

party are made, or oppressive exactions or unreasonable tolls on passengers or freight.

ARTICLE 6. The parties engage to invite other States 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 interest and importance. The contracting parties also stipulate, 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.

ARTICLE 8 states that the parties have entered into this convention, not merely to accomplish a particular object, but also to establish a general principle. They agree to extend their protection to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama.

In 1852, the Report, by I. I. Williams, Esq., Assistant Engineer of the Scientific Survey of the Isthmus of Tehuantepec, under the direction of Major-General J. G. Barnard, was published, in a volume of 295 pp. It is accompanied by maps, profiles, and engravings, and is the most thorough, elaborate, and complete account that we have of any portion of the Isthmus.

#### ACTION OF THE FRENCH GOVERNMENT.

Subsequently the French government, by its agent, M. Belly, secured the following:

CONVENTION OF RIVAS, MAY 1, 1858.

The preamble states, that the two governments of Nicaragua

and Costa Rica jointly agree upon a grant for an interoceanic canal across the Isthmus of Nicaragua, to an international company, to be formed by M. Belly and his associates, on the most liberal terms and without "distinction of nationalities."

Article 1 stipulates that the two governments shall give the exclusive privilege for the construction and use of such a maritime canal, precluding any subsequent grant for a canal across the same territory, during the term of this concession.

Article 2 fixes the term of the grant—ninety-nine years from the date of the opening of the canal.

Article 3 determines the course of the canal, by the river San Juan and the lake of Nicaragua.

Article 4 defines conditionally the dividing line between the two States, according to the route of the canal.

Article 5 conveys, in fee, to the grantees, one French league of land each side of the track of the canal.

Article 6 stipulates that in crossing the Lake of Nicaragua, the shortest curve shall be considered as one of the sides of the canal, on each side of which, a space equal to one French league shall be deemed the property of the company, whether water or island, provided the same belongs to the States.

Article 7 conveys all the mines of coal, gold, silver, or other minerals on the lands of the company to them, subject only to the laws of the country.

Article 8 provides that the company shall be at the entire charge of the construction, repair, and working of the canal, without government aid.

Article 9 secures eight-per cent. of the gross revenue of the canal—that is, four per cent. each to the two States during the continuance of the grant.

Article 10 guarantees the company, their agents and property against any external or internal aggression, under penalty of forfeiture of damages by arbitration, to be deducted from the eight per cent. royalty.

Article 11 provides that the two ports at the extremities of the canal, on the Atlantic coast, shall be free ports forever, enjoying all the immunities those words imply.

Article 12 requires the erection of a first class lighthouse at each end of the canal, six months before its opening.

ARTICLE 13. The grantees declare emphatically, that the canal shall be open on the same terms to all flags, and that there shall be a uniform rate of tolls and charges, on all descriptions of merchandise, and at present, ten francs per ton (1,000 killogram) and sixty francs per passenger, never to be increased, but may be reduced as the interests of the company and commerce of the world, may justify.

Article 14 grants special privilege, for ten years, of free passage to vessels of the company, not exporting merchandise.

Article 15 exempts the lands, vessels, and works of the company from any impost tax of any kind, for twenty years.

Article 16 authorizes the company to dam or dredge the waters of the Colorado and San Juan rivers, and of the Lake Nicaragua, and to construct all such works as the engineers may judge necessary.

Article 17 empowers the company to impose such rules and regulations on the commerce of the transit as the interests of the service may require, not, however, injurious to the States of Costa Rica and Nicaragua.

Article 18 requires the canal to be of such dimensions as to admit, and afford harmless transit, to vessels of the largest size.

Article 19 allows two years for the commencement of the works, and six years for their completion. This time may, however, be extended.

Article 20 entitles the Ministers at Paris, of all of the States, to be members of the council of the company, but without vote.

Article 21 restricts the two States from continuing or establishing any monopoly of the productions of the country, or of articles of commerce (except munitions of war), from the date of the first semi-annual settlement of the royalty reserved to the States.

Article 22 establishes three per cent. ad valorem, as the rate of import and export duty, during the term of this concession.

ARTICLE 23. The parties mutually engage to make immediate application to the governments of France, England, and the Uni-

ted States, to secure the guarantee of the neutrality of the canal, by these three Powers, on the basis of the Clayton-Bulwer treaty.

ARTICLE 24. Until such guarantee shall have been officially proclaimed, by the publication of such a treaty, entrance to the canal shall be prohibited to all men-of-war; and the border States, in concert with the company, may take all necessary measures, to make this prohibition respected.

ARTICLE 25. After the neutrality of the canal shall have been solemnly guaranteed by act of the three governments of France, England, and the United States, the canal shall be open to ships of war, on the unanimous consent of the three Powers, subject to the approval of Nicaragua and Costa Rica, and the previous regulations of the company.

ARTICLE 26. As an exceptional measure, and to protect the interests and responsibility of the company, the direction of which is entirely French, the French government shall have the right to maintain two stationary vessels of war, during the continuance of the works, either in the waters of the canal or the Lake Nicaragua.

ARTICLE 27. All civil questions in the execution of this convention, shall be finally decided by a permanent commission, composed of two arbitrators, chosen by the company; one magistrate, appointed by each of the States, and the oldest French Consular Agent accredited to them.

ARTICLE 28. All political questions arising under this convention shall be submitted to the decision of a majority of an arbitration commission, composed of two members appointed by the company, and one from each of the interested or guaranteeing States—France, England, the United States, Nicaragua, and Costa Rica.

Convention executed at Rivas, May 1, 1858.

MARTINEZ, President Republic Nicaragua.

GREGORIO JUAREZ, Foreign Secretary.

MORA, President Republic Costa Rica.

NAZARIO TOLEDO, Foreign Secretary.

FELIX BELLY.

## ENDORSEMENT OF THE BRITISH GOVERNMENT.

This convention was submitted to the British Government, and received the following significant reply from Lord Malmesbury, referring to the "Clayton-Bulwer" treaty:—

A letter addressed to M. Felix Belly, by Lord Malmesbury, her Britannic Majesty's Minister for Foreign Affairs:

FOREIGN OFFICE, June 11, 1858.

MONSIEUR—I have the honor to acknowledge the receipt of your letter of May 1, containing a copy of the treaty concluded between yourself and the Presidents of the republics of Nicaragua and Costa Rica, for the construction of a maritime canal between the Atlantic and Pacific Oceans, and I am happy to assure you, that the stipulations of a treaty entered into between Great Britain and the United States, April 19, 1850, are in my opinion applicable to your project, if you put it into execution.

MALMESBURY.

In 1866, Rear-Admiral Davis, in compliance with a Resolution of the Senate, prepared and published a Report, "On the various proposed lines for interoceanic canals and railroads, between the waters of the Atlantic and Pacific Oceans." It is in a volume of 28 pages letterpress, containing numerous admirable maps and charts. It is an admirable resumé of the various projects for these objects.

Other and numerous publications, of various kinds, are extant, by different authors, describing favorite routes.

THE MEXICAN SCIENTIFIC EXPEDITION, BY LOUIS NAPOLEON, 1864.

In February, 1864, the Emperor Napoleon, by imperial decree, instituted a commission, charged with a scientific expedition, for researches in Mexico, consisting of twenty-five members. The Minister of Public Instruction was

president, M. Quatrefages vice-president, and among the members were Marshal Vaillant, Baron Gros, MM. Michel Chevalier, Milne Edwards, and others, mostly members of the Institute, and distinguished in various departments of science. The expedition was organized in its various sections, to make a complete exploration of Mexico, and the bordering territories, in respect to physical geography, geological, mineralogical, meteorological and medical characteristics, the different races, their monuments, history, &c. The survey was to extend from the sources of the Rio del Norte and Rio Colorado, to the extremity of the Isthmus of Darien, and from the Pacific Ocean to the basin of the Rio del Norte, inclusive.

There were four committees, or sections. 1. On natural and medical sciences; M. Milne Edwards, president. 2. On physical and medical sciences; Marshal Vaillant, president. 3. On history, language and archæology; Baron Gros, president. 4. On political economy, statistics, public works and administrative questions; M. Michel Chevalier, president.

In addition to the above there were thirty corresponding members. Among them were Leon, Minister of State of the empire of Maximilian; Ramirez, Minister of Foreign Affairs; the Archbishop of Guatemala, and others wisely selected in Havana, Panama, Mexico, and other prominent places. The most ample provision for the *personnel*, and the general expedition were made, and all the instructions and preparations arranged for the work, on a scale worthy both of the subject, and of the author of the undertaking.

In their first report to the Emperor, the commission say:—"Sixty-six years ago forty thousand of the bravest soldiers in the world and our most glorious Captain, entered Alexandria. A whole colony of *savans*, also, in

their way, made the conquest of Egypt, rending the veil which for fifteen centuries had shrouded its ancient civilization. The researches of the Institute of Cairo, and the publication of the great work, 'The Description of Egypt,' revived archæological science in Europe." \* \* \*

Animated by such recollections, your Majesty has desired that that which was done on the banks of the Nile, by Napoleon I. should be repeated in Mexico, under the auspices of Napoleon III.

The report, which is in two volumes, contains an account of the official acts of the commission, and of the labors of its committees, and the results they had reached.

The whole project—the organization, the appointments and the business efficiency of that commission, were all worthy of the imperial mind that planned it; and the results embodied in the two volumes are only an earnest and pledge, of the grand contribution to science which the world would have received, if the plan had been successful.

## CHAPTER II.

### THE POLICY OF THE UNITED STATES; THE AMERICAN ASIATIC SOCIETY—1865.

It had long been known, that the Asiatic and the Geographical Societies, of England, France, Germany and other parts of Europe, had given to this subject the most earnest and thorough investigation, and that courts and cabinets, in connection with the researches of eminent men of science, statesmen and philanthropists, had accumulated an amount of information not generally known in this country. The grand relations and bearings of the subject had not received at home, the attention and appreciation they deserved, and had commanded abroad. The know-

ledge attained, the interest manifested, and the policy pursued, by one administration of our government, was not followed up by its successor.

The American-Asiatic Society, an association under the presidency of Professor S. F. B. Morse, had been for a long period quietly investigating the subject, in its relations to the future of our institutions and of our commerce. Impressed with a deep sense of the intrinsic national and international importance of the "Middle Continent," in its geographical relations to the commerce of the world, the society addressed a communication to our government, soliciting the appropriate action of our administration;—and opened correspondence with scientific societies, and a number of eminent individuals in Europe. The society also, by favor of the opportunity of a personal presentation, by its honored President, to the Emperor Napoleon, addressed to him a memorial on the subject.

### COMMUNICATION OF THE AMERICAN-ASIATIC SOCIETY TO THE GOVERNMENT OF THE UNITED STATES—1866.

In January, 1866, the society deputed one of its members, to submit to the President of the United States, some of the results of their investigations, together with some views respecting friendly international coöperation, by the interested commercial Powers, in opening the great highway and the golden gates of the world's commerce, in the common interest of all nations and of modern civilization.

The President of the society addressed the following letter to the President of the United States:

NEW YORK, Jan. 17, 1866.

To his Excellency ANDREW JOHNSON, President of the United States:

DEAR SIR—At a time when every patriot is studying, with