the different kinds, the fruits and other produce, in their natural state, are here confirmed; and the same restrictions shall also be observed with respect to the new grant. In consequence, the inhabitants of those countries shall employ themselves simply in the cutting and transporting of the said wood, and in the gathering and transporting of the fruits, without mediating any more extensive settlements, or the formation of any system of government, either military or civil, further than such regulation as Their Britannic and Catholic Majesties may hereafter judge proper to establish, for maintaining peace and good order amongst Their respective subjects.

VIII. As it is generally allowed that the woods

and forests are preserved, and even multiply, by regular and methodical cuttings, the English shall observe this maxim, as far as possible; but if, notwithstanding all their precautions, it should happen in course of time that they were in want of dying-wood, or mahogany, with which the Spanish Possessions might be provided, the Spanish Government shall make no difficulty to furnish a supply to the English, at a fair and reasonable price.

IX. Every possible precaution shall be observed to prevent smuggling; and the English shall take care to conform to the regulations which the Spanish Government shall think proper to establish amongst their own subjects, in all communications which they may have with the latter; on condition nevertheless that the English shall be left in the peaceable enjoyment of the several advantages inserted in their favour in the last Treaty, or stipulated by the present Convention.

X. The Spanish Governors shall be ordered to give to the said English, dispersed, all possible facilities for their removal to the settlements agreed upon by the present Convention, according to the stipulations of the 6th Article of the Definitive Treaty of 1783, with respect to the country allotted for their use by the said Article.

XI. Their Britannic and Catholic Majesties, in

order to remove every kind of doubt with regard to the true construction of the present Convention, think it necessary to declare that the conditions of the said Convention ought to be observed according to their sincere intention to ensure and improve the harmony and good understanding which so happily subsist at present between Their said Majesties.

In this view, His Britannic Majesty engages to give the most positive orders for the evacuation of the countries above-mentioned, by all His subjects of whatever denomination; but if, contrary to such declaration, there should still remain any persons so daring as to presume, by retiring into the interior country, to endeavour to obstruct the entire evacuation already agreed upon, His Britannic Majesty, so far from affording them the least succour, or even protection, will disavow them in the most solemn manner, as He will equally do those who may hereafter attempt to settle upon the territory belonging to the Spanish Dominion.

XII. The evacuation agreed upon shall be completely effected within the space of six months, after the exchange of the ratifications of this Convention, or sooner if it can be done.

XIII. It is agreed that the new grants described

in the preceding Articles, in favour of the English nation, are to take place as soon as the aforesaid evacuation shall be entirely accomplished.

XIV. His Catholic Majesty, prompted solely by motives of humanity, promises to the King of England that He will not exercise any act of severity against the Mosquitos, inhabiting in part the countries which are to be evacuated, by virtue of the present Convention, on account of the connections which may have subsisted between the said Indians and the English; and His Britannic Majesty, on His part, will strictly prohibit all His subjects from furnishing arms, or war-like stores, to the Indians in general, situated upon the frontiers of the Spanish possessions.

Xv. The two Courts shall mutually transmit to each other duplicates of the orders which they are to dispatch to their respective governors and commanders in America, for the accomplishment of the present Convention; and a frigate, or proper ship of war, shall be appointed, on each side, to observe in conjunction that all things are performed in the best order possible and with that cordiality and good faith of which the two Sovereigns have been pleased to set the example.

XVI. The present Convention shall be ratified by Their Britannic and Catholic Majesties, and the ratifications exchanged within the space of six weeks,

or sooner if it can be done.

In witness whereof, we the undersigned Ministers Plenipotentiary of Their Britannic and Catholic Majesties, in virtue of our respective full Powers, have signed the present Convention, and have affixed thereto the seals of our arms.

Done at London, this 14th day of July, 1786.

Signed

Carmarthen, (L.S.)

Le Chev. del Campo, (L.S.)⁴

Treaty between Great Britain and Spain
Signed at London, the 14th of January, 1809.

Extract.

The events which have taken place in Spain having terminated the state of hostility which unfortunately subsisted between the Crowns of Great Britain and Spain, and united the arms of both against the common enemy, it seems good that the new relations which have been produced between two nations, now connected by common interest, should be regularly established and confirmed by a formal Treaty of peace, friendship, and alliance: wherefore, His Majesty the King of the United Kingdom of Great Britain and Ireland, and the Supreme and

⁴loc. cit., 245-255.

Central Junta of Government of Spain and the Indies, acting in the name and on the behalf of His Catholic Majesty Ferdinand VII, have constituted and appointed; --that is to say, His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable George Canning, one of His Majesty's Most Honourable Privy Council, and His Principal Secretary of State for Foreign Affairs; and the Supreme and Central Junta of Government of Spain and the Indies, acting in the name and on the behalf of His Catholic Majesty Ferdinand VII, Don Juan Ruiz de Apodaca, Commander of Vallaga and Algarga in the Military Order of Calatrava, Rear Admiral of the Royal Navy, named by the Supreme and Central Junta of Government of Spain and the Indies, as Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty Ferdinand VII, to His Britannic Majesty; their Plenipotentiaries, to conclude and sign a Treaty of Peace, friendship, and alliance;--who, having communicated their respective full Powers, have agreed to and concluded the following Articles:

I. There shall be between His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Catholic Majesty Ferdinand VII, King of Spain and of the Indies thereunto appertaining, and between all their Kingdoms, States, Dominions, and subjects, a christian, stable, and inviolable peace, and a perpetual

and sincere amity, and a strict alliance during the war against France; together with an entire and lasting oblivion of all acts of hostility done on either side, in the course of the late wars, in which they have been engaged against each other.

II. To obviate all complaints and disputes which might arise on the subject of prizes, captured posterior to the Declaration published by His Britannic Majesty on the 4th of July of the last year, it has been mutually agreed, that the vessels and property taken posterior to the date of the said Declaration, in any seas or ports of the world, without any exception and without any regard either to time or place, shall be restored by both Parties.--And, as the accidental occupation of any of the ports of the Peninsula by the common enemy, might occasion disputes respecting any vessels, which, in ignorance of such occupation, might direct their course to those ports from any other harbour, either of the Peninsula or the Colonies; and as cases may occur in which Spanish inhabitants of the said ports or provinces, so occupied by the enemy, may, with their property, endeavour to escape from his grasp; the high Contracting Parties have agreed that Spanish vessels, not aware of the enemy's occupation of any harbour which they are desirous to enter, or such as may succeed in making their escape from any

harbour so occupied, shall not be captured, nor themselves nor their cargo be considered as a good prize; but, on the contrary, that they shall meet with every help and assistance from the naval power of His Britannic Majesty.

Done at London, this 14th day of January, 1809.

Signed

George Canning, (L.S.) Juan Ruiz de Apodaca, (L.S.)

Additional Article. Signed at London, 21st March, 1809.

The present circumstances not admitting of the regular negociation of a Treaty of Commerce between the two countries, with all the care and consideration due to so important a subject, the high Contracting Parties mutually engage to proceed to such negociation as soon as it shall be practicable so to do, affording, in the mean time, mutual facilities to the commerce of the subjects of each other, by temporary regulations founded on principles of reciprocal utility.

The present Additional Article shall have the same force and validity, as if it were inserted, word for word, in the Treaty of peace, friendship, and alliance, signed at London, the 14th day of January, 1809.

In witness whereof, we, the undersigned Plenipotentiaries, have signed, in virtue of our respective full Powers, the present Additional Article, and have sealed

it with the seals of our arms.

Done at London, this 21st day of March, 1809.

Signed

George Canning, (L.S.) Juan Ruiz de Apodaca, (L.S.)⁵

New Granada: December 12, 1846

Treaty of Peace, Amity, Navigation, and Commerce, with additional article, signed at Bogota December 12, 1846. Original in English and Spanish.

Submitted to the Senate February 15, 1847. (Message of February 10, 1847.) Resolution of advice and consent June 3, 1848. Ratified by the United States June 10, 1848. Ratified by New Granada July 15, 1847. Ratifications exchanged at Washington June 10, 1848. Proclaimed June 12, 1848.

A general Treaty of peace, amity, navigation and commerce between the United States of America and the Republic of New Granada.

The United States of North America and the Republic of New Granada in South America, desiring to make lasting and firm the friendship and good understanding which happily exists between both nations have resolved to fix in a manner clear, distinct and positive, the rules which shall in future be religiously observed between each other by means of a treaty, or general convention of peace and friendship, commerce and

⁵loc. cit., 263-267.

navigation.

For this desirable object the President of the United States of America has conferred full powers on Benjamin A. Bidlack a citizen of the said States and their Charge d'Affaires in Bogota, and the President of the Republic of New Granada has conferred similar and equal powers upon Manuel Maria Mallarino Secretary of State and foreign relations, who, after having exchanged their said full powers in due form, have agreed to the following articles.

Article 1st

There shall be a perfect, firm and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

Article 2d

The United States of America and the Republic of New Granada, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall

enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Article 3rd

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there, in all kinds of produce, manufactures and merchandize; and that they shall enjoy, all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively according to their own separate laws.

Article 4th

They likewise agree that whatever kind of produce, manufacture or merchandize of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of New Granada; and

that no higher or other duties upon the tonnage of the vessel and her cargo, shall be levied and collected, whether the importation be made in vessels of the one country or of the other. And in like manner, that whatever kind of produce, manufactures or merchandize of any foreign country, can be from time to time lawfully imported into the Republic of New Granada in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties, upon the tonnage of the vessel and her cargo, shall be levied or collected, whether the importation be made in vessels of the one country or the other.

And they further agree, that whatever may be lawfully exported or reexported, from the one country, in its own vessels to any foreign country, may in like manner be exported or reexported, in the vessels of the other country. And the same bounties, duties and drawbacks, shall be allowed and collected, whether such exportation or reexportation, be made in vessels of the United States or of the Republic of New Granada.

Article 5th

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufacture of the Republic of New Granada, and no higher or other duties shall be imposed on the importation into the Republic of New Granada of any

articles the produce or manufacture of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of New Granada respectively, than such as are payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed on the exportation or importation of any articles, the produce or manufactures of the United States or of the Republic of New Granada to or from the territories of the United States or to or from the territories of the Republic of New Granada which shall not equally extend to all other nations.

Article 6th

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of New Granada, and reciprocally to the vessels of the said Republic of New Granada and their cargoes arriving in the ports of the United States; whether they proceed from the ports of the country to which they respectively

belong, or from the ports of any other foreign country; and in either case no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

Article 7th

It is likewise agreed, that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries to manage by themselves or agents their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandize by whole sale or retail, as with respect to: the loading, unloading and sending off their ships; they being, in all these cases, to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

Article 8th

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandize or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

Article 9th

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or assylum, in the rivers, bays, ports or dominions of the other with their vessels, whether merchant or of war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind or the payment of port fees or any charges other than pilotage, except such vessels continue in port longer than forty eight hours counting from the time they cast anchor in port.

Article 10th

All the ships, merchandize and effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up up to the owners, they proving in due and proper form their rights, before the competent tribunals: it being well understood that the claim shall be made

within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

Article 11th

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered or shall suffer any damage on the coasts, or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens: permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost or contribution whatever, unless they may be destined for the consumption or sale in the country of the port where they may have been disembarked.

Article 12th

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the

country, wherein said goods are, shall be subject to pay in like cases.

Article 13th

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person or employ in the prosecution or defense of their rights such advocates, solicitors, notaries, agents and factors as they may judge proper in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

Article 14th

The citizens of the United States residing in the territories of the Republic of New Granada, shall enjoy the most perfect and entire security of conscience without being annoyed, prevented, or disturbed on

account of their religious belief. Neither shall they be annoyed, molested or disturbed on the proper exercise of their religion in private houses or on the Chapels or places of worship appointed for that purpose, providing that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the in the territories of the Republic of New Granada in convenient and adequate places to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise nor upon any account.

In like manner the citicens of New Granada shall enjoy, within the Government and territories of the United States, a perfect and unrestrained liberty of conscience and of exercising their religion, publicly or privately, within their own dwelling houses, or on the chapels and places of worship appointed for that purpose, agreeably to the laws, usages & customs of the United States.

Article 15th

It shall be lawful for the citizens of the United

States of America and of the Republic of New Granada to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandize laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandize before mentioned and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing which shall be found on board the ships belonging to the citizens of either of the contracting parties, shall be deemed to be free and exempt, although the whole lading or any part thereof should appertain to the enemies of either (contraband goods being always excepted.) It is also agreed in like manner, that the same liberty shall be extended to persons who are on board a free

ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies: provided however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only, who recognize this principle, but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of the enemies whose Governments acknowledge this principle and not of other.

Article 16th

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels, shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that two months

having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandize of the neutral embarked on such enemy's ship shall be free.

Article 17th

This liberty of navigation and commerce shall extend to all kinds of merchandize, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended.

1st Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts; and granades, bombs, powder, matches, balls and all other things belonging to the use of these arms.

2nd Bucklers, helmets, breast plates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d Cavalry belts, and horses with their furniture.

4th And generally all kind of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared and formed, expressly to make war by sea or land.

5th Provisions that are imported into a besieged or blockaded place.

Article 18th

All other merchandize and things not comprehended in the articles of contraband, explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared, that those places only are besieged, or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

Article 19th

The articles of contraband, before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver

up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

Article 20th

And whereas it frequently happens, that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded or invested by the other, be restrained from quitting that place with her cargo, nor if found therein, after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

Article 21st

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually, that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon shot, unless in stress of weather, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit. And it is expressly agreed, that the neutral party shall in no case be required to go on board the examining vessel, for the purpose of exhibiting her papers, or for any other purpose whatever.

Article 22nd

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby

agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear, that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed, that when such ships have a cargo, they shall also be provided, besides the said sea letters or passports, with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known, whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form, without which requisites, said vessel may be detained, to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident and shall be satisfied or supplied by testimony entirely equivalent.

Article 23d

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy,

the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article 24th

It is further agreed, that, in all cases, the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case, shall if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

Article 25th

For the purpose of lessening the evils of war, the two high contracting parties, farther agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion,

and in the defense of property.

Article 26th

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or cooperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

Article 27th

If by any fatality which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed and do agree now for then, that there shall be allowed the term of six months to merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safeconduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States or of New Granada, shall be respected, and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct, shall cause

them to forfeit this protection, which in consideration of humanity, the contracting parties engage to give them.

Article 28th

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private banks, shall ever in any event of war or of national difference be sequestered or confiscated.

Article 29th

Both the contracting parties being desirous of avoiding all inequality, in relation to their public communications and official intercourse, have agreed and do agree to grant to the envoys, ministers, and other public agents, the same favors, immunities and exemptions, which those of the most favored nations do or shall enjoy, it being understood that, whatever favors, immunities or privileges, the United States of America or the Republic of New Granada may find it proper to give to the ministers and public agents of any other power, shall, by the same act, be extended to those of each of the contracting parties.

Article 30th

To make more effectual the protection which the United States and the Republic of New Granada shall afford in future to the navigation and commerce of the

citizens of each other, they agree to receive and admit Consuls and Viceconsuls, in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives and immunities of the Consuls and Viceconsuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

Article 31st

In order that the Consuls and Viceconsuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission, or patent, in due form, to the Government to which they are accredited, and having obtained their Exequatur, they shall be held and considered as such by all the authorities, magistrates and inhabitants in the consular district in which they reside.

Article 32d

It is likewise agreed that the Consuls, their Secretaries, officers and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts and contributions, except those which

they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants native and foreign of the country in which they reside are subject, being in every thing besides subject to the laws of the respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext, whatever, shall any magistrate seize, or, in any way, interfere with them.

Article 33d

The said Consuls shall have power to require the assistance of the authorities of the country, for the arrest, detention and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves, to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand so proved (saving however where the contrary is proved by other testimonies) the delivery shall not be refused: Such deserters, when arrested, shall be put at the disposal of the said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent

back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article 34th

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers and immunities of the Consuls and Viceconsuls of the respective parties.

Article 35th

The United States of America and the Republic of New Granada desiring to make as durable as possible, the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points.

1st For the better understanding of the preceding articles, it is, and has been stipulated, between the high contracting parties, that the citizens, vessels, and merchandize of the United States shall enjoy in the ports of New Granada, including those of the part of the granadian territory generally denominated Isthmus of Panama from its southermost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities, concerning commerce and navigation, which are now, or may hereafter by enjoyed by Granadian

citizens, their vessels and merchandize; and that this equality of favours shall be made to extend to the passengers, correspondence and merchandize of the United States in their transit across the said territory, from one sea to the other. 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 that 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 merchandize, of lawful commerce, belonging to the citizens of the United States, that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandize thus passing over any road or canal that may be made by the authority of the same, than is under like circumstances levied upon and collected from the granadian citizens: that any lawful produce, manufactures or merchandize belonging to citizens of the United States thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or having paid such duties, they shall be entitled to drawback, upon their exportation; nor shall the citizens of the United States be liable to any duties,

tolls, or charges of any kind to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favours they have acquired by the 4th, 5th, and 6th articles of this Treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before mentioned Isthmus, with the view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this Treaty exists; and in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

2d The present Treaty shall remain in full force and vigor for the term of twenty years, from the day of exchange of the ratifications; and, from the same day, the treaty that was concluded between the United States and Colombia on the 13th of October 1824, shall cease to have effect, notwithstanding what was disposed in the 1st point of its 31st article.

3rd Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months

before the expiration of the twenty years, stipulated above, the said treaty shall continue binding on both parties, beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

4th If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

5th If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

6th Any special or remarkable advantage that one or the other power may enjoy, from the foregoing

stipulations, are and ought to be always understood in virtue and as in compensation of the obligations they have just contracted and which have been specified in the first number of this article.

Article 36th

The present treaty of peace, amity, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the senate thereof, and by the President of the Republic of New Granada with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged in the city of Washington, within eighteen months from the date of the signature thereof, or sooner, if possible.

In faith whereof, we the Plenipotentiaries of the United States of America, and of the Republic of New Granada have signed and sealed these presents in the city of Bogota on the twelfth day of December, in the year of Our Lord one thousand eight hundred and forty six.

| | |
|-----------------|------|
| B. A. Bidlack | Seal |
| M. M. Mallarino | Seal |

Additional Article

The Republic of the United States and of New Granada will hold and admit as national ships of one or the other, all those that shall be provided by the

respective Government with a Patent issued according to its laws.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the Treaty signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto their seals. Done in the city of Bogota, the twelfth day of December, in the year of Our Lord one thousand eight hundred and forty six.

Seal

B. A. Bidlack
M. M. Mallarino⁶

Great Britain: April 19, 1850

The Clayton-Bulwer Treaty. Convention for Facilitating and Protecting the Construction of a Ship Canal between the Atlantic and Pacific Oceans, and for Other purposes, signed at Washington April 19, 1850. Original in English.

Submitted to the Senate April 22, 1850.
Resolution of advice and consent May 22, 1850.
Ratified by the United States May 23, 1850.
Ratified by Great Britain June 11, 1850. Ratifications exchanged at Washington July 4, 1850.
Proclaimed July 5, 1850.

The declaration of the Plenipotentiary of Great Britain, dated June 29, 1850, is printed in the editorial notes, with the relevant correspondence.

⁶Hunter Miller, Treaties and Other International Acts of the United States (Washington: Government Printing Office, 1937), 115-143.

Convention between the United States of America
and Her Britannic Majesty

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a Convention their views and intentions with reference to any means of communication by Ship Canal, which may be constructed between the Atlantic and Pacific Oceans, by the way of the River San Juan de Nicaragua and either or both of the Lakes Nicaragua or Managua, to any port or place on the Pacific Ocean,--The President of the United States, has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Honourable Sir Henry Lytton Bulwer, a Member of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said Plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles.

Article I

The Governments of the United States and Great Britain hereby declare, that neither the one nor the

other will ever obtain or maintain for itself any exclusive control over the said Ship Canal; agreeing, that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or People for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection of influence that either may possess with any State or Government through whose territory the said Canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said Canal, which shall not be offered on the same terms to the citizens or subjects of the other.

Article II

Vessels of the United States or Great Britain,

traversing the said Canal, shall in case of war between the contracting parties, be exempted from blockade, detention or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said Canal, as may hereafter be found expedient to establish.

Article III

In order to secure the construction of the said Canal, the contracting parties engage that, if any such Canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments, through whose territory the same may pass, then the persons employed in making the said Canal and their property used, or to be used, for that object, shall be protected, from the commencement of the said Canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure or any violence whatsoever.

Article IV

The contracting parties will use whatever influence they respectively exercise, with any State, States or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said Canal shall traverse, or which shall be near the waters applicable thereto; in order to induce such States, or

Governments, to facilitate the construction of the said Canal by every means in their Power: and furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free Ports,--one at each end of the said Canal.

Article V

The contracting parties further engage that, when the said Canal shall have been completed, they will protect it from interruption, seizure or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said Canal may forever be open and free, and the capital invested therein, secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said Canal, and guaranteeing its neutrality and security when completed, always understand that, this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons, or company, undertaking or managing the same, adopt or establish such regulations concerning the traffic thereupon, as are contrary to the spirit and intention of this Convention,--either by making unfair discriminations in

favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandize or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee, without first giving six months notice to the other.

Article VI

The contracting parties in this Convention engage to invite every State with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other; to the end, that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the Canal herein contemplated.--And the contracting parties likewise agree that, each shall enter into Treaty stipulations with such of the Central American States, as they may deem advisable, for the purpose of more effectually carrying out the great design of this Convention, namely,--that of constructing and maintaining the said Canal as a ship-communication between the two Oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they, also, agree that, the good offices of either shall be employed

when requested by the other, in aiding and assisting the negotiation of such Treaty stipulations; and, should any differences arise as to right or property over the territory through which the said Canal shall pass-- between the States or Governments of Central America,-- and such differences should, in any way, impede or obstruct the execution of the said Canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said Canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

Article VII

It being desirable that no time should be unnecessarily lost in commencing and constructing the said Canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons, or company, as may first offer to commence the same with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this Convention; and if any persons, or company, should already have, with any State through which the proposed Ship-Canal may pass, a contract for the construction of such a Canal as that specified in this Convention,--

to the stipulations of which contract neither of the contracting parties in this Convention have any just cause to object,--and the said persons, or company, shall moreover, have made preparations and expended time, money and trouble on the faith of such contract, it is hereby agreed, that such persons, or company, shall have a priority of claim over every other person, persons, or company, to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this Convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood, that if, at the expiration of the aforesaid period, such persons, or company, be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons, or company, that shall be prepared to commence and proceed with the construction of the Canal in question.

Article VIII

The Governments of the United States and Great Britain having not only desired in entering into this Convention, to accomplish a particular object, but,

also, to establish a general principle, they hereby agree to extend their protection, by Treaty stipulations, to any other practicable communications, whether by Canal or rail-way, across the Isthmus which connects North and South America; and, especially, to the interoceanic communications,--should the same prove to be practicable, whether by Canal or rail-way,--which are now proposed to be established by the way of Tehuantepec, or Panama. In granting, however, their joint protection to any such Canals, or rail-ways, as are by this Article specified, it is always understood by the United States and Great Britain, that the parties constructing or owning the same, shall impose no other charges or conditions of traffic thereupon, than the aforesaid Governments shall approve of, as just and equitable; and, that the same Canals, or rail-ways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall, also, be open on like terms to the citizens and subjects of every other State which is willing to grant thereto, such protection as the United States and Great Britain engage to afford.

Article IX

The ratifications of this Convention shall be exchanged at Washington, within six months from this day,

or sooner, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our Seals.

Done, at Washington, the nineteenth day of April, Anno Domini, one thousand eight hundred and fifty.

| | |
|---------------------|-------------------|
| John M. Clayton | Seal |
| Henry Lytton Bulwer | Seal ⁷ |

⁷loc. cit., 671-675

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