

UNITED STATES STEAMER SONOMA,
Mugeres Island, January 14, 1863.

SIR: In obedience to your orders I proceeded to Sisal in the Sonoma, and finding that the United States consul was residing at Merida, I visited that place in connexion with the duties I was charged with by you.

I found the governor of Yucatan absent from the place, and as there was no probability of his return for some week or fortnight, and no one to represent him in Merida, I addressed him the communication a copy of which I enclose

No progress towards coming to a decision, as far as I could learn, had been made in the case of the Virginia, though I understood from the consul all the Spanish crew had been examined without any evidence having been found by the judges to implicate them or the vessel as connected with the slave trade.

Very respectfully, your obedient servant,

F. H. STEVENS, *Commander.*

Rear-Admiral CHARLES WILKES,
Commanding West India Squadron.

MERIDA, January 11, 1863.

SIR: I am instructed by Admiral Wilkes to notify you that in consequence of the time stipulated with Captain Nicholas Ucelay having elapsed, and without receiving any answer to his communication enclosed to you through the United States consul at this place, although ample time has been afforded, he cannot permit himself to be any longer bound by that agreement that has been violated in consequence of the depredations upon the cargo committed by the parties placed in charge of the schooner Pepita, by Captain Ucelay, which vessel contained part of the supplies of the steamer Virginia and contraband articles. For this reason, and that the crew of the Virginia, who were before destitute, might possess the means of support, Rear-Admiral Wilkes has thought proper to take possession of her in order that the same may be subject to adjudication when the Virginia shall be tried before the prize courts of the United States.

That the Virginia was a confederate vessel at or before entering the anchorage of Mugeres, Admiral Wilkes had sufficient proof before proceeding to Havana, which proof has since been made conclusive; and as there is no shadow of evidence to prove her being engaged in the slave trade, he considers that she was unjustly seized and merely upon suspicion, and is therefore improperly detained.

A desire to treat the Mexican authorities as a friendly power and with good will and friendship prevented his taking immediate action in the premises; he preferred rather to wait a reasonable time, though satisfied that there could be no evidence to warrant the detention of the Virginia as a slaver; and this time having been afforded, and no proof having been adduced after the examination of the Spanish crew, he can no longer refrain.

Upon no consideration, under the circumstances, can the Virginia be permitted to fall into the hands of the confederates or escape from capture by us.

I have the honor to remain your obedient servant,

F. H. STEVENS, *Commander.*

The GOVERNOR OF YUCATAN.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, April 15, 1863.

The undersigned, chargé d'affaires of the United Mexican States, had the honor to receive, with the note which the Hon. William H. Seward, Secretary of State of the United States, was pleased to address to him on the 13th of March last past, the copies therein enclosed of two despatches and their annexes, addressed by Rear-Admiral Wilkes to the Navy Department of the United States, in regard to the steamer Noc-Daquy.

Since then there have come into the hands of the undersigned the official

documents relating to the same affair, which were sent to him by the governor of Yucatan, which exhibit in full detail what happened at the island Mugeres in the affair of said steamer.

After a minute examination of these documents, and of the circumstances of the case, the undersigned regrets he finds himself obliged to consider the conduct of Rear-Admiral Wilkes as aggressive to the sovereignty of the Mexican nation, which to a certain extent the said rear-admiral admits in his despatch No. 5, of the 18th of January last, although endeavoring to extenuate the enormity of the violation of the rights of Mexico.

From the report which the governor of Yucatan made to the minister of foreign relations of Mexico under date of the 23d of February last, of which the undersigned transmits a copy, it appears that as soon as the said governor received intelligence that a steamer was at anchor at the island Mugeres, whose movements caused suspicion, and that she proved to be the Noc Daquy, he commissioned Don Nicolas Urcelay, captain of the national guard, to go to that place with an armed force in order to capture the steamer, and notified the court of the district of Yucatan for its information, and that it might order such measures as it deemed proper in the case.

This determination appears by the despatch addressed by the governor of Yucatan to the district judge the 10th of December, 1862, of which the undersigned sends copy. By this action the steamer was from that moment subject to the jurisdiction of the said tribunal.

Captain Urcelay arrived with his force at island Mugeres, and took possession of the steamer without any resistance, hoisted the Mexican flag on her, and sent the crew under arrest to Sisal, whence they were sent to Merida at the disposal of the governor of the state, who turned them over to the district judge, who was already cognizant of the affair, when Captain Urcelay, in carrying out the decision of the district court, of which the undersigned encloses a copy, attempted to take the Noc Daquy, together with the Spanish schooner Pepita, which had come from the Havana with articles for said steamer, for which reason she also was taken, there appeared in the Mexican waters two ships-of-war of the United States, under the command of Rear-Admiral Wilkes, who took upon him to possess himself of the steamer, alleging that she was intended for the service of the insurgents of the south. Captain Urcelay, in view of the circumstances, coerced by superior force, and assuming authority which he had not, made an arrangement with of Rear-Admiral Wilkes, by virtue of which he took charge of the steamer, placing a guard on her, and engaging to restore her as soon as the competent Mexican authority should declare her to be a slaver.

Captain Urcelay left his force on board the steamer, and went to Merida to make report of the proceeding to the district court.

Thus far the undersigned finds accordances at the bottom of the reports of the governor of Yucatan and of Rear-Admiral Wilkes, although they may vary in some details, and although many of the expressions of Rear-Admiral Wilkes are as offensive to the dignity and good name of Mexico as they are groundless and unjust. Rear-Admiral Wilkes allows himself to say that Captain Urcelay had neither appointment nor commission; that he gathered an armed force and took possession of the steamer, as if this were done of his own motion and not under instructions from the Mexican authorities. On this point, however, the undersigned cannot doubt that the official declaration of the governor of Yucatan deserves more credit from the government of the United States than the suspicions of Rear-Admiral Wilkes, growing out of what some one or other may have told him.

The rear-admiral relates in this manner what afterwards happened: that he went to Havana to coal, and on his return to the island Mugeres he found no answer had been received from the governor of Yucatan, although the fixed time of *ten days*, which he assures us was settled in the agreement to receive such

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reply, had expired; that he sent Commander Stevens in the United States steamer *Sonoma* to Sisal for the purpose of ascertaining the cause of delay in proceedings which had been set on foot for ascertaining whether the *Noc Daquy* was engaged in the slave trade. The rear-admiral continues: "In such case," (that it were not proved that she was engaged in such traffic,) he notifies Commander Stevens that he must inform the authorities that "I did not consider myself bound any further by the agreement, the time having expired, and that I should act as if the vessel was * * * confederate, laden with contraband of war, and with intent to run the blockade, and if she succeeded in this, would probably be armed as a confederate corsair," for which he thought her well adapted.

In this alone there is, in the opinion of the undersigned, cause more than sufficient to regard the conduct of Rear-Admiral Wilkes not only as contrary to the teachings of international law, but as an open violation of the sovereignty of Mexico.

The undersigned does not believe that it can possibly be doubted that the island *Mugeris* belongs to Mexico—that the bay in that island where the *Noc Daquy* was fallen in with is among the territorial waters of the republic—still less that sovereignty over the territorial waters of a nation belongs wholly to its government. As little can the undersigned believe the fact can be questioned that on the coming of Rear-Admiral Wilkes into the waters of island *Mugeris*, the *Noc Daquy* was subjected to the jurisdiction of the Mexican tribunals, which placed her doubly under the shield of the Mexican sovereignty.

Under these circumstances, the taking possession of the steamer by forces of the United States is a proceeding which the undersigned permits himself to call highly irregular.

In the agreement, by virtue of which Rear-Admiral Wilkes took possession of the *Noc Daquy*, it was stipulated that she should rest at the disposal of the Mexican authorities, alone competent in the matter. The literal words of said agreement, of which the undersigned has the honor to transmit a copy, are as follows: "It is stipulated * * * that for the better security and protection of the steamer now at this place, of her cargo, and property on board of her, Admiral Wilkes shall take possession of her with a sufficient guard until the Mexican government may decide what is the character of said steamer, and whether or no she be a slaver; and if the government decide that she is, then the steamer shall be delivered to the Mexican government." The rear-admiral asserts that the term within which the decision was to be made was ten days; and even excluding the idea that had a time been limited, it would have been an absurd stipulation: such a term was not stipulated in the so-called agreement, for although in the second clause of such paper the expression *ten days* is mentioned, it is done with reference to the schooner *Pepita*, and indicating only that Rear-Admiral Wilkes would return from the Havana within the period mentioned. Rear-Admiral Wilkes, by giving, without doubt, a most forced interpretation, which nothing can justify, to the clause mentioned, adopted this pretext to keep the steamer, and sent to Sisal to Commander Stevens that he could notify the governor of Yucatan that he could not wait any longer time for the solution of the culpability or inculpability of the steamer; that he did not consider himself any longer bound by the compromise he had made with Captain Urcelay, as well because of the delay specified, as because such agreement had been violated by depredations which he averred had been committed on the cargo of the schooner *Pepita*, in care of a force of Captain Urcelay's which had taken possession of the schooner; that he had the certainty that the steamer was destined for the service of the insurgents; that there was no reason for regarding her as a slaver, and he had resolved to make her prize of the squadron of his command.

Commander Stevens did not go to the place where the governor of Yucatan was—absent at the time from the capital of the State; he contented himself

with sending him a communication, and without awaiting any answer, went back to island *Mugeris*. Immediately after the return of Commander Stevens, Rear-Admiral Wilkes made out that he left the steamer absolutely at liberty; he made the crew take her outside of the Mexican waters and raise the insurgent's flag, captured her, and ordered her to Key West, leaving the schooner *Pepita*, (after having taken her cargo into possession,) which was afterwards taken to Sisal. The accuracy of these acts is confirmed by the relation Rear-Admiral Wilkes gives of them in his despatch No. 5, as cited.

After this narrative, proved by official documents, and even by the despatches of Rear-Admiral Wilkes, there can be no question the said rear-admiral violated the sovereignty of Mexico by taking from under it, through devices unworthy an officer of his rank, a prize that was in subjection to the jurisdiction of the Mexican courts, and attempting previously to impose terms and a rule of conduct, at his pleasure, upon those very tribunals.

It is not hidden from the undersigned that Rear-Admiral Wilkes alleges in justification of his inexcusable conduct that the *Noc Daquy* was a confederate vessel that was to run the blockade of the southern ports, and that there was no proof at all that she was engaged in the slave trade. Excluding from view that the Mexican courts were those alone which could make such a declaration, the undersigned cannot abstain from noting the contradiction into which Rear-Admiral Wilkes falls by saying in his cited despatch that the bay of island *Mugeris* is a point frequented by slavers, and that, undoubtedly, the *Noc Daquy* had been in the trade. Moreover, the undersigned believes it to be his duty to state to the government of the United States that not only the charge of being a slaver weighed against the *Noc Daquy*, but also that of having violated the revenue laws of the Mexican ports, on both which accounts the proper proceedings at law were being taken.

The honorable Secretary of State appears to entertain the same opinion as Rear-Admiral Wilkes in respect to the *Noc Daquy* being the property of southern insurgents, and intended to run the blockade, as appears in the note which he did the undersigned the honor to address to him, dated the 6th of March. But in such event, if fully established, and further, even in case the vessel had been armed for a cruise by the rebels, Rear-Admiral Wilkes should not have arrogated the powers which he took. His duty would have been to await the sentence of the courts of Mexico, and if in virtue of such the steamer were set at liberty, to arrange for her capture when she should have left the territorial waters of Mexico.

Rear-Admiral Wilkes, moreover, usurped powers inherent to the national sovereignty of Mexico, in taking depositions and exercising judicial acts on Mexican territory, in flagrant violation of the laws of the republic.

The said rear-admiral did not confine himself to committing violations referred to, but also took possession of the schooner *Pepita*, which Captain Urcelay had previously taken possession of with a Mexican force. He landed, and abusing his power, took the crew which the *Pepita* had brought from the Havana for the *Noc Daquy*, and which was under detention by the Mexican authorities, and subject to the orders of the proper courts.

In recapitulation, Rear-Admiral Wilkes has violated the rights of Mexico—

- 1st. By having taken possession, within Mexican territory, of a vessel held subject to the jurisdiction of the Mexican courts.
- 2d. In not having allowed the sentence of the Mexican court in relation to the transfer of the *Noc Daquy* to the port of Sisal to be carried into effect.
- 3d. In having deceptively taken the said steamer out of the jurisdiction of the Mexican courts.
- 4th. In having imposed terms on the Mexican courts.
- 5th. In having exercised in Mexican territory judicial acts of the competency exclusively of Mexican authorities.

6th. In having taken possession of the schooner Pepita, which was in Mexican territory, held by Mexican soldiers, and subjected to the jurisdiction of the Mexican courts.

7th. In having, by force, taken possession of the crew brought from the Havana by the schooner Pepita for the Noc Daquy, which was in Mexican territory and subject to the Mexican courts.

The undersigned cannot doubt for a moment that when the government of the United States has intelligence of the facts referred to, and the full proof by which they are accompanied, it will hasten to give to Mexico all the satisfaction she is justly entitled to for the offences committed against her sovereignty and clearest rights by Rear-Admiral Wilkes.

The undersigned profits by the occasion to repeat to the honorable William H. Seward, Secretary of State of the United States, the assurances of his most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

GOVERNMENT OF THE STATE OF YUCATAN.

Having had news that, in the waters of the island Mugeris, a steamer was at anchor, whose movements caused suspicion, especially as to her being employed in the slave trade, I gave commission to Captain Nicolas Urcelay, of the national guard, to pass over to said point with an armed force in order to capture her; and I gave notice of this to the first judge on the civil side of the department of this capital, that he might put in exercise the functions of the district court, as well for his information as that he might order the measures which he should deem belonged to the case. Captain Urcelay arrived with his force at the island, and, availing himself of the circumstance of the coming ashore of the crew of said steamer—which is Spanish, and called Noc Daquy—took possession of her, without resistance of any kind, and hoisted the national flag on her; but when about to bring her to Sisal, together with a schooner, also Spanish, called Pepita, which came from Havana, and which he also captured, for having brought merchandise for said steamer, there came in two vessels-of-war of the United States squadron in the Antilles, and Rear-Admiral Charles Wilkes assumed to take possession of the steamer, taking ground upon his having had advice that she was sold at Havana under the name Virginia, and had come here bound for service of the rebels of the south of that nation. Captain Urcelay, in view of the circumstances in which he was placed, thought it prudent to make a stipulation with the said rear-admiral, in virtue of which he took charge of the steamer, placing a guard upon her, engaging himself to return her as soon as the proper Mexican authority should declare her to be a slaver.

The said Captain Urcelay left his force on board the captured schooner, to take care of her, and came himself to this capital, to make report of what happened to the district court. That court sent intelligence to me of the event when I was away from the capital, inspecting the fortified positions of our line of defence against the insurgent Indians, and, as soon as I received the communication, I addressed a note to Rear-Admiral Wilkes, making, in the name of the supreme government, the proper reclamation against the violation he had committed of the national territory, and calling his attention to the necessity there was that he should leave the steamer to the Mexican force which had captured her, that she might be brought by it to the port of Sisal, that she might there be examined, and other measures taken, conducive to the clearing up of the point on which the court could base its judgment whether she was or not a slave trader—whether she had or not contravened the revenue laws of the republic. At a subsequent time the consul of the United States at Merida addressed a copy of a despatch from Rear-Admiral Wilkes, and some documents, by which he thought to prove the steamer to be a slaver, and also destined for the confederate service; and I sent them to the district court, that they should have their effect in the proper suit, answering the consul that I had done so, and begging him to sustain the application I had addressed to the rear-admiral.

I remained absent from the capital when Mr. J. E. Stevens, commander of one of the vessels of the aforesaid squadron, came there, and for this cause he addressed to me, at Valladolid, a communication, in the name of Rear-Admiral Wilkes, that he could not wait

any longer for the determination of the culpability or inculpability of the steamer; that he no longer considered himself bound by the compromise he had made with Captain Urcelay, as well for the delay settled on as because the compromise was broken by the depredations committed on the cargo which, belonging to the steamer, was found on the schooner Pepita, guarded by a force placed there by Captain Urcelay; that he therefore had taken possession of the schooner; that the proofs he held amounted to evidence that the steamer was intended for the confederate service, to such extent that none existed of her being a slaver, and that not upon any account would he allow that vessel to fall into the hands of those in rebellion to his country, nor that she should be set at liberty from the capture by the squadron under his command. Such note was immediately answered, directly to Rear-Admiral Wilkes, and with the energy and propriety the national honor required, this government making proof of the flagrant violation of the law of nations committed by the squadron of the United States, and making the proper protests; but, despite all the steps I could take that my communication should pass to the island Mugeris with the greatest possible celerity, such was the haste of the American squadron that its commander never received it.

Rear-Admiral Wilkes did not restrict himself to extending indefinitely the possession of the steamer Noc Daquy, which Captain Urcelay, under an agreement, had conceded to him, nor the possession of the schooner Pepita, which that officer had left in the charge of the State troops, but landed, and, by an abuse of his strength, took the crew which the schooner had brought from Havana for the steamer, and which was arrested by the authorities and held subject to the order of the district court. This last operation being effected, Rear-Admiral Wilkes pretended that he left the steamer at absolute liberty, and when she left our waters he captured her, and without doubt sent her to the United States, leaving behind—although after having taken possession of her cargo—the schooner Pepita, which was brought to Sisal, and placed at the disposal of the district court.

All in relation to this appears in the official documents which I have the honor to transmit to you in copy, that the supreme government, possessing itself of the scandalous violation of the national territory committed by the said Rear-Admiral Wilkes, of the United States squadron in the Antilles, may please to issue suitable reclamations to whom it may be proper. Under which impression I send copies similar to the annexed to the citizen minister plenipotentiary of the republic near the United States, through the channel of the consul general resident at New York, that, on his part, he may take such action as he may deem opportune.

I have the honor to renew to you the assurances of my particular esteem and consideration.

Liberty and reform. Merida, February 23, 1863.

L. IRIGOYEN.
A. REJON, Secretary.

To the CONSUL GENERAL of the Mexican Republic at New York.

WASHINGTON, April 15, 1863.

A copy:

M. ROMERO.

[Translation.]

DIVISION OF OPERATIONS.

GENERAL-IN-CHIEF: The citizen general, military commandant and captain of the port of Sisal, tells me in an official note dated 8th instant:

CITIZEN GOVERNOR: Yesterday I copied for you the report made to me, dated 4th instant, by the head of the registration of the island Mugeris, referring to the steamer which under the Spanish flag appeared at that port on the 28th of the month last past, and to-day have ascertained, through the captain and supercargo of the English schooner Clyde, that arrived at Mugeris island the same day, (the 4th,) that the steamer in question remained in port at that date, and that it is known long time since that she is engaged in the opprobrious and infamous traffic in slaves on the coast of Africa. The captain of the Clyde assures me, as well as various other persons of this port, that the said steamer is the same which was at Campeachy two years ago, a trifle more or less, taking on board as captain a brother of Captain Galindo; that he came back to Campeachy, or the coast, about five months since, and is about to repeat his voyage to the same port or coast, as the said captain of the Clyde informed me. As it is not difficult to ascertain in what business the said vessel may be engaged by the water casks and other effects, which reveal that criminal commerce,

I think it my duty to make it known to you, that if you think proper you may denounce the fact to the authorities of Campeachy, who without doubt will act in conformity with the spirit of the treaties made between Mexico and the powers interested in pursuing and punishing that odious traffic. And as it may be considered that the investigation of the serious business, to which this note is confined, may belong to the attributes of the jurisdiction under your worthy charge, I refer it to you that you may at once act in the case as to you may seem fit, it being my duty to inform you, first, that I have enclosed this communication to the governor of Campeachy for the purposes he may judge proper on his part; and, second, that I have ordered the seizure of the vessel referred to, and also the captain and crew, by means of the revenue cutter of Sisal and citizen Nicolas Urcelay, in command of another commissioned cutter.

Liberty and reform!

MERIDA, December 10, 1862.

To the JUDGE OF THE COURT OF FIRST INSTANCE
of the civil and revenue branch of this capital.

A copy:

True copy:

LIBORIO IRIGOYEN.

MERIDA, February 9, 1863.

VISTO BUENO.
IRIGOYEN.
LUIS GUTIERREZ, Secretary.

WASHINGTON, April 15, 1863.

ROMERO.

[Translation.]

SECRETARIAT GENERAL OF THE GOVERNMENT OF YUCATAN.—GOVERNMENT OF THE STATE OF YUCATAN.

THE GENERAL-IN-CHIEF: In a despatch of to-day the first judge of the civil and revenue side in this department tells me what follows: "This court not having advice of the result of the orders which you informed me you had issued for the seizure of the slave steamer which was found at the island Mugerres, I hope you will please to order an officer, with sufficient number of troops, to bring her to Sisal for the purpose that may seem adequate to the case, and to avoid any risk at the point where she is." I send this to you, that, in passing the port of Silam, or any other on the coast, he may there obtain, through the authorities and marine officers, a cutter and ten or twelve seamen, with whom he will go to island Mugerres, and presenting this official note to the guard on board the revenue cutter and to the commissioner, Captain Nicolas Urcelay, they may obey the order which you have given to make sail on the steamer Noc Daquy, to bring her to the port of Sisal with all her crew and whatever belongs to the said vessel, as the persons employed under anterior orders are already notified, which seem to be neglected, for which reason you will give them to understand that they are liable, and if they do not discharge their duty with exactness, will be held responsible for whatever their conduct may give occasion before the citizen judge of first instance referred to, to whom I send copy of this note.

Liberty and reform!

MERIDA December 30, 1862.

In presence of:

Copy:

A copy:

L. IRIGOYEN.

THOMAS QUILCINO,
Citizen, Commanding Battalion.

MERIDA, January 29, 1863.

A. REJON, Secretary.

WASHINGTON, April 15, 1863.

ROMERO.

[Translation.]

SECRETARIAT GENERAL OF THE GOVERNMENT OF YUCATAN.

STEAMER WACHUSETT, ISLAND OF MUGERES,

December 29, 1862.

It is stipulated, and agreeable to Admiral Wilkes, commanding the western squadron, and Captain Nicolas Urcelay, of the Mexican troops at this point, that for the better security and protection of the steamer now at this port, and also of the cargo and property aboard of said steamer, that Admiral Wilkes shall take possession of her with a sufficient guard until the Mexican government may decide what is the character of said steamer, and see if she be or not a slaver; and if the government decide that she is, then the steamer shall be delivered to the Mexican government. Also, as there is anchored here the schooner Pepita, connected with the said steamer, it is stipulated for the Mexican government, by Captain Nicolas Urcelay, that the said schooner shall remain at anchor in this port until Admiral Wilkes may return in ten, or fewer, days, or may send a substitute authorized by him.

CHARLES WILKES,

Admiral, Commanding the Squadron of the Western Islands of the North.

NICOLAS URCELAY,

Captain of the National Forces at this place.

MERIDA, February 23, 1863.

A. REJON, Secretary.

WASHINGTON, April 15, 1863.

A copy:

A copy:

ROMERO.

No. 5.—Affairs on the frontiers of Mexico.

Mr. Romero to Mr. Seward.....	February 26, 1863.
Mr. Seward to Mr. Romero.....	March 10, 1863.
Same to same, (with one enclosure).....	April 2, 1863.
Mr. Seward to Mr. Corwin, (with two enclosures).....	May 12, 1863.
Mr. Romero to Mr. Seward.....	February 4, 1864.
Mr. Seward to Mr. Romero.....	February 9, 1864.
Same to same, (with seven enclosures).....	March 12, 1864.
Mr. Romero to Mr. Seward.....	March 15, 1864.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,

Washington, February 26, 1863.

Mr. SECRETARY: The Mexican consul at Crownsville, Texas, and the vice-consul of Mexico at Franklin, New Mexico, have frequently complained to this legation on account of the unjustly depressed and miserable condition in which Mexicans resident in the State of Texas and the Territory of New Mexico are held, whom it is sought to compel to serve in the army of the United States, or in that of the insurgents, or to subject to other undue burdens, in violation of the rights they hold as foreigners.

Having submitted said reports to my government, the secretary for foreign relations of the republic has communicated to me the instructions of the president