

21.8. 1862
PAPERS

RELATING TO

FOREIGN AFFAIRS,

ACCOMPANYING THE

ANNUAL MESSAGE OF THE PRESIDENT

TO THE

THIRD SESSION

OF

THE THIRTY-SEVENTH CONGRESS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1862.

KRAUS REPRINT CORPORATION
NEW YORK
1965

37TH CONGRESS, }
3d Session. }

HOUSE OF REPRESENTATIVES.

{ Ex. Doc.
{ No. 1.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE THIRD SESSION

OF

THE THIRTY-SEVENTH CONGRESS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1862.

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Rear Admiral Wilkes to Mr. Welles.

No. 4.]

FLAG STEAMER WACHUSETT,
Havana, October 11, 1862.

SIR: I have to communicate to the department the infraction of the neutrality regulations by the commander of her Britannic Majesty's gunboat Bull Dog, in transporting Captain Pegram and seven officers from Nassau to Bermuda, in July last, on their way to England to take charge of the 290, or other vessels about to fit out there under the secesh flag, and that I have but little doubt that the officials, both at Nassau and Bermuda, were aware of and assented to the violation. This information I have from most reliable authority—those who knew Captain Pegram and Lieutenant Bennett well, and witnessed their arrival at Bermuda and embarkation on board the mail packet for Halifax. They staid but a few hours at Bermuda.

I am, very respectfully, your obedient servant,

CHARLES WILKES,

Rear Admiral, Commanding West India Squadron.

HON. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 385.]

DEPARTMENT OF STATE,
Washington, November 3, 1862.

SIR: The Arabia has not yet arrived at her destination, and her mails can hardly be expected before the hour appointed for the departure of this communication.

The military transactions which I have to relate are not striking, although they are not unimportant. The navy have reduced to occupation two new positions on the southern coast—Sabine Pass and Galveston. The blockading fleet has captured three of the steamers which were fitted out in England and despatched from British ports with arms and other supplies from the insurgents.

The Spanish authorities in Cuba make reclamation (justly if the facts sustain it) for a violation of their sovereignty in the driving ashore of and destruction of a British steamer, the Blanche, upon that island loaded with cotton. But on the other hand statements are made which show that the so-called Blanche was none other than the insurgent steamer General Rusk, freighted with four hundred slaves carried from Texas to Mulata, and that her loss was an act of self-destruction.

General McClellan's army has crossed into Virginia, and its advance has already had some skirmishing with the insurgents in the rear of Leesburg, which is again reoccupied by the national forces.

You will notice the statements of the press concerning an emeute of the colored population in the island of Saint Vincent. It is now said to have not merely a social but even a political signification. There are rumors, I know not how accurate, of uneasiness among the slaves in Cuba. The question becomes a serious one whether the political sympathies with slavery in the United States, which have been so universally cherished in Great Britain, are producing discontents among the whole African population, the free as well as the enslaved, in the West Indies. It is always dangerous for any people to abet treason in another country, and especially dangerous to force revolution in opposition to the progress of humanity.

The telegraph announces the destruction of another half dozen American vessels on the high seas by the steamer 290. The President is obliged to regard these destructions as being made by British subjects in violation of the law of nations after repeated and ample notice, warning, and remonstrances had been given by you to the British government. It is presumed that you have already brought the subject in that light to the notice of her Majesty's government. The legal proofs in support of a claim for indemnity will be collected and transmitted to you as speedily as possible.

It is hardly necessary to advise one so well acquainted as you are with the working of our system of popular elections against being disturbed by the exaggerations of the political canvass which closes to-day. No apprehensions of any change of the policy of the country in regard to the suppression of the insurrection are indulged here.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Copy of an excerpt from newspaper.]

NEW YORK, *November 2*.—Port Royal dates to the 29th ultimo have been received.

Two British rebel steamers, the *Anglia* and *Scotia*, were captured on the 27th ultimo and taken to Port Royal. The two steamers, with their contraband cargoes, are valued at one million of dollars.

Another British steamer, the *Minaho*, was run ashore and destroyed.

It was reported at Port Royal that the rebel ram was coming down the river from Savannah.

Mr. Seward to Mr. Adams.

No. 386.]

DEPARTMENT OF STATE,

Washington, November 3, 1862.

SIR: Mr. Dudley, our consul at Liverpool, informs us that two war vessels which are on the stays at Birkenhead are announced by the press as being built ostensibly for the Chinese government, but really to depredate on American commerce, as the 290 is doing. The President hopes that you will make such representations concerning them and all similar enterprises to her Majesty's government, as may induce them to consider whether it can be claimed that a nation is really neutral when vessels-of-war, without restraint and with impunity, are built, armed, manned, equipped, and sent out from its ports to make war on a peaceful and friendly nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 387.]

DEPARTMENT OF STATE,

Washington, November 4, 1862.

SIR: Your despatches by the *Arabia* are received, but there is not time for special notice of them before the closing of the mail.

SPAIN.

Mr. Seward to Mr. Perry.

No. 1.]

DEPARTMENT OF STATE,
Washington, January 14, 1862.

SIR: Your despatch of December 21 (No. 15) has been received. The President directs me to assure you that he reposes entire confidence in your loyalty, ability, and diligence in conducting the affairs of the mission at Madrid during the temporary absence of Mr. Schurz.

You will have learned already of the action of this government in the case of the Trent, and you will be able to calculate as wisely as we upon the signs of peace between us and Great Britain.

It hardly can be necessary to say that the counsels of prudence will be pursued here until the point of national safety and honor compel a change of disposition. The condition of affairs is, that the insurrection does not advance, while the cause of the Union steadily gains important advantages.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 3.]

DEPARTMENT OF STATE,
Washington, January 23, 1862.

SIR: Your despatch of December 28 (No. 17) has been received. The President appreciates highly the diligence and loyal spirit with which you have entered *ad interim* upon the duties of the legation at Madrid.

While we have good reasons for hoping that the war cloud which so suddenly and so strangely arose from the British islands, threatening an aggravation of the domestic evils of our country, will be happily dispersed, we have at the same time gratifying indications that the insurrection in the southern States has reached an interesting point, and may now be expected to be suppressed without unreasonable delay.

It finds itself hemmed in on all sides, and recent defeats sustained at Drainsville, in Virginia, at Port Royal, in South Carolina, and at Mill Creek, in Kentucky, cannot but abate the extravagant idea that they are invincible, which the insurgents have so carefully fostered.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 11.]

DEPARTMENT OF STATE,
Washington, February 22, 1862.

SIR: Your confidential despatch of January 19 (No. 25) was duly received. A nation that suffers itself to be divided by factions arrayed against each other in civil war can expect only intrusive intermeddling at first, and

sooner or later intervention and conquest by foreign powers. There is no friendship of one nation towards another that can survive the sacrifice of that nation's self-respect and self-sustaining power.

Let us be thankful that we have gained the time which was necessary to combine so large a people as ours, spread over so vast a continent, and bring them to the necessary conviction of the dangers from which the country is to be saved. Since your despatch was written a series of successes of the Union arms has been opened, which is regarded as auspicious of a speedy end of the insurrection. We have therefore dismissed, at least for the present, our apprehensions of foreign danger. Felicitating you upon this pleasing condition of affairs,

I remain, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 28.]

DEPARTMENT OF STATE,
Washington, April 22, 1862.

SIR: Your despatch of March 30 (No. 46) has been received. Your treatment of the subject of our present relations with Spain, as represented by you, is approved by the President, and he has received with very cordial satisfaction the friendly explanations which Mr. Calderon Collantes has authorized you to convey to this department.

I think that you may be able to satisfy that eminent minister that the largest term which can readily be claimed for the present civil war is a period of two years from its date. It ought to have been expected that not less than one year would be occupied with the most flagrant and effective demonstrations of the insurgents, and that a government heretofore exempt from practical acquaintance with treason, and of course destitute of any machinery for resisting or counteracting it, would require no period less than the whole of that year to organize the military and naval forces for its safety. A year might then be reasonably allowed for the unavoidable trial at arms.

The American people have feared that the reserve practiced in some quarters might be deemed indicative of a disposition, if not to aid the insurgents, at least to sympathize with and encourage them. The country has not been able to reconcile such tendencies with a generous and liberal spirit; Spain, however, has been eminently just and generous.

We have now entered upon that second year. It seems to the President that the conflict hurries on towards a conclusion in favor of the Union. He is desirous that Spain may be sufficiently informed of the condition of affairs to enable her to resolve upon an attitude favorable to future harmony and friendship between the two countries.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 31.]

DEPARTMENT OF STATE,
Washington, May 29, 1862.

SIR: Your despatch of April 17 (No. 48) has been received.

It is very interesting as a considerate and guarded exposition of Mr. Calderon Collantes's views on the subject of Mexican affairs.

I find no occasion to add to the frank and full explanations of the views of this government on that subject I have already given. Matters have indeed assumed a new and unexpected complication. Before we can engage in discussing them under their new aspect, we need to have some more light concerning the probable course of events in Mexico. We the more readily defer the discussion because a hopeful state of affairs at home seems to call for our best exertions to bring our unhappy civil war to an early close. Nations no more than individuals can wisely divide their attention upon many subjects at one time.

On one point, however, you may express yourself as strongly as you think needful, namely: the disposition of the United States to cultivate at home and abroad respect for the sovereignty and the independence of nations as the most effectual security for peace and the progress of civilization.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.**Mr. Seward to Mr. Perry.*

No. 33.]

DEPARTMENT OF STATE,
Washington, June 23, 1862.

SIR: Your despatch of May 25 (No. 57) has been received.

It is very interesting, and the debate in the Cortes upon Mexican affairs which you have extracted for us is very instructive. Mr. Calderon Collantes appears very advantageously in that discussion. His speech is temperate and loyal, and no one can read it without being satisfied that the Spanish government has acted with eminent honor and good faith.

You may say this to Mr. Calderon Collantes, and may add that this government is very favorably impressed by the deportment of the Spanish government on this occasion.

It is not deemed necessary that beyond these assurances you should at present make or seek any further explanations at Madrid concerning the state of Mexican affairs. The President hopes that the course of events may be such as to relieve this government from further debate upon them, notwithstanding the present singular complication. Should this expectation be disappointed, we shall then have the advantage of a clear knowledge of the actual situation of that subject, which, at present, we could only anticipate, and might, by anticipating erroneously, increase, instead of preventing embarrassment.

Your assiduity and zeal in the matter are fully appreciated; Mr. Carl Schurz has resigned the mission to Spain, and entered the military service. Mr. Gustavus Koerner, of Illinois, has been appointed and has accepted the mission. I learn from him that he will not take his departure until the expiration of about six weeks.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Perry.

No. 34.]

DEPARTMENT OF STATE,
Washington, June 24, 1862.

SIR: Your despatch of May 30 (No. 58) was duly received. It gives us a full and interesting account of your conversation with Mr. Calderon Colantes on the subject of the change of position of the late European allies in Mexico. I have, however, in a previous despatch communicated the views of the President on that subject so far as it is deemed wise to expose them at the present moment.

We are in a crisis in our own domestic affairs indicative of a close of the struggle. Events in Mexico are only at their beginning. We shall see more clearly and be able to determine more fully after a little time. Meantime it is proper that you should know that Mr. Corwin lately negotiated a treaty for a loan of eleven millions of dollars with Mexico; that this treaty was made in the absence of any instructions, and that it may perhaps be thought by the Senate to conflict with the policy that it has heretofore indicated. The treaty, however, has been submitted to the Senate for its information and consideration without an expression of opinion upon it by the President.

It is hardly necessary to repeat on this occasion the former expressions of satisfaction with the loyal and enlightened course of the Spanish government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.**Mr. Seward to Mr. Perry.*

No 39.]

DEPARTMENT OF STATE,
Washington, July 31, 1862.

SIR: Your despatch of July 8 (without a number) has been received.

Long before this reply shall reach its destination you will have learned that the treaty negotiated by Mr. Corwin with Mexico was submitted by the President to the Senate for its consideration without any expression of opinion on his part, and that the Senate decided that it would not act upon the subject.

This government takes no interest whatever in the changes of ministries which so frequently occur in states with which it maintains friendly relations. It regards such changes as being matters purely of domestic concern in the countries where they occur. It does not confess to a solicitude that bias in favor of the United States shall exist in any foreign cabinet. It concerns itself as little about debates which the European states may hold among each other in relation to our affairs. It practices upon the principle that each state is just, prudent, and friendly in its purposes towards us as we are towards them, and thinks it will be time enough to change its habits in regard to any state when that state shall unmistakably manifest a different spirit towards the United States.

While, however, this is the tone of our sentiments, it is not improper for me to say that the present ministry of Spain and the minister of that country now in the United States have, by a loyal, frank, and honorable conduct of the affairs in which we have been concerned, won the respect and esteem of this government, and secured not only for themselves, but for her Catholic

Majesty and the Spanish people, the most generous sentiments and best wishes on the part of the American people. If we might indulge ourselves in criticising domestic affairs of a foreign state at all, we should think it would be an unfortunate change which should deprive Spain of the services of so enlightened and honorable a cabinet.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 40.]

DEPARTMENT OF STATE,
Washington, August 2, 1862.

SIR: Your despatch of July 11 (No. 69) has been received. The African slave trade which has been so long clandestinely carried on from American ports was a mercenary traffic without even the poor pretext that it brought laborers into our country, or that other and worse pretext that it was necessary to the safety or prosperity of any State or section. It was carried on in defiance of our laws by corrupting the administration of justice. The treaty to which you refer contains no provisions that can embarrass an honest and lawful trade, and none that can inflict a wound upon the national pride. It was freely offered by this government to Great Britain, not bought or solicited by that government. It is in harmony with the sentiments of the American people. It was ratified by the Senate unanimously, and afterwards distinctly approved with not less unanimity by both houses of Congress. Not a voice has been raised against it in the country. I send you a copy of it for Mr. Calderon, as you have requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 41.]

DEPARTMENT OF STATE,
Washington, August 5, 1862.

SIR: I have received and have read with much interest your despatch of the 7th of July, (No. 68,) giving a detailed account of a recent conversation between Mr. Calderon Collantes and yourself on the subject of the affairs of Mexico.

In view of what I have so lately written to you in relation to this subject, I do not deem it necessary or important at this time to do more than assure you of my approval of the part taken by you in the conversation referred to. You were quite right in assuming and in stating, as you did to Mr. Calderon Collantes, that this government has not the least purpose or desire to extend its jurisdiction. It needs no more territory, and it will scrupulously respect the rights of other nations, as it purposes to maintain its own.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 2.]

DEPARTMENT OF STATE,
Washington, August 18, 1862.

SIR: Our relations with Spain at the present time are fortunately not of a character to render it necessary that I should give any detailed or specific instructions for your government on assuming charge of the mission at Madrid. Those that were given to your predecessor, and which will be found on the files of the legation, were sufficiently ample, and are not less applicable to present circumstances than they were to those which existed at the time they were written. The fierce civil strife which then convulsed our country still rages, and is carried on by those who provoke it with a recklessness characteristic of their desperate fortunes. Thus far the nations of Europe, resisting the insidious appeals of the insurgents through their emissaries abroad, have stood aloof from the contest, though in somewhat varying attitudes. That of Spain has given no cause of complaint, and has been consistently maintained. We have no apprehension that it will be changed. The government of her Catholic Majesty knows that, while insisting on our own rights, we scrupulously respect the rights of other nations; and the high sense of honor for which Spain has ever been distinguished forbids the belief that she would ever practice less justice than ourselves. Neither can we believe that her sympathies will ever be given to those who, without cause and without even a reasonable pretext, have sought to subvert a government founded on law and order, and with which the government of her Catholic Majesty has always maintained unbroken relations of amity and good will.

There are, as you are no doubt aware, questions between the two governments concerning claims, &c., which still remain unadjusted. It is deemed expedient that those should, for the present, be suffered to rest in abeyance.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c.

Mr. Seward to Mr. Koerner.

No. 3.]

DEPARTMENT OF STATE,
Washington, August 25, 1862.

SIR: Mr. Perry's despatch of August 1 (No. 73) has been received. It brings information of the appointment of Don José de la Concha to be ambassador at Madrid, and Mr. Perry infers from that proceeding and other events a probable combination by the government of Spain with that of France in the war waged by the Emperor against Mexico.

That war, regarded in the light of the explanations of it which have been given to this government by that of the Emperor, is a foreign affair, and the new phase of Spanish policy in regard to it, for that reason, does not require any special notice on the part of the United States.

It is believed here that the maritime powers, if indeed they have heretofore entertained doubts, are now becoming satisfied that proceedings on their part, injurious or hostile to the United States, would be productive of no results advantageous to European interests. Certainly this government

when it considers the military and naval forces that it has at its control, the success that it has achieved already in the present unhappy civil war, and the favorable prospects of the campaign which it is now preparing, is not disposed to be disturbed by apprehensions of interference by foreign powers. Doing all that it ought and can to preserve peace with foreign nations, it will not suffer itself to be alarmed by fears of wrong on their part, whether victory continually attends our arms, or at times manifests its habitual caprice.

There are indications of growing uneasiness in Europe, which seems to us likely to engage the thoughtful consideration of the foreign powers with whom treasonable emissaries from this country have been seeking to bring the United States into collision. We have at least an important guarantee of peace, in the fact that traitors are always justly suspected by ingenuous parties whom they address.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Perry.

No. 47.]

DEPARTMENT OF STATE,
Washington, September 15, 1862.

Sir: Your despatches (Nos. 73 and 74) of the 16th and 17th ultimo have been received. The information communicated in the latter is particularly important and interesting.

I have transmitted to the Secretary of the Navy a copy of that part of your despatch which relates to the departure from Barcelona of the rebel brig *Mary Scaife*, and have again called the attention of the Secretary of War to the subject of your purchase of 340 rifled muskets.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Seward to Mr. Koerner.

No. 6.]

DEPARTMENT OF STATE,
Washington, October 21, 1862.

Sir: Mr. Perry's interesting despatch of September 21 (No. 81) has been received. Manifestly it was written when the European political atmosphere was highly disturbed by the news of the insurgent successes which occurred in August last, and by the confident expectations which heralded there the secretly projected campaign of invasion of the loyal States, which was to culminate in the occupation of many of the chief marts of internal as well as those of foreign trade, and the capitulation of Washington. The campaign has already proved a failure, and it is now supposed here that the hopes of recognition which were built upon it have abated under the influence of so serious a disappointment.

It is observed that when this subject of recognition is discussed in foreign capitals, it is at least tacitly assumed that the United States would be passive upon the adoption of such a measure by friendly nations. There is no

ground whatever for this assumption. However our military position may be regarded abroad, it is known and felt here that the national strength, wealth, and power were never before so great or so available for any struggle as they are now; and if anything were wanting to intensify the national loyalty and excite the national zeal, it would be furnished by any foreign invasion of the country or its sovereign rights.

You will already have learned that the President has impressed on the war the feature of a withdrawal of the national protection from slavery in the insurgent States, which Mr. Perry has so confidently and earnestly, and yet with entire propriety, recommended.

You will exercise your discretion as to bringing the views which I have thus furnished to the notice of Mr. Calderon Collantes. If you do so, you will, at the same time, assure him, in the most frank and confiding manner, that this government entertains not the least distrust of the fidelity of Spain to her treaty obligations, or of her abiding friendship towards the United States. Mr. Tassara, who is always respected by this government, called upon me yesterday, and in a very earnest and zealous manner represented to me that he had learned from the captain general of Cuba that a British vessel, the *Blanche*, had been driven by an American cruiser ashore on the Island of Cuba, and that the cruiser assumed and exercised force against the British vessel and her crew within the waters and even on the soil of Spain. But Mr. Tassara had not yet had time to prepare a formal representation upon the subject. Meantime this government has no other knowledge of the transaction except some very uncertain and highly-inflamed articles in relation to it extracted from the Havana press.

You are requested to lose no time in calling upon Mr. Collantes, and in assuring him that an investigation of the transaction has been already ordered by the President; and that, in just the extent that the case shall be found to justify Mr. Tassara's representations, the displeasure of this government will be visited upon agents who have abused equally its authority and its instructions, and the most ample redress will be promptly afforded.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GUSTAVUS KOERNER, Esq., &c., &c., &c.

Mr. Schurz to Mr. Seward.

No. 35.]

LEGATION OF THE UNITED STATES,
Madrid, October 26, 1861.

SIR: Your despatch No. 30, together with accompanying documents, has at last arrived. I had already instituted inquiries in every possible manner in order to ascertain where and by whom it might have been intercepted, for it was impossible for me to conjecture that an important despatch addressed to the American legation at Madrid could have been detained in the State Department until the 4th of October, after having been communicated to the Spanish legation at Washington on the 18th of September. I must therefore beg your pardon for the reflections offered in former despatches on the carrying service, although the latter is not quite incapable of improvement.

Immediately upon receipt of the despatch I called upon Mr. Calderon for the purpose of laying the information it contained before him, with most of which he was already familiar. I directed his attention to several points in General Serrano's order, which seemed to me objectionable. Mr. Calderon

replied that he had received from Mr. Tassara a report of an official conversation that had occurred between yourself and that gentleman, and which enabled him to inform me that my government considered but one point objectionable, the apparent recognition of the confederate flag in the first paragraph of the order. As I had received no report of that conversation, I was obliged tacitly to acknowledge that Mr. Calderon was better informed of the views of my government than myself.

In order to render the third paragraph of General Serrano's order quite clear, Mr. Calderon observed that the placing of the merchant vessels of the so-called Confederate States upon the footing of the vessels of nations having no consuls at the ports of Spain and her dependencies was a mere form of expression, and that if such consuls were sent to Spanish ports by the Confederate States they would not be permitted to exercise any authority, for they would not receive the royal exequatur.

Mr. Calderon added that he had already written a despatch to Mr. Tassara, and one to the captain general of Cuba, which would be satisfactory to the government of the United States.

I am, sir, with great respect, your obedient servant,

C. SCHURZ.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Schurz to Mr. Seward.

[Extracts, with enclosures.]

No. 39.]

LEGATION OF THE UNITED STATES,
Madrid, November 9, 1861.

SIR: I have the honor to transmit a copy of the speech delivered by the Queen at the opening of the Cortes on the 8th instant.

You will notice in that speech no mention is made of the events in the United States, nor of the position assumed by Spain in relation thereto, nor of the protest entered by the United States against the annexation of Dominica. To-day I called upon Mr. Calderon Collantes and requested him to explain to me, and through me to my government, the meaning of that omission. Mr. Calderon replied that he was happy to have an opportunity to prevent all misinterpretation of the royal speech as far as the United States was concerned. The government of Spain had already, in a solemn manner, manifested its policy in relation to the internal difficulties in the United States by the royal decree of the 17th of June; this matter being thus definitely settled, the government had not deemed it necessary to refer to it again. He would, however, confidentially inform me that he had prepared a paragraph for the royal speech on this subject; but that the speech being already very long, this and other matters of similar importance had been dropped. This paragraph which he recited to me contained an expression of regret at the unfortunate occurrences in the United States, and of the firm determination of her Majesty's government faithfully to adhere to the policy indicated in the decree of June 17. He added that he would be happy to repeat this declaration in the Cortes if an interpellation should be addressed to him on the subject. As to our protest against the annexation of Dominica, he had not mentioned it in order to avoid if possible any discussion of that matter.

I may add that I believe this government to be sincere in their professions;

not as though they loved the United States particularly, but they do not mean to provoke a difficulty with us, and will, I think, honestly endeavor to avoid a conflict with us under all circumstances. If the government of the United States show a corresponding temper, Spain will not think of recognizing the independence of the southern confederacy. A few days ago I had a conversation with General O'Donnell, who expressed himself very strongly and straight-forwardly to that effect. * * * * * My personal relations with this government are of the most satisfactory character, and the American legation is on every occasion the object of marked attention and respect.

The Queen's speech is more liberal than was anticipated. The government has wisely concluded to concede without discussion several of the principal demands made by the opposition, and the consequence was, that in the test votes on parliamentary officers, the combined opposition did not show as much strength as had been calculated. The majority of the government in both branches of the legislature is very large, and the ministry, whose existence seemed to be very precarious but a short time ago, has apparently obtained a new lease of life. The opposition, however, although numerically weak, have nearly all the parliamentary talent of the Cortes on their side, and it would therefore be venturous to predict the result. The ministerial journals foreshadow the determination of the government to dissolve the Cortes in case an attempt be made by the opposition to impede the working of the governmental machinery by factious manœuvres.

I am, sir, with great respect, your obedient servant,

C. SCHURZ.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Discourse pronounced by the Queen on the formal opening of the Cortes of the kingdom, November 8, 1861.

SIRS, SENATORS, AND DEPTIES: It has always been gratifying to me to see myself surrounded by the true representatives of the country, but never more than on this day, when my mother-heart, borne down with sorrow, needs the consolations which God only, and those connected with us by ties of attachment and affection, can impart to us in periods of great affliction.

No change has occurred in our friendly relations with the powers of Europe since the adjournment of the labors of the Cortes.

The holy father, ever the object of tender and profound veneration to all Catholics, excites my continual interest and my filial solicitude. I have induced the governments of the nations which are under his holy direction to unite in the investigation of measures to secure to him in his states the peace and security needful to him, that he may exercise with independence the august functions of his sacred office; my feelings will stimulate me to continue those efforts, thus meeting the wishes of my subjects in whose hearts the religious faith of our fathers burns ardently.

I have the pleasure to announce to you that the differences which had occurred with Venezuela have been satisfactorily arranged. In this, as you will perceive, the inviolable principles of the law of nations have been maintained, giving to my subjects reparation due for the injuries of which they have been objects, and settling guarantees necessary to avert their unfortunate recurrence.

Disorder and outrage has reached a climax with the ill-omened people of

Mexico. Treaties broken, rights trampled on, my subjects exposed to serious attempts and perpetual dangers, it was indispensable to set at this time an example of wholesome rigor and evidence of magnanimous generosity.

My government prepared all the elements for such results, when two great nations, whose tolerance towards that people can never be attributed to weakness, were the objects of fresh violence. The offence was common; the action should be collective. My government desired it. Its endeavors to form the combination had previously been efficient and active, but the result did not correspond with our wishes. If now again the same should have occurred, the solution would have been energetic; its action immediate and decisive.

France, England, and Spain have agreed upon obtaining the reparation due for their grievances, and that necessary guarantees that the intolerable wrongs which have scandalized the world and given offence to humanity shall not be repeated in Mexico. By these means will be realized the idea to the carrying out of which my government had addressed its constant efforts. In due season it will give you an account of the convention which has been concluded for this purpose by the representatives of the three powers.

The presence of their naval and land forces at the most important points of the coasts of Mexico can do no less than call to reflection the parties who are destroying that unfortunate country. If peace should grow out of it, under the shelter of a strongly constituted government, we would congratulate ourselves upon having given to it at once the existence belonging to civilization, and also that of *order combined with independence and liberty*. *Spain will always desire that the people of the American continent may be assured of maintaining the enjoyment of such inappreciable blessings.*

The island of Hispaniola, the first discovery by which the great Columbus immortalized his name, has again become a part of the monarchy. The Dominican people, threatened by external enemies, exhausted by intestine disorders, in the midst of its conflicts invoked the august name of the nation to which it owed civilization and existence. To look upon its misfortunes unmoved; to turn a deaf ear to its wishes, inspired by lofty recollections and by a never-extinguished love for Spain, would have been unworthy of our noble nature. Convinced that they were unanimous, and acting of their free will, I have not hesitated to receive them, regarding the honor still more than the advantage of my people.

The Dominicans have seen their hopes realized. The elements of wealth shut up in their fertile soil begin to develop themselves in the bosom of a profound peace, and the zeal and justice of my government and of the authorities will sweep away the traces of past discord.

The army and squadron of Cuba, conveying to Santo Domingo the glorious standard of Castile, infused security to the inhabitants, their enemies with fear and respect. They were generous to the latter, because it has never been their mission to oppress the weak.

The execution of the stipulations of the treaty of Vad-Ras, which put an end to a glorious war, met with great difficulties. But to remove them the Sultan of Morocco sent to my court as ambassador his brother, the Prince Muley-el-abbes, and in a few days they were removed.

The convention which will be presented to you in no manner innovates on the treaty of peace. All the rights acquired thereby continue in their pristine vigor. In determining the mode of paying the indemnity of the war, I consulted the feelings of the Spanish nation, which is always generous after victory. She will ever accompany our flag if Divine Providence still reserves fresh combats for our army and navy. These, meantime, are models of discipline and fidelity.

My government devotes its best endeavors to perfect its organization by increasing the elements of strength and power which secure to nations the wonderful advances of the sciences and of civilization.

The navy, whose development has already received a considerable impulse, will again occupy the high place from which errors and misfortunes caused it to descend; errors and misfortunes which, far from causing faint heartedness, ought to serve as a powerful stimulus and a profitable teaching.

Grave events, by their alarming tendency to society, disturbed public order in some towns of the province of Andalusia. To re-establish that, and to punish those guilty of such criminal attempts, it was not necessary to recur to extraordinary remedies. My government left free the action of the tribunals which the laws establish for such cases.

The definitive organization of the public administration calls for the prompt examination and approval of the projects of laws presented by the former legislature. The towns and provinces will attain, through laws suited to their remarkable improvement, the full intervention which they require in the direction of their affairs and of care for their interests, without any diminution of the means which the authorities need for the preservation everywhere of that public order which is the first necessity of states.

My government desires that the liberty of the press may be guaranteed by a law which may leave a wide field to the expression of thought, and at the same time repress the outbreaks of passion. To give sure pledges to individual liberty by reconciling it with public order and with the tutelar principles of association, is the great problem which political rules must solve to avoid the provocation of absurd reactions or unhappy disturbances. The reform of the electoral law will also soon call for your most profound attention. The extension of the privilege of voting will cause all legitimate interests to be represented in the assembly. Measures recommended by experience will prevent fraud or coercion from invading the purity of the ballot-box. The law repressing force and fraud secures the free expression of public opinion.

The government, in order to transfer to the Cortes the exercise of an important prerogative and to affirm the principle of the abolition of mortmain, will propose to the Cortes, in due time, an amendment to the constitutional reform in the terms which it has already announced.

My government will presently lay before you the estimates for the state for the present year. The product of existing imposts will suffice to cover ordinary expenses, and being connected with the resources which you had previously provided to meet the necessary improvement of the public works, of the navy, and of materials of war, it will not be necessary to call for fresh sacrifices from the people.

The public instruction has had from my government the most constant solicitude, and will soon attain the perfection desired if the Cortes continues to lend its enlightened protection to this important branch, on whose good organization depends in great part the welfare and the glory of nations. My government will lay before you for this purpose suitable drafts of laws.

The impulse given to the public works has contributed efficiently to the increase of the fortune and prosperity of the country. My government will present to the Cortes drafts of suitable laws for promoting the construction of canals of irrigation, and for the use and improvement of waters, which will contribute to the progress of agriculture and industry. These interests claim the prompt discussion of the project presented to the former legislature upon banks of commerce and emission of notes by companies who are grantees of public works. Projects of important laws upon territorial credit, the organization of tribunals of commerce, and the reform of mercantile associations of shareholders, will complete the series of measures

which my government considers necessary to the rapid increase of the public wealth.

The prosperity of the provinces beyond sea is a constant object of my maternal solicitude; their administrative organization improves constantly by institutions and reforms already tried in the peninsula, the establishment of which I have fostered, accommodating them to the special circumstances of those people. It is to be hoped that extraordinary accidents, which produced such great disturbance in the industrial and mercantile relations of the whole world, may affect only temporarily the progressive development of the great elements of wealth they contain.

Arduous, thorny, but still grand and magnificent, is the mission of legislators and of governments in this epoch of prodigious transformations; vain would be the effort to fill it without the aid of God, and without the exercise of the virtues which make a people worthy of the blessings of liberty. By practicing them with constancy, and united in one feeling—the common love of country—our efforts elevating it each day in the consideration of other nations, will conduct it free from sad revulsions, and under shelter of constitutional institutions, to the high destinies which Providence holds in reserve for it.

Mr. Perry to Mr. Seward.

No. 17.]

LEGATION OF THE UNITED STATES,
Madrid, December 28, 1861.

SIR: I have received your despatches Nos. 57, 58, and 59, addressed to Mr. Schurz.

The anxiety felt at this capital concerning the grave question pending between the United States and England, as the time draws near when the reply of our government to the demands of England may be expected, is quite evident. I do not hesitate to say that public opinion is decidedly against us in the question of right, and the proceeding of the commandant of the San Jacinto with the Trent is considered by Spanish juriconsults as unsanctioned by the law of nations. It is considered, therefore, that the United States ought not to hesitate to make reparation for the fault committed by their officer. Whilst this is so, there is at the same time a good deal of satisfaction manifest that the act condemned should have been committed with an English ship, and not that of any other nation. The skirts of England are not clean, and Spanish statesmen willingly allow that she is the last of all the powers in her right to complain of such treatment. But though England may have been guilty in times past of acts in regard to neutral ships even more indefensible than that of which she now complains, this is not thought to justify the United States in the commission of like faults, and there is no hesitation here upon the point that the interests of all nations would be served by the United States yielding in this matter and allowing the question involved in the affair of the San Jacinto and Trent to be decided against them upon principle.

I give you thus a summary of the opinions of various personages with whom I have conversed freely, and which may be taken as those of the most enlightened and most competent of this country.

Yesterday I had an informal interview with the minister of state at his department, in which the conversation turned upon the declaration made to me in June last by Mr. Calderon, to the effect that he would not see nor receive any commissioners or other negotiators from the so-called Confederate States, as reported by me in despatch No. 4, of June 13, published in the London

Times of December 19. Mr. Calderon renewed to me yesterday the same declaration, saying that the policy of Spain in regard to our civil contest was fixed by the royal decree of June 17, which appeared a few days subsequent to the interview referred to, and that her Majesty's government had no intention to depart from its provisions in any respect. Mr. Calderon said himself, that to hold conferences with or to receive the agents of the so-called Confederate States in any official capacity would be tantamount to recognizing the separate existence of those States as a body politic, and this the government of Spain had no intention to do, but holds to the line of conduct and policy embodied in the royal decree of June 17.

As to the question between the United States and England growing out of the affairs of the San Jacinto, Mr. Calderon said, in substance, in reply to my observations, that we were wrong, and that England could not help making her energetic reclamation against that proceeding. That the subject of the attitude of Spain in the case of war between the two powers had not been treated in the council of ministers, as there had been no formal instance on my part in regard to the matter; but he quite agreed with me that the interests of Spain indicated a complete neutrality, and there was no motive why Spain should take any part in the contest on either side. His manner was frank and kind, and his language such as to completely reassure me in my conviction that this country has no idea of being itself drawn into the dispute in any event. I did not myself think proper to give to this rather informal conversation any more important character, nor attempt to press the minister to any distinct declaration of an official nature at the present moment. When we know the reply of the President to the pretensions of the English cabinet, I shall endeavor to shape my course here in accordance with what our interests may then seem to demand, hoping to receive your instructions as to any positive step which it may be proper to take. Meantime everything confirms the opinion expressed in my despatch No. 15, that a complete neutrality of Spain in any and all circumstances of the threatening conflict with England can be maintained.

I have the honor to be, with the highest respect, sir, your obedient servant,
HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Seward.

No. 39.]

LEGATION OF THE UNITED STATES,
Madrid, March 8, 1862.

SIR: Your despatch of February 4 was duly received, and I, the same day, read the original to the sub-secretary of state, Mr. Calderon not being at his department when I called.

Mr. Cowyn advised me to prepare a translation of this important paper, to be left with Mr. Calderon, if he should desire it. There was certainly no objection to that course, and I accordingly prepared the translation, a copy of which is enclosed, and having again waited upon Mr. Calderon, read the same to him and left a copy in his hands.

The document is exceedingly well calculated for a favorable effect upon this government, and though I have no practical result to announce to you to-day, there is no doubt the impression produced upon Mr. Calderon, at the time he heard it, was marked and strong.

His own observations opening the way for me, I traced rapidly for him

the connexion of the principal actors in the present rebellion with former filibustering schemes against Cuba. Showed him the natural and necessary policy of our slave-owners towards all the foreign states on our southern border. Showed him how our people had rebuked this policy, and in other respects sustained and illustrated by the facts of history the chief positions taken in your despatch.

Mr. Calderon listened with great interest, and said he was glad of one thing: he was glad we at Wasington believed that Spain had entered upon a new career; and he would assure me that Spain was not bound to follow the action of France or England; that what she did she did spontaneously and freely, and was at entire liberty to do or undo what she had done in the matter of neutrality in our civil contest without consulting any other power.

He also assured me that no commissioner nor agent from the southern States had yet presented himself to any officer of her Majesty's government to his knowledge.

In fact, Mr. Rost, whose departure from Paris was communicated to me by Mr. Dayton some time since arrived in Madrid only to-day.

But the news of the victory at Fort Donelson had preceded him.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Seward.

[Extract, with enclosures.]

LEGATION OF THE UNITED STATES,
Madrid, March 15, 1862.

SIR: The expedition against Mexico has excited and maintained more interest in Madrid than almost any other subject, ever since the fleet sailed from the Havana. But it has been principally to know and comment upon what was happening in America, and of which you must be better informed than we can be here.

Until latterly little of interest has occurred in Spain itself connected with this subject. The information and views conveyed to you in Mr. Schurz's despatch of November 17 (No. 41) was singularly correct and opportune according to my own knowledge, and I could add little to the import of that paper.

I informed you on the 26th of January (No. 26) that the action of the French Emperor in sending out a general with strong re-enforcements to his army in Mexico without previous consultation with this government, and with the supposed object of putting the French contingent upon a footing to act independently of the Spanish general-in-chief, had produced surprise and chagrin here. Spain had supposed that she was to take the direction of the land operations in Mexico, and General Prim left Madrid in that understanding.

The candidacy of the Archduke Maximilian of Austria for the projected throne in Mexico, put forward by France, was another blow upon Spanish hopes. For a considerable time it seemed doubtful whether this arrangement would be accepted by Spain in any event; but this candidacy is now recognized by the Queen's government, though at the expense of much of

the enthusiasm with which they at first went into this business, and perhaps with the scarcely avowed hope that the course of events in Mexico will itself defeat the plan.

It is also evident that, for some time past, the tendency here has been to draw closer to England in the Mexican affair, so as the better to make head against the vigorous initiation of the French Emperor.

Your attention will not fail to be drawn to the visit of the Duke of Brabant, heir of King Leopold, of Belgium, to Seville. The duke has just arrived at Valencia, and will proceed immediately to Seville, where the Duke and Duchess of Montpensier (sister to Queen Isabel) reside.

We have heard the name of the Count of Flanders (younger brother of Brabant) mentioned frequently of late in connexion with the projected throne in Mexico, and you will remember the significant declaration of a Madrid ministerial journal, as early as December last, to the effect that if the throne of Mexico were not to be occupied by a Spanish prince, it would, at least, be pressed by a Spanish princess.

The journey of the Duke of Brabant is publicly stated to be merely a family visit to his cousins, and the delicate health of the duke is given as his reason for seeking the climate of the south of Spain at this time; but there is little doubt it is really an embassy for negotiating the marriage of the Count of Flanders with the eldest daughter of Montpensier, who enjoys the rank of a Spanish infanta. The movement is meant to conciliate the sympathies of England and Spain upon this young couple as candidates for a constitutional throne in Mexico, and, no doubt, it is hoped to make this candidacy prevail in preference to that of Maximilian by means of the Mexicans themselves.

If this cannot be managed, there are many in Madrid who believe General Prim capable of maintaining the republican form of government in Mexico, and that he will be sustained by England. The Spanish government declares and repeats in all its organs that, if such is the deliberate determination of the Mexican people, Spain will not oppose their wishes; nor will the Spanish forces in Mexico ever attempt to force a monarchy upon that people against their will.

* * * * *

Your information from Mexico will be better and more recent than any here. Ours shows, however, that General Prim had adopted, practically, upon the scene of operations the same policy of close and intimate understanding with the English representatives, whilst his relations with the French admiral were not so harmonious. We know, also, that Prim had already excited the animosity of the Spanish residents in the republic who have always acted with the clerical or monarchical party of Mexicans. Formal written memorials from these Spanish residents, complaining of General Prim, I am informed, have already reached this government, and fifties, hundreds of private letters have been received in Madrid criticising, and even denouncing, his conduct in the strongest terms.

You will have noticed, also, that the French journals have denounced what they call the temporizing policy of General Prim, and have been led to indulge in some unflattering expressions about the "*poor Spaniards*" and their expedition, which have driven the press of Madrid furious. Even the ministerial journals during the past week have hardly been able to dissemble their rage.

Thus it is both true and evident that all cordiality of feeling and sympathy is already lost between these allies in the invasion of Mexico. Whether any harmony of purpose still exists, you will be better able to judge than I.

In this state of affairs here, the telegraph announcement a few days since,

that General Scott had been appointed an envoy or commissioner by the President of the United States, to proceed to Mexico with powers to treat with the Mexican government and with the representatives of the allied powers, produced a deep impression upon this government and the political circles of the capital. The personal signification of General Scott with ourselves is understood here. The history of his glorious campaign in Mexico is tolerably familiar, and the conviction that such a man would not go to Mexico without great powers and means to effect the results proposed by our government, made this news to be the prominent theme of conversation and of some degree of apprehension in all circles. The impression seemed to be that General Scott would be very likely to succeed; that means would be found to make or preserve peace; and that the real object of the allied powers would be frustrated.

This was feared, at least, and weighed upon the spirits of political circles so that yesterday, when the telegraph again announced that General Scott's name had been withdrawn from the Senate by the President, and he would not go to Mexico, it was greeted with joy and an evident sensation of relief.

I know nothing of the causes or incidents of this nomination or withdrawal, but report to you simply the sensations produced at this capital by these successive telegrams, and my own impression, judging from this place, that the measure of General Scott's nomination was eminently wise, and, perhaps, the best thing our government could imagine to be done for our interests in Mexico. But I judge only in the light of appearances in Europe.

It will not be amiss again to recall to your mind the representations contained in Mr. Schurz's despatch (No. 41) concerning the personal character and personal circumstances of General Prim. At the same time that the French newspapers urge this government to recall him, all the retrograde ultra Catholic and absolutist journals in Madrid have been making a strong effort to discredit him, and labor for his replacement in the command of the expedition by some other general more agreeable to themselves. The liberal journals defend him, and the ministerial press declares and redeclares that the government is completely satisfied with his conduct and defends and upholds him. They will uphold him. The present government of the Queen will hardly think of bringing back upon themselves, in Spain herself, the personality of General Prim as a disappointed man.

You will be able to gather from the circumstances I have mentioned that the intervention of our government in this Mexican business is already a subject of considerable apprehension, and it is broadly stated in some journals that unless the object of the allies is attained now, promptly, the ultimate result of the whole business will be neither more nor less than the establishment of a protectorate by the United States over Mexico, and the triumph of our principles throughout America. Others catch at straws; give great importance to the inaugural address of Mr. Jefferson Davis; and in spite of the triumphant march of our armies cling to the hope that our civil war will yet last for years. These things would have lost their interest before they could reach you.

I enclose for your perusal only two extracts from the *Epoca*, ministerial journal, showing the avowed policy of the Spanish government in regard to the throne,

And remain, sir, with the highest respect, your obedient servant,
HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State.

[Translated from *La Epoca*,^o of Madrid, of March 13, 1862.]

"The high contracting parties bind themselves not to seek for themselves, through the employment of coercive measures, foreseen by the present convention, any acquisition of territory or especial advantage, nor to exercise over the domestic affairs of Mexico any influence in derogation of the right of the nation freely to choose and constitute the form of its government."—*Article 2d, treaty of London.*

The Mexican question is necessarily for some time to be the subject of earnest thought in Spain and Europe. It touches us very nearly. Its solution may exercise an influence too great on the destinies of Spanish America to allow us not to devote all our attention to it, and at the same time we should discuss it with that calmness and moderation which, if there were no other considerations, would call forth our feelings of patriotism. The highest interests are involved, and in view of the complications or benefits to which it may give place we completely forget the political position we occupy in the Spanish press.

In two points of view this matter merits attention: under that of the feeling which, it is said, has inspired what is called the conservative party in Mexico, in regard to the attitude until now of the representatives of Spain in that country, and in examining the differences to which that conduct may have given rise among some of the cabinets which, guided by the same noble thought, have concerted those measures for restoring peace and tranquillity to the Mexican republic.

The complaint made by the Spanish party is, that the allies at first thought of treating with the constitutional or Juarez party, but have done little or nothing to quiet the strong power in array against it. The reply is brief: The allies did not go there to revive old quarrels. What could be done was not to be by giving way to one or other of the factious that were injuring the country.

The prompt restoration of order, even by the establishment of a constitutional monarchy, would not compensate bygone disasters. That would be as poor a basis as for Ferdinand VII, in the civil war of 1823; or, for the elder Bourbons, that which placed Louis XVIII on the throne.

But what prevented the partisans of monarchy and of Spanish alliance from opposing Juarez after the allies had arrived at Vera Cruz? Two facts, which as symptomatic, should be considered by the three allied powers.

That disembarkation gave pretence to many to accept the amnesty offered by Juarez, on the ground of defending their common country. At the same time the correspondence, &c., of the *Diario Español* shows that at no time or place, from any party, or from natives or from Spanish by descent, did French or Spanish receive any aid or countenance, nor even from the thousands of Spaniards, French, or English established in the country. Perhaps they deemed more convenient for the allies to settle affairs, and not initiate measures in agitation of this or that idea, of this or that principle, or even of certain princes, although that may be here considered popular in Mexico.

But we consider that it is not the disgust of restless parties in Mexico. With every desire not to aggravate small matters of irritation, we must say the self-love, vanity, and national pride of France is mixed up in this question. France, always accustomed to be foremost, took umbrage that the Spanish army and fleet was in sight of Vera Cruz before the other allies. Afterwards, with an irrepressibility more Andalusian than northern, on the conception of the idea of a monarchy for this or that prince in Mexico, they deemed the thought and fact should be simultaneous; and it was enough

that the tri-color should wave on San Juan for the Mexicans to acclaim Maximilian I as King of Mexico. Was that Spain's fault? Could the allies thus belie the most important article of the treaty of London?

We need not argument. The question is satisfactorily settled by the attitude of the English government and Parliament, and public opinion. England, as well as ourselves, proclaims her respect for the will of the Mexican people, but makes no opposition to her choice to become a monarchy, and that certain names are acceptable to her sovereign. Singular enough, we, who have been accused of plans of ambition—of conquest in Mexico—are now charged with temporizing, as excessively well-disposed to the constitutional government in Mexico and the people. If the first charge was groundless, this need not grieve us, for it is especially our interest that our influence in Mexico (and that of Europe also) should not be accompanied by any disastrous consequences for her. The basis of our influence in Mexico should consist mainly in the lofty disinterestedness of Spain, and in her profound respect for the true interest of the Mexican people.

Doubtless we would be pleased were a Spanish prince by acclamation made King of Mexico, or that by the side of any prince of high character a Spanish princess should take her place. In all this we agree with our colleague "La España." But at present opinion is not in Mexico so just and favorable as it should be to Spain. And from considerations arising from the respective situations of Europe and America at present, either a republic should exist in Mexico or a monarchy should be established which should be *Catholic* and *constitutional* at the same time, *although not Spanish*. We, far from opposing this in any way, would treat our country—our government and public—to support measures tending to those two supreme results, constituting a stable condition of things in Mexico, *preventing her absorption by the United States*, and keeping up the intimate alliance of the three western powers in face of the *eventualities* to which the *American question* may give rise.

Therefore it would be ill done to expect from us that, influenced by these or those motives, in our opinion, of little weight, and which will in time pass away, we should place ourselves in competition with France about Mexico. On the contrary, we are sure that Spain will on this occasion give a lofty example of loyalty compatible with honor to the two nations by whose flags ours now, perhaps, waves side by side in Mexico. Those will be greatly mistaken who may believe that if Mexican opinion decides upon a constitutional monarchy for that country, so disturbed by anarchy, Spain, because this or that prince might, in the plenitude of her power, be called by the Mexican people to direct her destinies, would prefer a republic, unstable and exposed to dangers, to another order of things, which, opening an unlimited scope to the legitimate Spanish influence in America, would obviate at some given time that which European powers, separated in action, could not do in resistance of the invasive spirit of the United States, which, with scarcely the dawn of peace between them, already threaten war against all the latin nations in America.

[Translation.—Extracts and substance.]

From *La Epoca*, of Madrid, of March 13, 1862.

The mission of Scott is probably to calm the excitement produced among the irritable Yankees by the presence of European troops on that continent.

It is our duty emphatically to deny that Spain would maintain, at any rate,

a republic in Mexico. It adheres strictly to the treaty of London, and wishes a stable government established by the will of the people.

A monarchy sustained by our protectorate would require great sacrifices from us. The continuance of the republic—that is, anarchy—would bring round its absorption by the United States. To conciliate the great majority, to keep the conservatives with us, and look forward to a policy which will connect England, France, and Spain with Mexico is the true course. Spain will follow it.

From La Epoca, of Madrid, of March 14, 1862.

La Crónica de ambos mundos courteously asks our opinions, which we never disguise. We think that, in domestic as well as foreign questions, nothing is worse for governments than the negative policy. For some time the *statu quo* may answer; but in the end solutions come, often contrary to those who have not met them by an affirmative and resolute policy. The policy we advise as to Mexico is that of good sense, of true foresight, at the same time strictly sustained on the principles of international law, and of the treaties and conventions which have been agreed upon between England, France, and Spain. We desire Mexico, in the plenitude of its power, to act decidedly upon the question of its form of government. We, however, prefer monarchy to republic—the first based upon the popular vote and the loyal adhesion of the three powers.

Mr. Perry to Mr. Seward.

[With enclosures.]

No. 46.]

LEGATION OF THE UNITED STATES,
Madrid, March 30, 1862.

SIR: I have had two interviews with the minister of state, Mr. Calderon Collantes, on the subject of your instruction of February 24.

The affair of the visit of the Sumter to the port of Cadiz, in January last, was closed by my addressing to Mr. Calderon the note of March 22, based upon the first part of your despatch of February 24, and embodying some of the suggestions of yours of February 4, of which I had before furnished Mr. Calderon Collantes with a translation.—(See my despatch, No. 39, March 8.)

The interview of March 26 was short, and turned rather upon the subject of the note of 22d instant, just referred to.

On the 28th instant the views of the latter part of that note were also alluded to, amplified, and, with varied argument and illustration, urged upon the attention of Mr. Calderon, with the general object of producing conviction that the people of the United States had been and would still be the best ally on which Spain could count in North America, from considerations connected with their own paramount interest politically, and from the harmony of mutual demand and supply in matters of commerce between the United States and the Spanish colonies.

I then read him your entire instruction of February 24. Mr. Calderon replied to the positions assumed by Mr. Seward, recognizing completely the bad condition to which the insurrection had been reduced by the recent successes of the armies and fleets of the government, and manifesting no idea that the insurgents would long be able to resist our power.

But the position of Spain towards us had, from the beginning, differed from that assumed by England. In the royal decree of June 17, 1861, he had carefully abstained from insisting on the word belligerent as equally and legitimately applicable to both parties in the contest begun in the United States. But it was a civil war, and a war extensive enough and important enough to call for some rules of conduct, to be laid down by her Catholic Majesty's government, for the Spanish authorities and Spanish subjects to observe. The war was a fact, and he had merely taken cognizance of the fact and proclaimed that Spain wished to have nothing to do with it, and would have nothing.

Perhaps the word neutrality had been used, but the position of Spain was not neutral in the proper sense of the term. This government had never assumed the duties and obligations of a neutral power towards the insurrectionary party in the United States; it had not proposed to injure them, but it had not treated them and the government of the United States with equal favor, either in rule or practice.

The armed vessels of the insurgents were treated as privateers, and were not permitted in the Spanish ports, except so far as the exigencies of humanity appeared to demand; whilst the vessels-of-war of the government of the United States were lying in Spanish ports precisely as they had always done before this war commenced. The position of Spain was very different from that taken and maintained by England. He, Mr. Calderon, hardly knew from what Spain could retire, at least for the present. The civil war was a fact whose existence she had been forced to recognize, and that fact still existed, though recent events seemed to indicate that the war might soon terminate, a thing which he heartily desired.

Upon the last paragraph of your instruction Mr. Calderon said, No; he himself had never mistaken the strength and power of the government of the United States. It might be the case with some others in Europe, but, from the first, he had always estimated the power of the United States as immense. About the sentiments and policy of our people he was not so clear. Speaking frankly, he had considered us as somewhat disposed to be overbearing and aggressive, displaying little courtesy towards other nations, and little consideration for their rights.

I replied with equal frankness, confessing that many instances of the deportment of the United States towards foreign nations might be cited which would lend an apparent support to Mr. Calderon's idea, and, perhaps, better cited by Spain than by almost any other power; but I begged him to remark that all these things had happened during the time that the faction now in rebellion against the government had been dominant in its counsels.

What I wished especially to impress upon him was the fact that there was going on in the United States not merely a local insurrection but a great political change throughout the whole country; not a change in the sentiments of the people, perhaps, but a change in that these sentiments were now uppermost, manifest, dominant, and were receiving their true expression in the interior, as Mr. Calderon might be certain they would also be reflected in the exterior policy of the country. The American people desired peace and the peaceful development of their industry and commerce without attacking the rights or prejudicing the interests of any other people. They had always desired this, but, unfortunately, for twenty or thirty years previous to the election of Mr. Lincoln, these sentiments had been overshadowed, overlaid by the will and purposes of a privileged class, who were, indeed, overbearing and aggressive by the natural influence of their education and circumstances, but more yet because latterly to rule and to domineer had become for them a political necessity. In fact, the

American people had for many years bought their peace and the tranquil pursuit of their industry and commerce at the expense of yielding more or less to the lead of the class alluded to. The reaction had now come, and its natural effects must now be looked for not merely in the interior but in the foreign policy and purposes of the United States.

It would weary you to repeat all this long conversation. I may say, however, that Mr. Calderon seemed to listen with pleasure, and to be favorably impressed, having desired me to meet him again upon this same subject to-morrow.

After this conversation I left in Mr. Calderon's hands the translation, B, of your instruction.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO G. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

A.

LEGATION OF THE UNITED STATES,
Madrid, March 22, 1862.

SIR: I have the satisfaction to announce to your excellency that the President of the United States, having considered the despatches which I had the honor to address to my government on the 17th and 18th of January last, and in which were reported all the circumstances which occurred, both in Madrid and at Cadiz, connected with the visit to that port of the privateer Sumter, up to the time of her departure, including copies of your excellency's note to myself of the 15th January, and of my reply of January 18, has now made known to me his full approbation of all the measures which I thought it my duty to take in that affair.

The President accepts the benevolent and friendly view which I was glad to be able to take of the course pursued by the government of her Catholic Majesty in regard to that vessel, having before him my representation that what was done to the Sumter in the way of repairs seemed to me to have been permitted by her Majesty's government rather with the object of getting rid of an unwelcome visitor as soon as possible than with the purpose of affording aid to our rebellious citizens, at war against their government, and my report that the repairs actually permitted could not well have been less under the interpretation given by her Majesty's government to the royal decree of June 17, 1861, whose good faith I made haste to recognize, though it was distinct from that which I should be glad to see adopted.

I am therefore now instructed that, although the United States have continually protested against and do not now acquiesce in the decision of the Spanish government to treat the insurgents as a belligerent, we have nevertheless not made this a cause for breaking ancient friendly relations with Spain.

And I am now permitted to say to your excellency that, looking upon the transaction in the case of the Sumter from the point of view arrived at by Spain in the royal decree above referred to, the government of the United States is very favorably impressed by the promptness and fidelity manifested by the government of Spain in dismissing that pirate from her port to the proper perils of the wrongful career in which she had been engaged.

In making this communication it is also my pleasing duty to express to your excellency the confidence reposed by the government of the United

States in the friendship of Spain. Indeed, the friendship of this nation began to be manifested towards the United States at the very birth of that republic, and through all the difficulties which the political changes of seventy years have brought with them it has never been belied.

The President sees nothing in the present aspect of affairs to lead him to doubt for a moment the reality and continuance of this historical friendship of her Catholic Majesty for the United States.

On the contrary, knowing that the government of her Majesty will not have let pass unperceived the loyal and decisive manner in which the American people have, in later years, opposed and defeated the schemes of certain conspirators to provoke ill feeling and even war between the United States and Spain, for the purpose of separating the Spanish West Indian colonies from her Majesty's dominions; and that the world is now witnessing the result that these very conspirators against the peace of Spain are the same who have gone into open rebellion against the government of the United States, because of the restraints put upon their filibustering and violent schemes for conquest and extension of the power of the class of slave owners in the Union, and for no other cause; and that the Spanish government will not have forgotten the avowed plan publicly expressed by the orators of this insurgent faction, when they rose in rebellion a little more than a year since, that after having imposed their will upon their own States and established their hoped for independence of the government of the United States, they would then immediately annex the Spanish islands of the West Indies with a portion of Mexico, so as to unite the whole slaveholding power of North America under one government capable of maintaining its independence against the world; the President, in view of these things, feels that the identity of interest which exists between the United States and Spain, as shown by recent events, cannot fail to have produced its corresponding effect in the sympathy and good will of the two governments.

Witnessing ourselves with sincere pleasure the increasing energy, vigor, and prosperity displayed since the accession of her reigning Majesty by an ancient people whose historical glory is unsurpassed, and conscious that the true interests of Spain and the United States in the western hemisphere are singularly harmonious, as well politically as commercially, and nothing but augmented power, security, and prosperity can result to either people from a more intimate intercourse and good understanding, the President of the United States instructs me to express to your excellency, with peculiar emphasis at this moment, the complete confidence which he reposes in the friendship of Spain.

It is with unmixed satisfaction that I thus close, on the part of my government, the correspondence growing out of the visit of the *Sumter* to the port of Cadiz, and avail myself of the occasion to renew to your excellency the assurances of my most distinguished consideration.

HORATIO J. PERRY.

His Excellency THE MINISTER OF STATE of H. U. M.

Mr. Perry to Mr. Seward.

No. 49.]

LEGATION OF THE UNITED STATES,
Madrid, April 15, 1862.

SIR: On the 11th instant I had the honor to bring to the attention of Mr. Calderon Collantes the subject of your despatch of March 3, of which he informed me a copy had also reached him through the minister of Spain in Washington.

Mr. Calderon said that he found nothing objectionable in the views manifested in that despatch on the part of the United States; perhaps he might observe in reference to the paragraph "while population in America is so rapidly increasing, resources so rapidly developing, and society so steadily forming itself," &c., that, as regards Mexico, this idea of the progressive movement of her population, her resources, and the steady forming of her society, could hardly be considered as borne out by the facts, but this was unimportant.

As to the paragraph "the result would nevertheless be traceable to the presence of those forces there," Mr. Calderon did not combat the statement, but remarked that if those forces were there for a legitimate purpose and made no movement directed towards a change of government in that country in any determinate sense, even though a change should occur during their presence in Mexico, they could not be responsible for it.

Such changes had been occurring constantly in that country heretofore, and for causes more trivial than the presence of European armies within its limits. Intervention in the political affairs of Mexico, in the accepted signification of that word, Spain had never undertaken nor proposed to undertake. The Spanish forces went merely to obtain redress for past grievances, and in the hope to secure some better guarantee for the fulfilment on the part of Mexico of her treaties for the safety of Spanish subjects within her limits, and the security of their property from spoliation, than it had been possible to obtain heretofore from that unhappy country. Mr. Calderon conceived that whilst the state of anarchy which had so long desolated Mexico should continue, these guarantees of peace and the fulfilment of treaty obligations, and the protection of Spanish subjects within that jurisdiction, could hardly be expected.

But whilst he hoped, therefore, that some government more solid and durable might be established in Mexico, Spain would never undertake to dictate what that government should be, nor would she consent that any other power should dictate a form of government to Mexico, nor attempt to impose any determinate government upon that nation.

The Mexicans themselves must select their own form of government, and whatever it might be, whether monarchical or republican, Spain would not object to it if it gave hope of being solid and durable.

Whether Mexico should elect a King or a president was not the question, but whether this government of her election could be depended on.

If a republican government should be constituted, Mr. Calderon thought for himself that the president ought to hold office for ten or twenty years; he did not like the frequent changes of the Executive established by the Constitution of the United States, and which the Spanish-American republics had imitated, though from their previous education and habits this provision was evidently unfitted to their political necessities.

But the Mexicans would decide these questions for themselves.

The last news from Mexico seemed to indicate that things were moving in the direction of a pacific arrangement between the allies and Mexico.

France, at first, had not been content with the preliminaries signed at "La Soledad," but the explanations of England and the frank and loyal observations by Spain concerning those preliminaries had been well received by France, and this power had also accepted as a *fait accompli* what was done at "La Soledad."

Officially he, Mr. Calderon, could not say that there was any divergence of policy between the allies at this time.

I spoke of the candidacy of the Archduke Maximilian for a throne in Mexico, put forward by France

Mr. Calderon said that, though this idea had been entertained, the impe-

rial government had now given assurances that it did not purpose to do anything positive in Mexico to procure the success of this candidate.

I took occasion in this interview to urge upon Mr. Calderon the harmony of interest which exists between the United States and Spain in these questions of North America. I told him that the United States by no means intended to object to the establishment of a solid and durable government in Mexico. We could not consent that the will of that people, in respect to their interior organization, should be violated by the forces on any European state, but every interest of the United States impelled us, as well as Spain, to desire a stable and prosperous government in that country. It was a mistake to suppose that the United States looked with pleasure upon the anarchy and weakness of Mexico, as affording to ourselves a better opportunity for territorial aggrandisement. On the contrary, there were few, if any, statesmen in the United States, now prominent in the councils of that government, who were not persuaded that our own strength and stability would be endangered, rather than increased, by the addition of Mexico to our territories.

The policy of Mexican annexation, if it had ever been prominent in our councils, was at best a pendant of the policy for the extension and perpetuation of African slavery in North America, which Mr. Calderon must consider as already repudiated by the American people. We should welcome such an improvement in the political condition of Mexico as should give us a frontier upon the south and a vigorous and prosperous foreign people to maintain it. But this must be the work of that people themselves, not a thing imposed upon them from Europe.

In fact, the positions taken in Mr. Seward's despatch were incontrovertible; nothing solid could be imposed on Mexico; any government coming from abroad and sustained from abroad would be transitory; the hearty and voluntary action of the Mexican people themselves was the only basis on which a stable government could be erected in that country. Mr. Calderon heard this train of remarks with pleasure, and said that he would assure me this nothing connected with this Mexican question could ever bring on any conflict between the United States and Spain.

On the 13th instant I had the honor to read this report of our conference of the 11th instant to Mr. Calderon, when, after suggesting some few changes, the same was approved by him as above written. In this second interview Mr. Calderon also said, you may state to your government that the policy of Spain in America, summed up in a few words, is this: Spain does not aspire to re-establish her domination over any part of the American continent. She does feel an interest in the welfare of the countries formerly her colonies, and would be glad to persuade them all that Spain is by sentiment and interest their best friend. Spain wishes them to understand, however, that, if she suffers great grievances at their hands and forbears, it is not from lack of power to chastise them. On the contrary, this government is conscious that no power in Europe is in a position to effect more in America, in a military point of view, than Spain herself. But her policy is not to weaken those nations by bringing upon them foreign wars and difficulties. She seeks the friendship of the independent States, formerly her colonies, for their advantage and her own.

She could not see their absorption by the United States with indifference. She wishes them to maintain their independence and the integrity of their territories, and to become strong and prosperous. She will not herself lay hand upon that independence in any circumstances, nor can she see this independence threatened by any other power, European or American, without considering her own interests to be compromised.

Mr. Calderon was persuaded that my representations of a change in the

tendencies of the government of the United States, since our southern statesmen had ceased to be dominant at Washington, were just.

He believed that we did not ourselves now desire the acquisition of Mexico, and he would, therefore, assure me again that no cause of difficulty, no conflict, could arise out of this Mexican business between the United States and Spain.

And Mr. Calderon would also say more. He would assure me and my government that, according as the conviction of this change from the former aggressive disposition manifested by the United States penetrated into this country, and the apprehension of a descent by us upon Cuba ceased, according as confidence in this respect was re-established, we should see that the government of Spain was ready and desirous to welcome and confirm a policy of good faith and good neighborhood with the United States.

Spain would then amplify and stimulate the commercial intercourse between the United States and her own colonies, making everything connected with the friendly intercourse of the two countries broader and freer. She would give to her commercial regulations all the width and freedom consistent with the various products of the two countries.

On the 15th instant, in another interview held for the purpose, the despatch of Mr. Seward was re-read, as well as the preceding report of the conference of the 13th instant, when, the same having been approved by Mr. Calderon, I was authorized to transmit this despatch to my government, and requested to furnish Mr. Calderon with a copy, to be forwarded by him to the Spanish minister at Washington for his instruction, as embodying the true sentiments and purposes of the government of her Catholic Majesty.

I have the honor to be, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

[Extract, with accompaniments.]

No. 53.]

LEGATION OF THE UNITED STATES,
Madrid, May 3, 1862.

SIR: Your instructions up to April 14 (No. 27) have been received and properly numbered as you direct.

* * * * *

Perhaps I have omitted to mention heretofore that Mr. Rost, styling himself a commissioner for the so-called Confederate States, has been residing at Madrid as a private gentleman for some six weeks past. He applied to be received by this government in his pretended official capacity, but Mr. Calderon Collantes declined the honor of such an interview, and immediately sent me word of the application made to him by Mr. Rost, and of his reply.

Mr. Calderon told me he should have no difficulty in meeting Mr. Rost as a distinguished foreigner, but would have no intercourse with him, in his own capacity, as minister of state.

I have no reason to suppose that this resolution has been deviated from in practice.

* * * * *

You are already aware that the Sumter has been abandoned by her officers and that part of the crew which had not previously deserted.

The subsequent incident of the shipwreck of part of the officers and crew of the pirate, aboard an English steamer, on the English coast, near Vigo, is related in the enclosed correspondence.

I may be permitted to congratulate you upon the ultimate success of my efforts, in the first instance, to prevent those repairs which were indispensable to the pirate's efficiency as a war vessel, as also to provoke the desertion of her crew, (V. despatch No. 36, of February 22,) of whom I am informed she lost 43 men, as well as the successful efforts of Mr. Sprague to prevent her receiving coals at Gibraltar; all of which gave time for our vessels of war to arrive in the straits, and bring at last the career of this corsair to the inglorious conclusion just mentioned.

I have the honor to remain, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD, &c., &c., *Washington.*

A.

Consul Sprague to Mr. Perry.

[Telegram.—Translation.]

GIBRALTAR, *April 12, 1862.*

Semmes, with nine others from the Sumter, started last night for Southampton, on an English steamer.

SPRAGUE.

B.

Consul Barcena to Mr. Perry.

[Telegram.—Translation.]

Vigo, *April 16, 1862.*

Among the passengers saved from the wreck of the English steamer Euphrosyne, which happened yesterday, are seven of the crew and officers of the steamer Sumter, in a destitute condition. Be pleased to telegraph me your instructions.

MANUEL BARCENA, *Consul.*

THE MINISTER OF THE UNITED STATES,
Madrid.

C.

Mr. Perry to Consul Barcena.

[Telegram.—Translation.]

LEGATION OF THE UNITED STATES,
April 16, 1862.

Officially you cannot aid the shipwrecked Sumter's men. From my private purse you may expend fifty dollars in aid of those unfortunate persons. The letter of credit will go by the mail to-night.

HORATIO J. PERRY.

MANUEL BARCENA Y FRANCO,
Consul of the United States at Vigo.

D.

*Mr. Perry to Mr. Barcena.*LEGATION OF THE UNITED STATES,
Madrid, April 16, 1862.

SIR: Your telegram, announcing the shipwreck and safety of seven officers and crew of the steamer Sumter, is just received.

I have answered you by telegraph that, officially, you could not receive these men as destitute seamen of the United States.

If, however, any of them should be disposed to return to their allegiance to the government they have outraged, and will take the oath of fidelity, as prescribed by the Department of State, in good faith and with honest purpose, I hereby authorize you to treat them as any other destitute American seamen would be treated in the same circumstances.

Your obedient servant,

HORATIO J. PERRY.

MANUEL BARCENA, Esq.,
Consul of the United States, Vigo.

E.

*Mr. Barcena to Mr. Perry.*CONSULATE OF THE UNITED STATES OF AMERICA,
Vigo, April 23, 1862.

I have the honor to acknowledge the receipt of your despatch dated the 16th instant.

The officers of the rebel steamer Sumter have not applied to me for protection, and have left for Southampton, in the Peninsular and Oriental Company's steamer Tagus, on the 18th instant.

I have the honor to be, with the highest respect, your most obedient, humble servant,

MANUEL BARCENA Y FRANCO,
Consul.

HIS EXCELLENCY THE ENVOY EXTRAORDINARY AND MINISTER Plenipotentiary OF THE UNITED STATES OF AMERICA, *Madrid.*

F.

Mr. Perry to Mr. Barcena.

[Confidential.]

MADRID, April 15, 1862.

DEAR SIR: Your telegram announcing the shipwreck and safety of seven of the late Sumter's crew has just arrived.

Mr. Sprague informed me that the Peninsular and Oriental steamer Moolton had taken on board, at Gibraltar, Captain Semmes and eight others, belonging to the rebel steamer Sumter, as passengers for Southampton.

Are these the shipwrecked men? You mention seven officers and crew

as saved. Were the other two lost? Was Captain Semmes among the saved?

I regret, in such a case of misfortune, that official duty will not, in my opinion, permit you to succor these men from the funds of the government for the relief of destitute seamen.

I send you enclosed fifty dollars from my private purse, to be applied by your kindness to the relief of these unfortunate Americans, and have no doubt your own heart will guide you right in its distribution.

You need not mention whence this money comes, as I have made war, in my official capacity, as hardily and as efficiently as I was able against Captain Semmes and his crew ever since their appearance at Cadiz, and it might not be agreeable to them to know that I have any part in relieving their misfortune.

Be so good as to inform me of the particulars of this shipwreck, and accept my thanks in advance for your trouble.

Why could you not prevail upon the English consul, or some third person of your confidence, to use this money and be kind to my erring countrymen in their distress, without having too much to do with them yourself?

As American consul, you must keep aloof unless they are repentant.

Truly yours, &c., &c.,

HORATIO J. PERRY.

MANUEL BARCENA, Esq.,
United States Consul, Vigo.

G.

Mr. Barcena to Mr. Perry.

[Confidential.]

Vigo, *April 23, 1862.*

DEAR SIR: I beg to acknowledge the receipt of your favor of the 15th instant, and to inform you, in reply, that the seven officers belonging to the rebel steamer "*Sumter*" left Gibraltar in the British steamer "*Euphrosyne*," which vessel put into this port for coals, and was totally wrecked in consequence of having struck on a sunken rock on Conobedo Point, a few hours after having left this bay.

The captain of the "*Sumter*" was not among them I believe; besides the seven officers, there were also four Irish sailors belonging also to the crew of the "*Sumter*," who were provided for by her Majesty's consul.

Having been able to obtain a cheap passage to Southampton, the seven officers did not accept the money I had offered to them by a third person I learnt, afterwards, that one of them had been the last to leave the sinking steamer, and had saved part of his money, say about \$150.

I return the bill you enclosed in your letter, and remain your most obedient, humble servant,

MANUEL BARCENA Y FRANCO.

HORATIO J. PERRY, Esq.

Mr. Perry to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES,
Madrid, May 25, 1862.

SIR: The news of the sudden termination of the Spanish Mexican expedition caused a great sensation at Madrid. I deem it unnecessary to repeat all the different opinions and comments which have been expressed in conversations and in the press.

All branches of the opposition to the present government have seized upon this event to make furious attacks upon the ministry for having allowed the honor of Spain to be dragged in the dust, and it was for a moment supposed that the cabinet could not survive this shock. But as the first outbursts of passion or prejudice have passed by, the public sense of Madrid seems to be taking an altogether different view of the matter. The aides-de-camp of General Prim have now been here for several days and the situation of things in Mexico previous to the rupture between the allied plenipotentiaries begins to be better understood.

It is, I think, generally conceded already that at the height the pretensions of France had been carried in Mexico the prompt and somewhat brusque action of General Prim in retiring the Spanish forces from the scene of action was the best possible way left them of getting out of the affair. It is seen that if they had remained, if they had gone on with the French towards Mexico, the forces of Spain would have either been forced to do battle under French orders, for a policy not Spanish, or to break with the French after military operations had actually commenced, a step which would then hardly fail of producing serious complications between Spain and the French government, such as is our evident interest for Spain to avoid.

The discourse of Mr. Calderon Collantes in the Cortes on the 19th instant, when the government of the Queen boldly declared its approval of the conduct of General Prim and made important revelations, which you will find marked in the enclosed copy of his speech, produced an excellent effect, and the *moderato* opposition, which believes that Napoleon III is the only statesman in Europe, retired quite vanquished and crestfallen from the debate which they impatiently provoked.

Though there has not been time to receive any instructions from you since the news of General Prim's action in Mexico could have been known at Washington, I considered it my duty, following the evident spirit of your policy in this question, to immediately seek an interview with Mr. Calderon Collantes and felicitate him upon that event.

A copy of my verbal note of the 19th instant will be found enclosed.

I was in some degree moved to this step also by the excited and, as I conceived, mistaken attitude of the opposition journals on the one hand, and because I knew that the French ambassador, Mr. Barrot, was long and frequent in his interviews with Mr. Calderon, and I suspected that the attitude of France toward this government would not be benevolent. It was proper and opportune therefore for the United States to give expression to their sense of the loyalty, good faith, and true foresight with which the Spanish government and their general had proceeded in Mexico; and if this should serve as any moral support to Spain against the pressure which might be put upon her from France, I did not imagine this circumstance would contravene any part of your policy either towards Spain or towards Mexico. I have heard, since my interviews with Mr. Calderon, that this government is proud and content with the attitude of the United States towards Spain. Indications of this have appeared in the press. A leader of the democratic opposition came to me to know if it were a fact that this government was

well with the United States as they boasted, for they were putting this forward as a strong point in their favor in this Mexican business.

I assured the leader of the Spanish democratic party that the best relations existed at this moment between the present government of Spain and the government of Washington. We had every motive to approve and none to disapprove the conduct of the Queen's government in the Mexican business; and I turned his attention to the evident similarity of interest which might impel Spain and the United States to a common line of action in America, in case Mexico should become a dependency of France and the aggressive designs of the Emperor should not prove to be limited by the Mexican frontiers.

The idea of possible danger to the Spanish colonies lying on the road between Mexico and France has been quickly seized, and the anti-French feeling of the people comes bravely up in support of the government, and the whole of this works well together, exciting the sympathies of all classes at this moment in favor of the actual government of the United States.

I have had frequent occasion, also, in quarters not distant from the palace, to praise the admirable instinct of the Queen, which led her from the beginning to repel the candidacy of the Archduke Maximilian to a throne in Mexico, out of which no possible good could come to her Majesty's dynasty, nor to the interests of Spain in America in any event.

* * * * *

It is indeed evident that your direction of the policy of the United States in this question of Mexico, the firm and constant attitude of our government, kept free as well from all passion or exaggerated pretension on our part as from any sign of weakness or disposition to permit that the internal policy of the American republics should be dictated from Europe, by the late powerful coalition, have had a great influence upon the actual course of events.

Your important despatch of March 3, No. 17, crowning the policy which you have developed from the beginning, produced, as I had the honor to state in a prior communication, the most beneficial effects upon the cabinet of Spain; and I may here most justly and properly congratulate you upon the results obtained in this instance, as one of the few cases since I have observed the world's affairs, where the diplomatic arm of the American government has wielded the means at its command strongly and skilfully so as to produce a palpable and evident effect upon the course of political events.

It will not be improper to add that Spain at least will be found considerate and friendly whenever our government may choose to treat her as she has been treated since your own direction of our foreign affairs, with some comprehension of the nature of this government and people and a complete avoidance of the unadvised blundering or gross threats which have too often heretofore formed almost our only demonstrations towards this sensitive and justly proud nation.

There is a limited fraction of deputies in the Spanish Cortes, of officers in the army and navy, men who have been to Paris, and speak and read French, some under officers of the Spanish state department and members of other branches of the administration, who eat dinners at the French embassy and represent a considerable coterie, which maintains that a close alliance with France is the only safe and fruitful policy for Spain; but they are overborne at present by a majority of all classes who desire for Spain a strictly national and Spanish policy in Europe and in America.

I am happy to be able to report also that the persuasion gains ground here that the policy of the government of President Lincoln is not antagonistic to the policy of Spain in America, as explained and declared to me by Mr. Calderon, but the reverse; and the good intelligence of the two govern-

ments under your direction of affairs, if no untoward circumstance should intervene, may soon be expected to rest upon a firm and reliable basis, which will serve you for such further developments of your policy as you may think the interests of the United States demand.

Having thus summed up the general aspect of things at Madrid, in connexion with this Mexican affair, I retain the detailed report of my interviews with Mr. Calderon, which could not be prepared in time for the steamer of this week, especially as I wish to submit the same to Mr. Calderon for his approval before it is transmitted.

I will, however, anticipate the communication of the fact, which you will probably learn also from our legation in Mexico, that a treaty was actually prepared and agreed upon between the Spanish plenipotentiary and the Mexican government, whose terms cover all the claims of Spain on Mexico, and even stipulate the payment by Mexico of the expenses of the Spanish expedition. This treaty was not signed on account of material impossibility for the plenipotentiaries to meet for that purpose; but Mr. Calderon holds Señor de Clado's written pledge on the part of Mexico that the same shall be signed whenever the representatives of the two nations can meet for this purpose.

A Mexican minister is expected to come to Madrid, and General Prim is mentioned as Spanish ambassador to be sent to Mexico.

I have the honor to remain, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Calderon Collantes.

[Translation]

LEGATION OF THE UNITED STATES,
Madrid, May 19, 1862.

The chargé d'affaires of the United States presents his compliments to the minister of state, and requests him to do him the honor to appoint a time in which he may have an interview with his excellency, for the purpose of congratulating him upon an event in a high degree reflecting honor upon the government and flag of her Catholic Majesty.

Mr. Perry avails himself, with much pleasure, of this occasion to renew to his excellency Señor Don Calderon Collantes the assurance of his most distinguished consideration.

His Excellency THE MINISTER OF STATE *of her Catholic Majesty.*

[Translation.—Extracts]

From No. 123 of Diario de las Sesiones de Cortes, Madrid, May 19, 1862.

What was the purpose of this policy? I will tell you. In America there were two completely mistaken opinions.

It was thought by one party that the Spain of 1862 was the Spain of 1814, or of 1824; it was believed that it was feeble; that by the side of its

feebleness it entertained ideas of absorption or of reconquest, and yet with feebleness ambition very poorly accords. For this it was needful to demonstrate that in the future the relations of Spain with the American continent might be facile, suitable, and dignified; that Spain of 1862 was not the Spain of 1814, nor of 1824. Our army was not understood out there; out there the reconstruction of our navy was not understood; it had not made a visit to those countries out there, whence our flag, in sad days which should not be recalled, had been, not expelled, but withdrawn because of the calamities and misfortunes which afflicted the monarchy, and of the dissensions to which through so many years this great nation was subjected.

It was therefore necessary to demonstrate what I have said; but another thing was also necessary; it was necessary that it should become known that the policy of Spain on the American continent was wholly disinterested; inspired by justice and sprung from a fraternity of feeling which in the future we would not belie in our relations.

Therefore, on this occasion, believing, as I do believe, the despatches from the Spanish plenipotentiary in Mexico and from the commander of the forces, believing, as I do believe, what has reached me through other channels not of so high authority, but so respectable as to inspire full confidence, these two purposes have been attained, and the policy of the government, on the most essential and important point, has achieved a present realization. But in respect to Mexico, when we ordered our expedition there we laid down four bases of action, from which we have not for an instant swerved, and thus I reply to all that Mr. Castro has said, and I reply plainly, frankly, explicitly. The government held when signing the convention of London, and through all the acts which it afterwards executed for bases of action, which have been invariable:

First. Justice in all its reclamations. The claims which Spain presented have been just, have been moderate; have been so moderate and so just that they were accepted. A matter also which Mr. Castro did not know.

Second. The government of her Majesty, on signing the convention of London for sending national troops to Mexico, proposed to itself to respect the independence, and the freedom of that nation to establish its institutions in the manner which should most conform to its habits, its ideas and its wants.

Third. The government purposed faithfully to carry into execution the convention of London; let Congress well understand in which were laid down all the obligations entered into by her Majesty's government with the allied governments, and with any other country, such as the United States, invited as they were to adopt the convention. There are no obligations, no engagements but those which are contained in the convention of the 31st October of the year last past. Mr. Castro has referred upon this point to advices and versions completely mistaken.

I declare to you, sirs, that when General Almonte came to Madrid and saw the president of the council of ministers, and saw the secretary of state, he heard from both statements which maintained the interests of the country, our dignity, and our principles. Does Mr. Castro wish to know more clearly what were our responses? Then I will tell you, sirs; but how, is it not already public, that the thought which has made place for so many conversations, so many labors, so many difficulties, is a thought principally conceived, principally put in movement by Mexican emigrants in Paris and at other places in Europe?

Well, General Almonte came to Madrid after the departure of the commander-in-chief of the troops and the plenipotentiary of her Majesty, to command the expedition, and to conduct the negotiations which were to be carried on in Mexico; and he came to tell us what were the wishes of some

of his friends, emigrants in Europe; he came for this; did Mr. Castro wish to know it? Does he now wish to know the answer we gave him? Then I am going to tell him, adding that I am willing to hear all the questions which he may put to me; to answer them with all the frankness permitted to me by the nature of the affairs I may have to discuss, and with the reserve imposed upon me by the position which I fill, in which it is often necessary to sacrifice one's self love, and other things temporarily and transitorily, even to one's reputation, because the public good may so require, and because it is the duty of good statesmen. You, gentlemen, know that on grave questions, by saying all that lies at the bottom, and all that is involved with them, and making public the whole matter, interests of very sacred character may be compromised and dangers and differences be brought upon the country. This is not done by the most ordinary man even when he is intrusted with the management of affairs of the immense importance which attach to those connected with the government of a country.

Well, sirs, I have no occasion for reserve in telling you the answer given to General Almonte. It was said to him—when did you come? And here I have no occasion to mention what the President said to him, who coincided in the opinion and even the form of expression with the minister who is speaking; and this is a satisfaction I enjoy, and which I wish to impart to some deputies who are making some demonstrations. I said, then, you have come to talk of an idea you have conceived, of a project for effecting which you have taken many steps in advance, precisely when our expedition has set out, when our general-in-chief who is to command it has gone, and the plenipotentiary who bears with him the instructions of the government. This fact alone, this single circumstance exempts me, not only as minister, but as Spaniard merely, from giving you any answer. I added more; the plenipotentiary of the Queen, and the commander-in-chief of the Spanish troops have had instructions upon all the points which were discussed when concluding the convention of London, and particularly the difficulties which may present themselves; and above all, I solemnly declare here that every precaution was had to estimate duly the incidents which might turn up, and the solutions which would be adopted in every case.

If Mr. Castro gives credit to the documents when they are presented, he will see if Mr. Castro, outside the documents, puts faith in what relates to verbal declarations, to the speech of the minister of state and of Count de Reus, those words will be harmony when the fit time comes; when all the questions may be discussed which it was foreseen might present themselves in Mexico, and of the turn which things might take. Does Mr. Castro require a reply more plain and more conclusive? It was then said to General Almonte that they could have no reason to reckon in any manner on the support of the Spanish government, from the mode in which they had initiated the question and begun to realize their idea, because the government of the Queen, beyond all things, desired to give on one day and on any day, in all its acts and language, irrefragable proofs of the respect with which it regarded the independence of that unfortunate republic, and for the freedom which that people enjoyed to shape its constitutions as would best suit them, as there was no government existing with which they had any anterior connexions. We know, then, Mr. Castro must already see what the project was; we were not ignorant of it; we apprized Count de Reus of the course to be pursued in the eventualities which might present themselves.

The Count de Reus has acted upon the instructions of the government; and therefore when we have believed that through his noble sentiments, so worthy a distinguished soldier, he was sometimes, perhaps, more considerate, somewhat more indulgent, than allowable by the nature of the govern-

ment he was dealing with, and that of the affairs placed under his direction, we have urged to energetic action, if the prospects did seem productive of the results, which he in his loftiness of spirit looked forward to. Accepting, then, the idea of coming to a conclusion, pacific, conciliatory, and friendly, upon the great question agitated in Mexico, we believed that at times a certain vigor was called for, and we recommended it. But we always took care that any conflict with the other plenipotentiaries should be avoided, and that was the fourth basis of our action. Then came up a special question upon which, at this moment, I have but little to say. Mr. Castro has referred to it, but he has not made a thorough analysis of it, because he could not do so, nor has he uttered a clear and definitive opinion, because he has not formed one. Because we cannot ignore it, we cannot forget it, that what Mr. Castro would desire is, that the government, at the moment of receiving advices of events, which he sometimes qualifies as at least inconvenient and prejudicial, and at others as untoward for the honor of the country and its interests, should have uttered its opinion so as to have impugned it with safety. But Mr. Castro does not know what the opinion of the government is about this business, and hence springs that vacillation, that timidity, inappropriate to him when occupied with this event. After telling us that he had arranged the great plan, the terrible accusation with which he was going to finish the wretched existence of this moribund administration, his worship has arrived at no determinate opinion. He has declaimed, but he has not reasoned. A fact has happened, at first incredible, is what he said—well, pass the word round; one thing, however, I will not pass—with one remark I will not be indulgent; he said that from the moment when the event was announced the friends of the administration believed it impossible—believed such event would dishonor the country and destroy the credit of the government; but, nevertheless, they have since changed their opinion, converting their grieved and disconsolate accents into words of pleasantness and approval. * * * * * This event, which Mr. Castro has considered, has not been passed upon up to this day, nor has it been condemned, as Mr. Castro affirms.

Now, I will say something more of what Mr. Castro has said, and if, in saying more of what he has said, he believes that the solution which has been given to the question is a solution which compromises the honor and interests of the country—if he believes the government has incurred by it a moral responsibility which may in time be converted into a legal responsibility—that would be another motive why he should maintain his proposition and demand a vote upon it. I am about to say more. The government has thought that, in the situation to which things have come, regrettable and unlooked for differences having sprung up between the Spanish and English plenipotentiaries on the one part and the French on the other, the resolution adopted by the Count de Reus was inevitable. He could not adopt another, as the question was radically set according to the differences of opinion which showed themselves at the conferences.

The resolution adopted by the Count de Reus to withdraw the Spanish forces from the Mexican territory was a necessary resolution; it was not at his option to take another; he could not remain without grave risk—without exposing himself, and exposing the Spanish troops, the government, and the nation to great contests. Oh, but if it had been allowed that that event should have occurred to which, in another way, Mr. Castro distinctly alluded. If it had occurred in presence of our army, then what would Mr. Castro have said? What an indignity! Then would he have said that by its presence it had sanctioned, and by its inaction permitted, a thing contrary to the honor and interests of the country. And if that should have been realized; if the Spaniards, impassable and with arms shouldered, had wit-

nessed this event without adopting any decision, on whom would the censures have fallen? Would they have included the Count de Reus, or would they be confined to her Majesty's government? For it must be observed that I notice in the discourse of Mr. Castro a certain desire to throw exclusively upon the government all responsibility for the occurrences and the acts which have taken place in the expedition to Mexico, excluding entirely the Count de Reus.

The Minister of State, CALDERON COLLANTES.

Mr. Perry to Mr. Seward.

No. 58.]

LEGATION OF THE UNITED STATES,
Madrid, May 30, 1862.

SIR: I have the honor to report for your information what was said in the interview which took place on the 23d instant between Mr. Calderon Collantes and myself, and which was also referred to summarily in my last despatch.

On the occasion referred to I informed Mr. Calderon that I was still without instructions from you, written since the embarkation of the Spanish troops from Vera Cruz for the Habana could have been known in Washington. I ventured little, however, in saying that my government would regard that conduct of the general in command as a high proof of the loyalty and good faith with which the government of Spain had proceeded in this business. I was of opinion also that, at the height the pretensions of France had reached in Mexico, it was the best possible termination of Spanish participation in the affair. It hardly comported with the dignity, certainly not with good policy on the part of Spain, to march in second line after the French in Mexico, even if there had been no previous obligations to be regarded; but the stipulations of the treaty of London, offered also to the United States for their co-operation, and the repeated declarations of Mr. Calderon to myself, certainly forbade Spain to engage in the project now openly avowed by the French agents of putting the Archduke Maximilian on the throne of Mexico. I was aware that it must have been a delicate matter for Spain to break with France in this affair, but it was better now than later, and the vigorous action of the Spanish general and plenipotentiary at the critical moment when it was exerted had left the French so evidently in the wrong and placed Spain so boldly in the right that I had little fear of any serious complication for Spain with the government of the Emperor. His imperial Majesty was too sagacious a statesman and too mindful of the public opinion of the world to pursue Spain on such ground.

I thought to interpret faithfully the public sentiment of America in assuring Mr. Calderon it would be decided and even enthusiastic in favor of the highly honorable conduct of Spain. And I did not confine my remarks to the United States; I had myself made a campaign in Mexico and had seen something of that people, knew something of the ideas which prevailed among them, something of what would be their probable feelings and sentiments in view of the events which were passing among them.

The national feeling of Mexico would be strongly roused by the attitude now taken by the representatives of France, and the government of President Juarez would never have been so strong and well supported in Mexico as now when its existence was threatened from abroad.

If the Spanish government had before been looked upon with prejudice or enmity in Mexico, which was in fact true, I had no doubt it would hereafter be treated with respect and perhaps with affection. The effect of the

recent conduct of Spain in Mexico would not be to lessen, but in all probability to increase her influence in all Spanish America, and open for her facilities for arranging her questions pending with those independent states such as she might never have obtained if her military expedition had continued its course with the French.

Spain had, in fact, undoubtedly obtained a great part of the object which she proposed by this expedition, as it had been repeatedly explained to me by Mr. Calderon. She had shown the Spanish-American states that she was not without means to assert her rights if she were aggrieved. They had seen that a complete army, well-disciplined and appointed, with a valiant general at its head, could be sent from the island of Cuba at short notice, attended also with a powerful fleet of screw frigates, such as any nation would be proud to possess.

This was palpable evidence that the Spain of to-day was no longer the Spain of that time when the struggles of colonial independence took place. Spain had planted her flag alone on the forts of Vera Cruz, and afterwards the conduct and discipline of her soldiers had gained for them the respect or good will of the inhabitants who had seen and dealt with them, whilst at the same time she had now demonstrated that it was not her purpose to send her forces into those states with any aggressive plan for intervention in their interior policy and government. I should acknowledge myself mistaken if, in relieving herself from an unsustainable position in Mexico, Spain had not by that very act obtained moral advantages quite equivalent to the objects which she had proposed in this expedition to accomplish.

Mr. Calderon manifested much pleasure during the course of these remarks, saying that, in fact, the two great points of showing to the American republics the power at the same time with the forbearance and good will of Spain he hoped had been attained; but he would also inform me that the whole object of the Spanish expedition to Mexico might be considered as accomplished. And her Majesty's minister here entered upon a train of remarks which, as he afterwards informed me, were not to be regarded as of an official character, and are therefore suppressed. Spain having thus attained the objects of her expedition to Mexico had retired when her work in that country was done, in fulfilment of the stipulations of the convention of London and of the assurances which he had had the honor to give me and afterwards to transmit to Mr. Tassara for his instruction at Washington.

Mr. Perry also made some observations upon the probable fortunes of the French expedition to Mexico, not doubting the power of France to occupy the capital of that country and establish temporarily any kind of government she pleased; but whatever the form or appearance of such government might be, it would be either very transitory or it would end in being the government of France herself.

Mr. Calderon assented to this remark, but doubted whether it could be the serious plan of the French Emperor to follow up the expedition to Mexico as the beginning of a permanent intervention in the interior affairs of that country.

Mr. Perry replied that sound policy would certainly not counsel such a project, and doubtless the Emperor was too well informed of the nature of such an enterprise in a military point of view, as he certainly was too sagacious a ruler to have conceived that idea in the beginning. But the course of events might prove to be stronger than the purposes of the Emperor of the French. It was no criticism upon the political conduct of the Emperor to suppose that when he crossed the Alps into Italy, in 1859, he could have had but a very imperfect idea, if any, of the turn which Italian politics have really taken in consequence of his act, or of what would really be his own action as realized by events. Probably, though the action of the Emperor

in Italy must be said to have been eminently successful, not one of his pre-conceived plans had been followed out, aside from the stipulated annexation of Nice and Savoy.

The road from France to Mexico was long, and the condition of the latter country not such as to inspire the highest confidence in any political calculations concerning it. But how would France be able to retire from her present enterprise once fairly begun? And if a French administration should come to be imposed on Mexico? The country was rich in resources and might gain, materially, at least, by such a change. Was not the vision of such a dependency of the empire as Mexico might become bright enough to obtain for the Emperor by and by the support of the French people to procure it?

The visible policy of the Emperor, which he pursued constantly and at the expense of every sacrifice, was to increase the maritime power of France. He had created a magnificent war marine, but he lacked behind it the resources which the possession of a great merchant service could only supply. When thousands of ships should be crossing each other between Mexico and France, conducting a thriving commerce which it would be in the power of the Emperor to confine to French bottoms, would not the merchant navy of France be created? These were questions merely, but they were such as the present attitude of that power in Mexico made natural and necessary.

I wished merely to say to Mr. Calderon that the geographical and strategical position of the Spanish colonies in the West Indies, with their magnificent harbors on the road between France and Mexico, ought to make the government of her Catholic Majesty careful as to the consequences of the present French intervention in the interior affairs of that country. In my own humble opinion, though I spoke unadvisedly and without the knowledge of my government, the conversion of Mexico into a French colony ought to be looked upon as deeply interesting at the same time to England, to Spain, and to the United States.

Mr. Calderon observed that we in the United States were the most interested. Mr. Perry answered that, in his judgment, the first and most deeply interested was England, for reasons which it is unnecessary to repeat. After England came Spain, from the position of her American colonies. But the United States, though they certainly could not witness the permanent occupation of Mexico by the French with indifference, esteemed far too highly the political sagacity of the present Emperor ever to imagine that he would, under any circumstances, dream of seeking a second Moscow in the territories of the United States themselves.

Mr. Calderon informed Mr. Perry that the whole history of the allied expedition and the rupture of the plenipotentiaries would be laid before the Spanish Cortes as soon as the voluminous correspondence could be copied, and he had no doubt that the conduct of Spain would receive the complete approbation of the government of the United States.

Mr. Perry again assured Mr. Calderon that this, indeed, was hardly doubtful, even upon the data already before us, and took his leave, once more expressing in earnest language his sense of the noble and chivalric deportment of the Spanish general and plenipotentiary in Mexico, who had now added to his well-earned laurels as a soldier the proofs of great political foresight and a moral courage which did honor to himself and to his country

Most respectfully, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Seward.

No. 68.]

LEGATION OF THE UNITED STATES,
Madrid, July 7, 1862.

SIR: I have the honor to report for your information that on the 4th instant I called on his excellency Mr. Calderon Collantes, by appointment, at his office of state, and after some other conversation said that I had lately received an instruction from Mr. Seward relative to Mexican affairs, the import of which I was glad to have an opportunity to communicate to her Catholic Majesty's minister of state. Mr. Seward, whilst he considered that the uncertainty still hanging over the course of events in Mexico counselled him to defer further discussion upon that subject, especially after the clear and full explanations of the views of the government of the United States which he had already given to the powers that signed the convention of London, nevertheless, had authorized me, on one point, to speak with all the strength that might be needful for the assurance of the government of Spain.

Mr. Calderon said that he was very desirous to hear from the government of the United States on this subject. Public attention has been strongly excited by the report that the United States had concluded a treaty with Mexico, in which various provinces had been pledged in security for the payment of an advance of money to Mexico by the United States.

I thereupon read your instructions No. 31, May 29, to Mr. Calderon, and remarked upon the last paragraph that notwithstanding the reports which had reached Madrid of a treaty by which the sovereignty and independence of Mexico were supposed to be put in jeopardy through the diplomatic action of the United States, he ought to feel assured that there was no such plan on the part of the government of Washington, either executed or intended to be executed.

Mr. Calderon was glad to have that assurance. The principle announced by Mr. Seward, that respect for the sovereignty and independence of nations was the most effectual security for peace and the progress of civilization, met his hearty approval. Spain had acted on this principle, and would continue to act. It was a neglect of this principle which alone could bring on serious complications.

Of the fact of the existence of a treaty pledging the sovereignty of certain Mexican provinces for the repayment of money to the United States, he believed there was little doubt. England had assigned this as the motive for not ratifying a treaty signed by Sir Charles Wyke and based on the existence of that treaty of the United States. Though there were other reasons why England did not ratify the Wyke treaty, this was the one assigned, and, indeed, he must say that the American treaty, if carried out, would, perhaps, furnish the only basis for a new diplomatic arrangement between the three European governments in regard to Mexico.

I said I had seen such a treaty mentioned in the newspapers, but had not received a word concerning it from my government. All I could say about it was exceedingly adventurous, and founded on no kind of knowledge, official or extra-official; but Mr. Calderon would remember the assurances heretofore expressed by me personally, and not contradicted by my government, that the United States were not ambitious to extend their territory upon the south, but, on the contrary, would welcome any arrangement made by the Mexicans themselves, in the free exercise of their national will, which should establish the prosperity, sovereignty, and independence of that nation upon a firm basis as quite as profitable to the United States as to any other foreign power; and Mr. Calderon would, at the same time, call to mind that an offer of money in aid of Mexico was made from the first by the United

States, and announced to the allied powers. If the American minister had now concluded a treaty by which the United States should advance money to Mexico for the purpose of aiding that republic to traverse in safety the difficulties in which she was now engaged, that was no more than carrying out the original policy of the United States in this Mexican business. I could understand it very well thus far, and I could indeed imagine that the American minister at Mexico, in casting about for an adequate security for the proposed loan, should have found himself a good deal at a loss in the present state of Mexican affairs. He might, of his own accord, have determined in favor of a territorial guarantee, if so, it was probable he did it looking exclusively to the financial aspect of the question, and out of his natural anxiety to secure the loan by a guarantee which should not prove afterwards to be fallacious, without, perhaps, considering sufficiently the political bearings of such a stipulation at this moment. Such a stipulation, though intended to have a purely financial effect, I was forced to confess, in view of what Mr. Calderon had said, was unfortunately liable to be misinterpreted in another sense; but he would observe that it was also said that President Lincoln had not thought proper to offer this treaty to the Senate for ratification. Perhaps the President had doubted the expediency of taking a pledge of this description from Mexico at this moment. We were speaking wholly without knowledge, but this circumstance, taken together with the strong language and evident meaning of the last instruction of Mr. Seward to myself, ought to have the effect to reassure the government of her Catholic Majesty upon this point.

Mr. Calderon made some observations not repelling but rather following up the same train of reasoning, and I again repeated, in different form, many of the considerations heretofore urged by me to show that the policy of annexation in Mexico and Cuba had been the policy of the statesmen of the South of the United States, opposed and counteracted by the statesmen of the North, and that the only possible wish of the present administration would be that Mexico should be able to maintain her sovereignty and independence throughout her present difficulties.

Mr. Calderon said that he was disposed to accept this view of the case, and remarked that it was evidently adapted to the actual state of things in the United States, where, undoubtedly, we were exposed to a recognition of the independence of the Confederate States in case a contrary policy should guide our policy in Mexico.

I replied that I did not suppose the Emperor of the French would allow himself to be led into such additional error in America. The time had passed when a European recognition could be of service to the rebels themselves. Probably its immediate effect would be only to precipitate a blow at the root of the rebellion, which the government had not yet thought it necessary for the preservation of the republic to deliver, and had therefore withheld; but, if any serious complication should threaten us from abroad, Mr. Calderon would remember that the institution of slavery, with all the complications depending from it, could be abolished at a stroke; and standing on that platform, the United States would meet the nations of Europe who came to sustain that institution on our soil with little apprehension as to the ultimate result.

Thus terminated the conversation on the subject of Mexico. It will not fail to arrest your attention, and I have to say that Mr. Calderon's expressions in regard to the supposed treaty by which Mexico pledges territory in security for money to the United States are not stronger than was warranted by the tone of public feeling here.

This news has given immense aid to the French party at this court, and tells hard against the rising influence of the United States.

Mr. Calderon's hint that this treaty might be a basis for a new alliance between the three powers will probably be confirmed to you by our ministers at London and Paris.

French diplomacy has been laboring hard for this result, and will not fail to improve this circumstance to the utmost, at least, in Spain, where the rooted apprehension of our extension on the south comes well in aid of their purpose.

I do not think it politic to mention the case of St. Domingo as an instance of Spain's respect for the sovereignty and independence of nations last year, and accepted with pleasure Mr. Calderon's present assurances in this respect, so honorably illustrated by the recent action of General Prim in Mexico.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Seward.

No. 69.]

LEGATION OF THE UNITED STATES,
Madrid, July 11, 1862.

SIR: At a recent interview with Mr. Calderon Collantes, that minister inquired if I had received a copy of the treaty recently concluded between the United States and England, concerning the mutual right of search, for the suppression of the African slave trade. He was much surprised that, after combatting that principle so long, the United States should have yielded now a right so exceedingly liable to be abused in practice, and he was very curious to know what provisions had been stipulated to guard the exercise of the right from such abuse.

I replied, regretting I could give no information other than what Mr. Calderon had himself seen in the newspapers. I understood, however, that the stoppage of the use of the American flag in the slave trade was an object which would naturally commend itself to the favor of the present government of the United States, and I inquired if Spain had not herself conceded the same right.

Mr. Calderon said that she had, at a period in her history which could not be recalled with pleasure, but that ever since he himself had held the portfolio of foreign affairs he had been desirous of an opportunity to revise that whole treaty in which the right of search was thus granted to Great Britain. The exercise of this right was vexatious, and, besides, the English were always talking, in Parliament and out, of their having purchased this right of Spain for £40,000 sterling money, always putting their money forward, and he (Mr. Calderon) would be exceedingly glad of an opportunity to give them their £40,000 and have the treaty back again.

Mr. Calderon asked me if I supposed the recent treaty would be ratified by the American Senate. I replied I had no reasonable doubt that it would be, and remarked that I supposed that England was now taking steps to obtain the same concession from the government of France.

Mr. Calderon said he had little doubt of it, but he wished to see the American treaty, as it might afford a basis for demanding a revision of the Spanish treaty as to the manner in which this right was to be exercised.

Though, perhaps, this conversation was not intended by Mr. Calderon to

be reported to you, I have thought it interesting; and have the honor to remain, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Perry to Mr. Seward.

[Extracts.]

No. 70.]

LEGATION OF THE UNITED STATES,
Madrid, August 1, 1862.

SIR: You will have learned by the public press that the marquis of the Havana, General D. José de la Concha, late captain general of Cuba, has been appointed ambassador of Spain to Paris, and that he left Madrid last evening for his post.

I have not enjoyed a personal interview with General Concha, nor do I pretend to know the tenor of his instructions. I have, however, conversed personally with General Prim, immediately after an interview between these two generals, in which I acquired the certain confirmation of my knowledge from other sources that the ideas of General Concha in regard to Spanish policy in America and as to what ought to be the action of Spain in the question of Mexico, are wholly distinct from and opposed to those of General Prim.

General Concha belongs to the party in Spain which believes that the only salvation for Spanish interests in America is in a close alliance with France. He will certainly re-establish that alliance if it can be done, and goes to Paris for that purpose.

The vacillation of the O'Donnell government has been great. It was for many days doubtful whether General Concha would receive this appointment. The apprehension of danger from France has, however, overcome all reasonable arguments for firmness in the policy indicated by the retirement of the Spanish troops from Mexico, under General Prim.

The triumph of French policy in the Italian question, as shown by the recognition of Italy by the Czar of Russia and the King of Prussia, has had its effect. The Spanish government has begun to entertain some apprehensions from the isolation in which it is left on that question by Europe, and will not long withhold its recognition of Victor Emanuel as King of Italy.

Our own reverses before Richmond, at Charleston, and in the west, have been studiously and atrociously exaggerated in the English and French presses, from which Spanish ideas of foreign affairs are principally gathered. I have labored strenuously to counteract the effect of these representations, by such translations and republications as I could make from our own newspapers. But the news is bad at best, and the governing classes here, always desirous of the separation of the republic, always secretly and avowedly in sympathy with the rebels, by whom they hope such a separation will be rendered possible, have seized with avidity these indications of what they imagine to be the declining power of the north.

* * * * *

As I have before informed you, the palace at Madrid is possessed with a vague sense of danger, looks with mistrust upon the marriage of the King of Portugal with a princess of Savoy under the patronage of Napoleon III., and at last has, as it seems, determined to flatter this personage, and will accede to his demands in the matter of Mexico.

In aid of this resolution comes also the abandonment by the Emperor of his candidate, Maximilian, for a Mexican throne, and his dissatisfaction with Almonte and the Mexican personages whom his representatives in Mexico seemed disposed to sustain at all hazards.

With these concessions on the part of the Emperor, I feel it my duty to report that the co-operation of the Spanish government in his measures as regards Mexico is, for the present, virtually secured. What form this will take hereafter is yet to be seen.

With sentiments of highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Perry to Mr. Seward.

[Extract.]

No. 73.]

LEGATION OF THE UNITED STATES,
Madrid, August 16, 1862.

SIR: I have the honor to enclose two papers referring to the case of the *Mary Scaife*, rebel brig, which has recently sailed from Barcelona, loaded with a valuable cargo, ostensibly for Vera Cruz, but really, as is supposed, for running the blockade of our southern coast. I formerly informed you that this vessel had succeeded in running the blockade outward from Charleston, and had arrived safely at Barcelona, with a cargo of cotton, which she there discharged.

The correspondence of our able and efficient consul (Mr. J. P. Little) at that port will have kept you informed of what happened at Barcelona, and the manner in which this vessel was transformed into the *Good Luck*, and placed under the British flag. I do not, therefore, burden the mail with documents which will have reached you directly from Barcelona. My reply to Mr. Little of August 12, approving his temperate, business-like, and effective action at Barcelona, will be found marked B.

Our consul at Gibraltar (Mr. Sprague) has been active, under my direction, as our consular agent for Algeciras; and Captain Pickering, with the *Kearsage*, (steamer,) has been incessantly cruising to the eastward of the straits, for the purpose of intercepting this vessel, but with no result up to my last advices.

Your instruction (No. 37) of the 21st of July, in reference to the projected coal depot at Cadiz, has been immediately put in course of execution; and I shall probably be able to send you the full and minute report desired by the Navy Department by next mail steamer from Liverpool.

Your No. 38, of July 28, has also just reached me; and for the flattering expressions it contains I beg to return my thanks.

* * * * *

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State.

UNITED STATES CONSULATE,
Barcelona, August 7, 1862.

SIR: I have the honor to enclose to you herewith copies of two communications just received from the captain general, by which you will see that in the question of the *Mary Scaife* he has acted in accordance with the authorities he cites as having consulted—that is, the captain general has not in any way intervened in the matter, except to declare my protest as not sufficient to authorize him to prevent the departure of the brig, and in stating that the non-compliance on the part of the seller, a citizen of the United States, with the necessary and legal forms of sale, as the indorsement and registering of the same in this consulate, does not in any manner affect the validity of the purchase on the part of the British subject; and, further, that the entry at this port of the said brig under a flag adopted by a portion of the southern States of the United States of America, now in rebellion against the legitimate government of the said United States, and the sale of the brig without having complied with the requisite registering of said sale in this consulate, as required by the laws of the United States, does not and cannot, either directly or indirectly, imply the recognition of the said rebellion. This seems to me impossible, as either the *Mary Scaife* was admitted subject to the laws of our treaties with Spain, and to the maritime laws of the United States, or she was admitted as independent, and not owing obedience to said laws and treaties. The captain general does not, however, decide this point, as he states only that the legality or illegality of the sale is a question not to be decided by the Spanish laws, but by the existing treaties between Great Britain and the United States. The British consul, however, affirms that the sale and purchase, having been duly made through a notary public of this city, and the purchaser having presented himself before him with a passport and other proof of his nationality, he could not refuse to furnish him a temporary register, by which the vessel is placed under the British flag for the term of six months, or until she can be regularly registered in some British port. You will see, therefore, that the local authorities pretend to show the good faith and legality of the sale by the recognition of the same by the British consul, and the consul asserts that the sale has been duly and legally made through a notary public, and that the vessel has thereby become British property—each party relying upon the other to sanction the course he has pursued. As I now submit to your inspection the final papers in regard to this sale and change of nationality of the brig *Mary Scaife*, and the vessel having left this port, any further action on my part will probably not be demanded. However, in calling your attention to the latter part of the captain general's more lengthy communication, I beg to inform you that should the course I have taken in this difficult matter meet with your approbation, I should be exceedingly obliged to you if you would notify me as soon as convenient, as I am anxious to inform the captain general of your approval, in reply to this part of his communication, and also to inform him that questions and events of great importance sometimes arise, even as the present, where a consul is obliged to act in a partially diplomatic manner, both on account of the seriousness of the event or question and for want of time to be able to bring the matter for decision before the legation from which he depends.

I have applied to the custom-house for a list of the cargo outward, and as soon as received shall forward to Washington, with the description of the vessel, as I am sure she will again attempt the blockade.

I am, sir, your most obedient servant,

JOHN ALBRO LITTLE, *Consul.*

HORATIO J. PERRY, Esq.,

Chargé d'Affaires, United States Legation, Madrid.

Mr. Perry to Mr. Little.

LEGATION OF THE UNITED STATES,
Madrid, August 12, 1862.

SIR: Your communications to No. 16, inclusive, of August 7 have been received, with their enclosures, and inform me of your own proceedings in the case of the brig *Mary Scaife*, as well as those of the Spanish authorities, British consul, and other parties at your port. These papers are very interesting, and I take pleasure in acknowledging the very efficient, temperate, and business-like way in which you seem to have managed this whole affair.

It is the province of the captain general to see that you do not take upon yourself the discharge of diplomatic or political duties, especially as he himself would lack authority from his own government to correspond on such subjects; but it is quite within your province, and is, indeed, a prominent part of your consular duty, to watch over the proper execution of all treaties, ordinances, and customs, which affect the condition of ships and mariners from the United States at the port of Barcelona; and, in the case of anything extraordinary occurring, to make the facts known to the local authorities, with such observations as you may think necessary, in order to convey a proper idea of the case, so that their action, if any be taken, should be adequate, and based on a full knowledge of the case.

I have failed to see that you have transcended your duty in any respect in the course of this affair.

I have been in frequent correspondence with our consuls at Gibraltar, Malaga, and Cadiz, on the subject of the vessel referred to, and trust she may be intercepted in the straits, or taken on our coast, where her description would have preceded her.

Respectfully, &c., your obedient servant,

HORATIO J. PERRY.

JOHN ALBRO LITTLE, Esq.,
United States Consul, Barcelona.

Mr. Perry to Mr. Seward.

No. 76.]

LEGATION OF THE UNITED STATES,
San Ildefonso, Spain, August 26, 1862.

SIR: Your instructions, Nos. 39 and 40, reached me together at this royal seat, and yesterday I had an opportunity of putting the copy of a treaty with Great Britain, enclosed with your No. 40, into the hands of the Duke of Tetuan; also communicating to him verbally the substance of that despatch.

The minister entered into conversation on the subject of slavery and the slave trade in the island of Cuba; but as the ideas expressed were not new or essentially different from those which Spanish official personages have been accustomed to manifest for a long time past, I may be excused reproducing them here.

I found occasion, however, during this interview to turn the conversation in a natural way upon the subject of your despatch No. 39, and in a purely confidential and unofficial way—the character of the interview now permitting a sort of frank and uncalculating revelation of what was intended for my private use and instruction alone—read to the Duke of Tetuan, in Spanish, your instruction dated July 31. The effect was evidently and de-

cidedly an agreeable one; and, though the duke could hardly be expected to enlarge much upon the subject of his own permanence in power, you will hardly need my assurance that the interests of the United States lost nothing by the interview referred to.

The subject of Mr. Corwin's treaty with Mexico opened the way for me again to show that the United States were not ambitious of territorial aggrandizement on the south of our present frontiers. I was glad of this opportunity to speak with the real head of this government on this question; and though the arguments, facts, and statements, which I advanced were, perhaps, substantially the same I have heretofore used to Mr. Calderon Collantes, and reported to you, I was not left in doubt as to their effect upon Marshal O'Donnell. Perhaps the connexion between filibustering and secession was more clearly and forcibly brought out than I have been able to do it heretofore.

The duke did me the honor to listen with great interest as I traced the history of the aggressive and unscrupulous policy pursued by Mr. Jefferson Davis and other southern leaders, both in the exterior and in the interior, from the time of the mission of Mr. Pierre Soulé, in Spain, to the actual rebellion and war against the constitutional government of the United States.

He was shown, also, in what way the statesmen of the north, now at the head of our affairs, had opposed and counteracted these dangerous designs, sustained always by the great conservative masses of the American people. And when the Spanish minister had seen always the same men, the same motives, and the same manner of proceeding, producing the effects of the annexation of Texas, the war with Mexico, the conspiracy for war with Spain for the conquest of Cuba, the invasion of Central America, the bloody terrorism of Kansas, and, lastly, the traitorous war of these ambitious men against the conservative power of the American Union which checked and thwarted their designs, he was well prepared for the conclusion that the north is now actually fighting in America the battles of Spain and of all other foreign states having territory contiguous to our southern frontiers.

The arrival of the chargé d'affaires of Russia, by appointment, closed this interview, but not till the duke had begged me to come to him again to speak on this same subject, which interested him deeply.

I regret, however, that other affairs will cause my return to the legation in Madrid to-night, whence I shall address you, perhaps, to-morrow.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Seward.

[Extracts.]

No. 81.]

LEGATION OF THE UNITED STATES,
Madrid, September 21, 1862.

SIR: It is incumbent on me to report to you the changing phases of opinion in Spain as to the war in which the United States are engaged.

You know from my former despatches that the sympathies of this government from the beginning were with the faction which seemed to offer some hope of dividing the republic and diminishing our power in the western hemisphere.

Mr. Preston, of Kentucky, had, in the latter part of his term of office here, labored to aid the conspirators, and not without success. He had the good sense, having also the means, to spend annually at this court something more than double the salary assigned to his post. The society of the court, the aristocratical and governing classes, were found by me in June, 1861, deeply imbued with the ideas which he had labored to cherish, and the notion of an aristocratical and chivalrous society in the south of the United States, armed to resist the aggressions of an underbred, *sans culotte* democracy at the north, was the prevalent idea of these classes concerning us. They were still full of the resentments and apprehensions produced by our filibustering exploits of former years, which were for them connected only with the name of the United States. The Confederate States was a new name, as yet unsullied, and the rebels who had taken up arms against the government of the United States could not but be the friends of Spain.

My first care, as you are aware, was to undo all this by showing that the filibustering and aggressive policy which had marked our policy towards Spain for some years before was the work of the same men and the same parties who had now gone into rebellion against the government of the United States; that their designs upon Cuba and other territories contiguous to our southern limits had failed of execution only on account of the resistance of the conservative masses of our people of the northern States. That the extension and perpetuation of their own political power, the mastery of the policy and destinies of the entire Union, was the motive for the annexation policy of our southern statesmen; failing to secure which they had resolved to divide the republic, thus assuming to themselves the direction of the foreign as well as the interior policy of the southern part. I showed the government of Spain, by the speeches pronounced in South Carolina, Georgia, and Louisiana at the breaking out of the rebellion, that its leaders already, leaping beyond the eventualities of the war against the federal government, were holding up to the population of the south the plan of immediately annexing Cuba, San Domingo, and Mexico, as one of the grand results to be obtained by severing their connexion with the north, and I urged the conclusion that the continued union of the south with the north of the United States was the best guarantee to Spain of her own peace in North America. You are aware that the conduct of this government soon became to be more friendly towards us than that of either England or France.

Aside from the now governing classes, the people of Spain are liberal or democratic in their political sentiments and aspirations. The United States were for them the model and example of all that is desirable in government. Their natural sympathies for us had been rudely jostled by our filibusters, but the grandeur of our national prosperity and the spectacle of our increasing power was not an eyesore to them, but, on the contrary, a triumphant argument in favor of the political ideas we represented and they loved. They were a good deal troubled, however, upon one point. The Spanish liberals said to me always: but if the people of the south wish to separate and establish a distinct government, what right have you, according to the principles of popular sovereignty, to impede that movement? The answer was that the rebellion at the south was the work of comparatively a few men for their own ambitious purposes, but not heartily desired and supported by the people of the south, whose majority was, on the contrary, loyal to the Union and the Constitution. The statistics of the slave-owning and non-slave-owning classes, and the popular votes of such States, where popular votes had been permitted, were appealed to in support of this view, and the armies of the government were truly represented as marching to liberate

the people of the south from the oppression which a rebellious faction exercised over them.

But it is necessary to confess that the incidents of the war have much debilitated this argument. It is true at bottom, but it no longer serves. In the opinion of the masses of Europe, who judge from the great visible facts of our contest, the south is to-day a brave and united people, fighting for their independence against a government whose yoke they repel. They are fighting successfully against great odds, and neutralizing by their valor and conduct such merely material power as has seldom been displayed before by any government for the coercion of any people. And it is generally recognized that the people of the south, by the extent of territory they defend, by the number and bravery of their armies, by the skill of their generals, by their attitude of apparently unalterable determination, by the peaceful submission of their slave population, and the apparent unanimity of their will to live apart, have demonstrated that they do possess the conditions necessary to constitute a solid, separate, and independent nation.

There is, therefore, but one sentiment, one argument left for us who rescut the Union before the peoples of Europe; this is the sentiment of popular abhorrence for African slavery; the argument that the south is fighting to maintain and perpetuate that institution, whilst the north, avowedly or covertly, is fighting against it. I cannot speak for any except myself, but I am persuaded, no matter what our individual ideas of interior policy may have been heretofore, all who faithfully strive to serve the United States of America abroad at this juncture, are obliged to use this argument, do use it to the extent of our respective power and ability. At home I was a conservative. I write now from slave-holding and slave-trading Spain. Nevertheless it is my duty to inform you that this is the only ground we stand on in this country; the only point which has told for us here for some time past. I have urged it and caused it to be urged in every form and place which the social customs of the country open to my influence. I have written it and spoken it in season and out of season. Those popular and liberal journals whose editors honor me by seeking my ideas and statements on the subject of our affairs have not ceased to reproduce it.

I sincerely trust that in taking this course I have not misinterpreted your instructions or wishes in this respect.

Your recent and most important instruction (No. 44) of August 18 has reached me, and its unanswerable reasoning would have been, ere this, urged by me upon the attention of this government were it not for the absence of the court and ministers in Andalusia. If Mr. Koerner's movements should permit I shall join the court this week.

As to the effect here of recent events, I could send you excerpts from the Spanish press of all colors, but you will not need to burden your attention with these writings. I enclose, only as a sample of the ideas which prevail in the circles of the government, the article of the *Epoca* (ministerial journal) of to-day.

* * * * *

I cannot deceive you; outside our own limits the remoter benefits or evils to come to men from the maintenance or loss of our territorial integrity are not seen or are little heeded. Men care very little about our Union, and between the Constitution of the United States and the paper made at Montgomery the people of the world see little to choose; both occupy and cover the ground gained by our fathers eighty years since, and which then gave them the sympathies of the world.

Reducing our question of to-day to the simple terms of a government on one side, and a numerous, brave, and compact people, determined to be independent of that government on the other, popular ideas of democratic

sovereignty are against us, and the masses of this continent will see the republic of Washington divided without a protest, almost without regret. It cannot be concealed that already, in this country, the hope that slave emancipation will be proclaimed by the government of the United States, as that hope rises or falls, gives the measure of popular favor to our cause. Without that hope I am persuaded by recent indications, which I can neither neglect nor fail to report to you, that this government could adopt the policy of recognition of the so-called Confederate States without any considerable opposition in the interior of Spain. With that measure proclaimed by the United States, I, on the other hand, am clear that this government could not venture on the step alluded to, or, if it did, that error would soon be followed by such events in the interior of Spain herself as would promptly take away all its significance for us, and result, perhaps, in giving to the United States a better position relative to Spain than we have held since the first days of our national independence. You have recently received information relative to Spanish political affairs which will enable you to estimate, in some degree, the value and reliability of this conclusion.

The President will, of course, be guided in the conduct of our affairs at this crisis by superior considerations of interior policy, of which I am not cognizant. It is my duty simply to report what passes here of interest to our country, and having done this, to leave to the President and to God the issue.

With sentiments of the highest respect, sir, your obedient servant,
 HORATIO J. PERRY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
 Washington, December 10, 1861.

SIR: The Spanish steamboat *Nuestra Senora de Regla*, Reynals, master, was, on the first day of December instant, lying in the harbor of Port Royal, Brigadier General Sherman, who was in command of the United States military forces there on that day, received what he deemed sufficiently authentic evidence that the aforementioned steamer had on board papers and despatches of the insurgents who are in arms in that part of the country against the United States, with a view to convey them to ulterior destinations. He thereupon ordered that the vessel should be searched. This service was performed by the provost marshal. That officer found on board of the vessel a large number of letters, treasonable in their nature, written by insurgents to their confederates in other parts of the United States and in foreign countries. He also found on board letters written by such insurgents to colluding parties in foreign countries with designs for breaking the blockade which has been established at the port of Charleston.

He found also despatches by the pretended insurrectionary or revolutionary authorities in Richmond to agents designated by themselves in Europe, giving directions for the purchase of arms, military stores, and munitions of war on that continent, to be conveyed to this country and delivered into the hands of the insurgents, to be used by them in their efforts to subvert the government of the United States.

The circumstances of the case show that one Emilio Puig, a resident of Charleston, but claiming to be a Spanish subject, who was found on board the vessel, was a guilty agent of the insurgents in conveying this treasonable cor-

respondence and these treasonable despatches to Havana with a view to their various destinations. At present I do not dwell on the question whether the Spanish consul at Charleston had knowledge of the objectionable conduct of the said Puig, and of the treasonable correspondence and despatches.

With the correspondence and despatches I have described, there was also found a closed cloth bag bearing the official seal of the consul of her Catholic Majesty at Charleston, with the following label:

“Correspondence official.

“Exemo Sôr Gobernador y Cap'n Gral de la Isla de Cuba, Habana del Consulado de España en Charleston.”

General Sherman writes concerning it as follows: “The bag from the consul at Charleston to the captain general of Cuba was ripped open by the provost marshal without my authority, and probably through ignorance. Its contents have not been disturbed.”

Without stopping to consider whether the circumstances of the case would have justified an examination of the so-called consular bag, I have obeyed the promptings of that confidence which I always cheerfully entertain towards yourself, his excellency the captain general of Cuba, and all the Spanish authorities, and have left the bag and its contents in the exact condition in which they came to my hands, being practically the same in which they were found on board the steamer.

This bag I have the honor to place in your hands, with the view that it may be sent forward to its destination, not for a moment doubting that if, instead of its being what the label describes it to be, namely, a genuine correspondence between the consul at Charleston and the governor general of Cuba; and if, on the other hand, the contents of the bag are of an unlawful nature, that then such contents will be made known to this government.

I regret to say that the facts disclosed render it the duty of the government to subject the vessel in question to judicial proceedings for having violated the laws of the United States and the law of nations, and further to detain the aforesaid Emilio Puig for an investigation into the transaction, as well as to ascertain his true character and conduct in regard to the unlawful proceedings with which he has been connected.

I avail myself of this occasion to offer to you renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA,
 &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation]

LEGATION OF SPAIN AT WASHINGTON,
 Washington, May 28, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to address the honorable Secretary of State to bring to his knowledge an affair worthy of especial attention. According to official communications from the authorities of Cuba, the cruisers of the United States not only frequently come close to those shores, but also chase vessels within the territorial waters of the island.

Three vessels of your navy have lately been pursuing within two miles of the

strand a steamer of the seceding southern States, the California, whose captain, on arrival in port, made protest before the competent authority. In view of this, and of other acts, the governor captain general of the island directed the departure of a ship-of-war for the purpose of watching over the coasts. This vessel, the frigate Petronila, in effect, found cruising at some miles off various vessels under the American flag, whose presence was the more extraordinary inasmuch as, by reason of the distance, they could not belong to the blockading squadron of the southern ports. Upon nearing at last the corvette Marion, the two commanders exchanged the two communications, copies whereof are annexed, (1 and 2,) that from the Petronila being addressed to the commander of the federal forces, asking, in the name of the principles of international law, and of the friendly relations existing between both governments, that he should withdraw the cruiser from within the maritime zone enclosing the coasts of Cuba; and that of the Marion limited to saying, after having exchanged signals with the steamer Cuyler, that the commander of the federal forces referred to had returned to Key West, and that the first communication would be sent to him.

All this occasions the more surprise to the undersigned, as the spirit is so much better in which, accordantly with the orders of the government of her Catholic Majesty, the authorities of the island of Cuba fulfil their duties to wards the government of the United States.

He believes, nevertheless, as do also those authorities, that the cruisers aforesaid, far from obeying instructions from superiors, are acting in contravention of those they have, by holding in a species of blockade the ports of a neutral power which is, at the same time, the friend of the United States, and he hopes that orders will be immediately given to stop such a state of things. He also hopes, not only in virtue of principles universally recognized by all the maritime powers, but also in regard of the friendly and loyal relations, as it is known to the honorable Secretary of State, the Spanish government maintains with that of the United States, that all these reasons should meet with proper reciprocity.

The undersigned avails himself of this fresh occasion to offer to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, June 2, 1862.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Tassara, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, of the 28th ultimo, accompanied by a copy of correspondence between Lieutenant Winslow, commanding the United States steamer R. R. Cuyler, and Captain Vinalet, commanding her Catholic Majesty's frigate Pinola.

Mr. Tassara represents that the United States cruisers frequently approach close to the shores of Cuba, and chase vessels within the jurisdiction of that island.

Such proceedings, Mr. Tassara may be assured, have not been authorized by and cannot be approved by this government, which highly appreciates the friendship of Spain. There is, however, one passage in Mr. Tassara's note which seems to require special attention. It states that the Petronila found various United States vessels cruising at such a distance from the coast that

they could not belong to the fleet employed in blockading the ports of the insurgent States. If, in point of fact, the United States cruisers were in the position referred to, they may not have belonged to the blockading fleet, but may have been employed in asserting other just belligerent rights of this government, without trenching upon the sovereignty or disregarding the neutrality of Spain. A copy of Mr. Tassara's note has been sent to the Secretary of the Navy, with a request that such instructions may be given to the United States naval commanders in that quarter as will for the future prevent any just cause of complaint on the part of her Catholic Majesty's authorities.

The undersigned avails himself of this occasion to offer to Mr. Tassara a renewed assurance of his very high consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION, *Washington, June 28, 1862.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to call the attention of the honorable Secretary of State to occurrences intimately connected together, in which very lately the Spanish consul at New Orleans has interposed. In consequence of the proclamation of the President of the United States, declaring the port of New Orleans to be open, the Spanish steamer Cardenas left the Havana for that place on the 31st May last with freight and passengers, arriving at her destination on the 4th instant, without her passage being hindered either at Fort Jackson or at the Lazaretto, and, on the other hand, without having had from the consul of the United States at the Havana any notification whatever about quarantine.

But after a short time she received an order to go back to Fort Jackson, which she did, but not till after landing her passengers, about which no difficulty was made. In this situation the Spanish consul sent on the 10th to General Butler a communication remonstrating against the order, founding it on the old sanitary legislation of the State of Louisiana, according to which quarantine was not imposed on vessels coming from Cuba, unless the usual proclamation had been first made declaring what ports were considered as infected, and vessels which had been cleared without notice of the proclamation were admitted to free pratique.

The consul added that in this case, besides the circumstances of the vessel having commenced her voyage at a period earlier than that expressed by the said regulation for the application of the provisions it contains, it might be alleged the favorable opinion of the board of health. Such opinion being that the Cardenas had arrived in the best condition, and that there was no reason for sending her back, (unless something new had turned out on board,) as is shown by the circumstance that she had been allowed to land her passengers. Mr. Culliyon notices another peculiarity, to wit: that the captain was not notified how long he should remain in quarantine. On this account, calling the attention of General Butler to the losses which were accruing by such unexpected detention, since besides the risk of spoiling the cargo, which consisted of fresh fruits, there was a scarcity of provisions, they having been provided only for the time reckoned upon for the passage, and there being no means of renewal where they were at the time.

Not having received any reply, the consul on the 12th sent another despatch, of which a copy is annexed, transcribing literally that of the 10th, and placing

afresh in prominence the considerations which meditated in favor of the Cardenas.

He concluded by stating that on that date expired the term of ten days, which in the greatest strictness it had been usual to impose on vessels coming from Cuba, and that for this and other reasons which had been stated it was hoped orders would be given for the admission of the steamer.

The measure taken with the Cardenas appears the more arbitrary as it makes a contrast with the course pursued with the North American steamer Roanoke. That vessel, after touching also at Havana, had been also admitted at the port of New Orleans, without, like the Cardenas, being obliged to return to the Fort Jackson to perform quarantine. This consideration, without doubt, is only secondary in presence of the graver incident to which the clearing of the Roanoke for the Havana gave place between General Butler and the Spanish consul.

Differing from the case of the Cardenas, *from* the Havana, the Roanoke sailed from New Orleans *after* the 1st of June, a date at which, according to all instructions and practice of the Spanish consulate at that port, the state of public health is noted on the papers, and on clearing her it was the consul's duty to note that he would not give her a clean bill of health. The consignee replied that he would not take the paper which was given to him if it did fix the number of days of quarantine which should be imposed on her at Havana, to which the consul rejoined that those which were to be imposed on the Cardenas not having yet been fixed, and there having always been observed strict reciprocity between New Orleans and the ports of Cuba, it was not possible for him to do it; that probably the same number of days would be imposed on the Roanoke as would be imposed on the Cardenas. The consignee went to see General Butler, and the consul being called by that authority, he required of him that he should issue to the Roanoke a clean bill. The consul refused to do so; a conversation ensuing, in which, according to an official communication before him, the undersigned finds himself under the necessity of calling the attention of the honorable Secretary of State to the following points:

First. An order of General Butler to the consul of Spain conceived in these terms: "The consul of Spain will issue to the steamer Roanoke a clearance like that which at this season of the year would be given to any vessel whose (documentation) complement of crew might raise a question (disputava) of good health."

Second. The threat of the same General Butler to the same consul of Spain to ship him off on the Cardenas and send him to the Havana.

Third. The intimation made by the same General Butler to the same consul of Spain to tell the captain general of Cuba that he would give him much pleasure by not sending any more Spanish vessels to New Orleans.

As respects the order itself, the Secretary of State knows that General Butler has no power to give orders to a foreign consul in matter of such exclusively consular attribution as the clearing of a vessel for a port of his nation, and that the consul could only regard it as not received. In regard to the terms in which it is conceived, it could be deduced from them that the (documentation) crew list of the Roanoke at the time raised no question of health, which would add more weight to the requisition of General Butler. Fortunately, from the communications of the consul, it seems to follow that it was not so.

For every reason, even if the crew of the vessel was enjoying full health, the consul was under obligations to note upon the clearance the state of public health at New Orleans, without, in so doing, doing anything else than to issue to the Roanoke a clearance like that he would give at this season of the year to any vessel which might leave New Orleans after the 1st of June.

It was General Butler who pretended that, under his command, this year a new thing should be done. As for the threat of sending the consul of Spain to the Havana because he refused to issue the clearance which was required of

him, that is to say, for complying with the sanitary regulations of Cuba, General Butler might have been able, without doubt, to carry it into effect by a great abuse of power, and the consul himself might have believed himself compelled to leave his port under the force of such unsuitable and unreasonable language.

The undersigned, nevertheless, always desirous to maintain perfect harmony with the government of the United States, approves the conduct of Mr. Calligan, it being, as is true, that, legally and internationally speaking, his continuance in New Orleans depends on higher authority than that of the military authority of that department. Respecting, finally, the other expressions which were to be transmitted to the captain general of Cuba, General Butler is doubtless ignorant that the governors of the provinces of Spain have no power to hinder the despatch of Spanish or foreign vessels in accordance with the laws, and seems even to be ignorant that the commanders of the military departments of the United States have not either the authority to hinder the vessels referred to and lawfully despatched from being received in the ports of his country open to commerce, as is that of New Orleans. Lastly, at the interview cited, Mr. Calligan asked that some reason should be given for the quarantine of the steamer Cardenas, and that General Butler postponed reply, the matter remaining in the same condition as before.

Under these considerations the undersigned doubts not the Hon. Secretary of State will disapprove of the conduct of the commanding general at New Orleans, entertaining the right to expect that in relation to the steamer Cardenas, if perchance not already done, she be released from a quarantine which, in any case, would already be too long, and having, besides damages which the illegal act done to her may have occasioned, and fixing the rules to which vessels coming to New Orleans must be liable, with due reciprocity in the island of Cuba, and least prejudice to commerce.

In what relates to the Roanoke, and the conversation with the consul of Spain, that that authority be made to understand that he must respect the sanitary regulations of the island of Cuba, that he treat with more consideration the consuls of friendly nations, and refrain from expressions which are not suited either to give security to trade, or to maintain friendly relations between the authorities of that island and those of the United States.

The undersigned avails of this occasion to renew to the Hon. Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

HON. WILLIAM H. SEWARD.

Secretary of State of the United States.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, July 16, 1862.

The undersigned, Secretary of State of the United States, duly received the note of Mr. Tassara, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, of the 28th ultimo, making representations in regard to the course of Major General Butler, at New Orleans, with reference to the Spanish steamer Cardenas and the United States steamer Roanoke, which had arrived there from Havana since the former port had been partially opened to trade by the President's proclamation of the 12th of May, 1862.

The absence of the undersigned from the seat of government for some time

after Mr. Tassara's note reached the department has occasioned the delay in replying to that communication.

The complaint against General Butler in the case of the Cardenas is, in substance, that he caused that vessel to be ordered into quarantine after she had been allowed to land her passengers at New Orleans—a proceeding alleged to be premature according to the sanitary regulations in force under the laws of the State of Louisiana.

In the case of the Roanoke, Mr. Tassara represents that upon the refusal of Mr. Callegan to sign the bill of health of that vessel, which was to touch at Havana on her way from New Orleans, General Butler made use of threatening language to the consul, and with reference to the captain general of Cuba.

This important complaint, as well as the allegation in the case of the Cardenas, will be a proper subject of investigation by the special agent of this government who is now at New Orleans. A copy of Mr. Tassara's communication will consequently be sent to him with instructions to proceed accordingly.

The undersigned avails himself of this occasion to offer to Mr. Tassara a renewed assurance of his very high consideration.

WILLIAM H. SEWARD.

SEÑOR DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION, *Washington July 23, 1862.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, had the honor to receive in due season the note of the honorable Secretary of State upon the conduct of the cruisers of his navy on the coasts of Cuba, together with the correspondence transmitted by the honorable Secretary of the Navy.

Still more recently he has received from the governor captain general of that island another communication on the subject, with another copy of the reply of the commander of the American squadron of the Gulf to the commander of the Spanish frigate Petronila.

The undersigned does not doubt the intention manifested by the honorable Secretary of the Navy, as well as by said commander of the Gulf squadron, to respect the maritime jurisdiction of the island of Cuba. He must, nevertheless, insist that this has not always been verified, but hopes, in every view, that the orders issued will be strictly complied with, so as to avoid questions, and even conflicts, the responsibility whereof can in no case fall upon the authorities of the island of Cuba. Another important point presents itself, and that is, the limit of maritime jurisdiction, which the commandant of the Gulf squadron indicates as at three miles from shore.

Without receiving this either as a principle or as an established fact, and remitting the decision of the point to his government, the undersigned will remark that, whatever may be the limit of a jurisdiction, all the rules of the law of nations have always been opposed to the exercise upon the very boundary of a foreign territory of such watching as is equivalent to a species of blockade, by frightening away, or at least prejudicing, the commerce of a friendly nation. Such, without doubt, appears to be the case upon the coasts of Cuba, and the honorable Secretary of State will please to keep this in mind in the instructions which may be given to those cruisers.

The undersigned will not finish without assuring the honorable Secretary of State that the wishes of the government of her Catholic Majesty, of the authorities of Cuba, and his personally, are, as always, to maintain, with loyalty, friendly relations with the government of the United States, and for this reason he sees with greater regret the repetition of incidents which may prejudice that result. The undersigned avails himself of this occasion to repeat to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Tassara to Mr. Seward.

[Translation.]

SPANISH LEGATION,
Washington, August 7, 1862.

For the better clearing up of what occurred to the steamer Cardenas, as referred to in your communication at large of the 28th of last month, the undersigned envoy extraordinary and minister plenipotentiary of her Catholic Majesty has the honor to enclose a copy of the protest made before the Spanish consul at New Orleans by Captain Burguero.

From the said document it follows, among other things, that the steamer being compelled to return to Fort Jackson, as was done on the 5th of June, did not receive a visit from the physician until the 18th, and only on the 24th was she permitted to enter the port—that is to say, twenty-five days after her departure from the Havana. In this interval the brigantine Marie Felicite, which arrived, leaving the same port on the 13th of June, obtained permit to ascend the river on the 21st. On the 13th the English schooner Virginia Antoinette, also from Havana, whence she sailed on the same day as the Cardenas, anchored in sight of Fort Jackson, and on the 18th obtained the like permit as the French brig Marie Felicite; and lastly, the mail steamer Roanoke arrived on the 10th and went up to the port without detention.

The undersigned avails himself of this occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

[Translation]

At the city of New Orleans, on the twenty-fifth day of June, in the year one thousand eight hundred and sixty-two, before me, D. Juan Callejon, consul of her Catholic Majesty at this place and its dependencies, appeared D. José Ramon Burguero, of the matriculation of Coruña, captain of the Spanish steamer Cardenas, the latter of Havana, accompanied by two witnesses that declaration should be made, and deposed that on the thirty-first day of May, of one thousand eight hundred and sixty-two, he departed from Havana with his vessel on the course for this port, and with the regular clearance from the Spanish authorities and from the consul of the United States at the Havana, pursuing his voyage with fair weather until the third of June, on which, at five o'clock in the afternoon, he came in sight of the light-house at the Pass à l'Outre of the Mississippi river, and proceeded up the stream. At half-past eight of the same

evening he came to the outpost of the custom-house, where, in normal times, note was taken of the place whence sailed, of the cargoes of vessels, and from whence advices were sent by telegraph to the consignees thereof. There he stopped the engine, blew the steam whistle, and seeing that no one was coming near him, followed up the river to Forts Jackson and St. Philips, where also he slowed and stopped the engine, blowing the steam whistle as before. No one gave any hindrance to his passing, and the steamer followed her course to the Lazaretto, where he repeated the same doings as he had done at the customs station and at the forts. No one replied but an officer called Dikman, of the United States army, and who probably belonged to that detached post; asked of the captain the favor to take him up to the city, favor which the captain allowed, and at five o'clock on the afternoon of the fourth arrived here at this place and made fast to one of the wharves. Before getting through with this work, the vessel was invaded by a crowd of people from the city; even at six o'clock there had not come on board any authority to receive her; then the captain notified the consignees of the Cardenas, Messrs. Avendaño Hermanos, and agreed with them to present himself on the following day, as it was no longer within business hours at the custom-house or at this her Majesty's consulate. But at eight o'clock at night an officer came on board, accompanied by the aforementioned Captain Dikman, and after having made the townspeople who had come on board go ashore, he asked the captain in a rough way if he had a permit from the commander at the forts to pass up. The captain answered in the negative, relating to him at the same time the circumstances already narrated; then the officer, whose name is Staffers, wrote an order, by which he directed that the Cardenas must go down and anchor below the two forts until otherwise ordered, which order is not given here, because destroyed a few moments after being made by the same person who wrote it, who gave it to the captain verbally, ordering the debarkation of the passengers, firing up, and going away immediately. This was not possible, and by force of entreaty the captain got permission for the supercargo of the Cardenas—which individual spoke English—to accompany him to one of the officers to present him to General Butler, commanding general of the department, and state to him that, never having been at this port, the captain was ignorant of the usages here established; that he had stopped upon entering the river, on passing by the forts, and on reaching the Lazaretto, and that no one hindered him from passing on nor made any signal to him; that if at either of those points he had received orders to stop he would have respected and obeyed them; that, unusual to the practice, having boilers in bad condition, and both empty, he could not depart immediately; that it was not just that the interests of the charterers of the vessel should suffer from the neglect of the commander at the forts; that, as for the passengers following the old custom, they had landed without the captain's knowledge, and that he could not seek through a city unknown to him some thirty-five persons, but that it was to be expected that they would come to get their passports and baggage. He delivered to the supercargo the register, the manifests, and a bag of letters sealed up by the American consul at Habana, the captain giving him special instruction that if the general insisted on his going off, he should state to him that he had no provisions or pilot; that he required six hours at least to fill the boilers and get up steam, and that he would hold the general responsible for any damage that his order might occasion.

The supercargo went off with the officer, and at ten at night came back, accompanied by him, and bringing back the letter-bag and papers which he took, and complaining that he had not been able to make his statements because General Butler refused to listen to them, with strong threats, forbidding him to utter a word. It being then necessary to go, in compliance with the order the supercargo had received from the mouth of the general in person, and desirous to shelter himself from responsibility, the declarant had an interview with his con-

signees, who accompanied him in search of the undersigned consul of her Catholic Majesty, whom they could not find owing to the unseasonableness of the hour. At two in the morning appeared the pilot, who had been ordered to be got through the aid of one of the passengers, and the Cardenas left immediately thereafter. On the fifth day, at seven o'clock in the morning, she anchored at two miles to the east of Fort Jackson, and the captain sent the supercargo to the fort to ask the commander if he gave him permission to go up; to which he answered that he had the general's order not to permit the Cardenas to go up, nor communicate with any one until fresh orders; and, from some remarks of the commander, the captain arrived at the conclusion that he had been sent there to perform quarantine. To his great surprise, because neither in the conversation held with the officers, nor in that had with the general, was anything said about sanitary regulations. There the Cardenas remained waiting, shut off from communication, for the visit of the health officer, without provisions, and in a difficult position for obtaining them. The said health officer did not come until the eighteenth day, and found there were no sick on board, but could not fix for the captain declarant the term of quarantine, nor did he receive any communication from the authorities which would fix it.

On the twelfth of June the brigantine Marie Felicité arrived from the Havana, and on the twenty-first obtained leave to go up the river. On the thirteenth day arrived the schooner Virginia Antoniette, Captain Stria, and on the eighteenth obtained the same leave as the French schooner Marie Felicité. The English schooner Virginia Antoinette had left the Havana on the same day with the Cardenas. On the tenth arrived the United States mail steamer Roanoke, also from the Havana, and went up immediately to the port without performing the slightest quarantine. On the eighteenth, and by special favor, the Cardenas was permitted to pass the forts and to anchor in front of the Lazaretto. On the twenty-third the captain obtained permission to come to the city, but not the vessel; she did not receive any until the twenty-fourth, on which she came up to the port of New Orleans on the twenty-fifth after her departure from Havana. What was written was read to the captain declarant, and after confirming the same, and made oath that he had told the truth in every particular, he added that, considering the procedure of the military authorities of New Orleans in regard to the Spanish steamer Cardenas, under his command, to be unjust; considering that the vessel had a crew, every one in the best condition of health, and that she was sent to quarantine for an indefinite time, and without receiving a visit from the health officer until thirteen days after her arrival; considering that this causeless detention has produced great losses to the owners and fitters-out of said Spanish steamer Cardenas, among others that of the cargo of fresh fruit, of which she brought a large quantity, and which it was made necessary to throw overboard because it was in a state of putrefaction; considering that said authorities have acted with notorious injustice in detaining the steamer Cardenas, while they permitted the coming up to the port of vessels proceeding from the same place with the said steamer, even imposing on the last a shorter quarantine than on the Spanish, or not subjecting them to any, as happened with the American steam mail packet Roanoke, by these presents, once, twice, thrice, and in the most public, formal, and solemn manner, he protests against, &c.

(Certified.)

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, August 9, 1862.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note, of the 23d ultimo, in continuation of previous notes on the subject of the conduct of United States cruisers on the coast of Cuba, and, in reply, to inform him that a copy of it has been communicated to the Secretary of the Navy, whose instructions in the premises to United States naval commanders in the Gulf, Mr. Tassara may rest assured, will be as liberal as the public safety may permit, and always consistent with public law.

The undersigned offers to Mr. Tassara renewed assurances of his high consideration.

WILLIAM H. SEWARD.

Séñor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, September 9, 1862.

SIR: The note which your excellency addressed to me on the 26th of August last, during my absence from this city, has only just now been received. It prefers a complaint by your government, made in behalf of the Spanish house of Avendaño Brothers, at New Orleans, for severities and exactions alleged to have been committed there by Major General Butler while in the military command of that city. More especially it alleges that, without sufficient cause or grounds, General Butler exacted of the aforesaid house, under threats of violence, a bill of exchange for £1,900, equal to nine thousand six hundred dollars. This complaint is a very grave one. The President, of course, is not prepared to believe that it is justly made; you may, however, without hesitation, assure your government that an investigation of it will be made with the least possible delay, and that ample redress will be promptly given if Major General Butler shall fail to justify his proceedings in the transaction.

This government is, above all things, desirous to direct its proceedings in suppressing the present insurrection in such a manner as to do no wrong to individuals, and especially to the subjects of friendly nations.

The present seems to be a proper occasion for me to inform you that Brigadier General Shepley, who some time ago was appointed military governor of Louisiana, has now assumed that office, and is charged with the conduct of civil affairs in that State.

It may sometimes happen that differences of opinion may arise between this government and that of Spain upon the merits of complaints made by the subjects of Spain against the American authorities, or complaints made by citizens of the United States against the authorities of Spain. In view of such a possibility, I beg leave to suggest the expediency of establishing a joint commission for their settlement, to be composed of commissioners mutually agreed upon by the two governments.

A similar proposition has been made by the United States to Great Britain, and it is understood that there is a probability of its acceptance.

I avail myself of this occasion to offer to you renewed assurances of my very high consideration.

WILLIAM H. SEWARD.

Séñor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, August 26, 1862.

In continuation of the business of the Spanish steamer Cardenas, the undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to transmit, annexed, to the Hon. Secretary of State of the United States, copy of the proceedings, sustained by documents, by which Don José Maria Morales, president of the Cuban General Steam Navigation Company, shows that the damages occasioned to them by the long detention of said vessel at New Orleans, in consequence of the unjustifiable orders of General Butler, amount to the sum of *sixteen thousand three hundred and forty-seven dollars.*

In pressing this claim the undersigned entertains the confidence that the government of the United States will admit its justice by indemnifying the owners of the Cardenas for the losses they have suffered.

The undersigned avails of this occasion to reiterate to the Hon. Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

[Translation.]

MOST EXCELLENT CAPTAIN GENERAL, SUPERIOR CIVIL GOVERNOR: DON José Maria Morales, president of the Cuban General Steam Navigation Company, with all due respect shows to you that on the 13th of this present month arrived at this port from New Orleans the Spanish merchant steamer Cardenas, the property of the said company, and under command of their captain, Don José Ramon Burguero. This vessel was cleared here for that port on the 31st May last past, carrying freight and passengers, with all the formalities and requirements necessary on the part of our authorities, and with the intervention of the consul of the United States at this place in all that concerned certificates to documents. On the 4th day of June, at five o'clock in the afternoon, the said vessel reached New Orleans, made fast to one of its wharves, and landed all the passengers in the best condition of health, without any impediment whatever made by the vessel of war and forts of that place. At eight o'clock the same night an order of the government was made known to the captain to cast off from the wharf, and drop down and anchor below the forts, reminding him that he had entered the port without having asked leave of the commander of said fort; and, although Captain Burguero presented himself to General Butler, commandant general of the department, with the intention of stating to him that, never having been in that port, he was ignorant of its settled usages, that notwithstanding he came to on passing before the forts and on arriving at the Lagavette, nobody prevented him from going on; that if any signal had been made to him to stop he would have obeyed it; and that it did not appear to him to be just that the interests of his owners and freighters should suffer by the negligence of the commanders of those forts. The said General Butler having refused to listen to his reasons, and threatening him with sinking his vessel if he did not immediately comply with the order which had been given

lain, Captain Burguero, desiring to secure himself from responsibility, and to guard, at the same time, the rights of the owners against the heavy damages which he foresaw would follow upon such a strange order to go into quarantine when there had not been a single sick man on his ship, and to guard, also, the rights of some freighters who had shipped fruits, which surely would rot and be thrown overboard, as in fact took place, went at once, without delay, accompanied by his consignees—Messrs. Avendaño Brothers—before her Majesty's consul resident at New Orleans to extend the protest which, in form most solemn, he encloses to you, that you may thereby inform yourself of its contents, and lay it before her Majesty's government, in order to obtain just reparation and indemnification of the losses and damages which have been caused to those interested in the vessel and to some freighters by the effect of the measures which were so inopportune and so unjustly taken with the steamer Cardenas to cause her to suffer from twenty-two days of quarantine with such rigor as to challenge attention, as exercised only with that vessel, perhaps because she was Spanish, whilst the going up to the port was allowed to other vessels coming from the same place as the Cardenas, or subjecting them only to lighter quarantine, or none, as occurred with the American mail steamer Roanoke, which arrived from Havana a few minutes before the Cardenas.

If to such arbitrary action is added the strictness with which the authorities of the port acted on the day of the departure of the said steamer Cardenas an exact and general search being made on board, without passing over the letters passengers were carrying with them, which were opened and read in the presence of all, your excellency and her Majesty's government will not do less than admit that there is just ground to claim from that of the United States what may satisfy the dignity of ours and the injured interests of our subjects, damaged by the effect of the incomprehensible orders of General Butler; because, from the many interesting details which are shown by the protest, is deduced the injustice and oppressiveness of the penalty imposed on the steamer Cardenas, making her, without cause, perform twenty-two days quarantine after the vessel had received on board, on passing one of the forts, an officer of one of the detachments which garrisoned them, who asked the favor of being carried to the city, and after having been landed, together with thirty-five passengers that she brought from Havana, and finally after having been in full and complete communication and contact all the evening of the 4th day of June with the crowded population of New Orleans, which, through curiosity, came to visit the vessel.

The Cuban General Steam Navigation Company, considering that the round voyage of the steamer Cardenas could not exceed fifteen days, supplied their vessel with mess rations and provisions for that time, bearing in mind the scarcity and dearness of provisions in New Orleans, in order not to delay their vessel in port more time than was purely needful to take in cargo and passengers, that is to say, three or four days; but, as it could not enter into their calculations that twenty-two days of quarantine would be imposed upon her, it cannot be brought in question but that for a short time, while undergoing that quarantine, the captain was obliged to have recourse to the city to provide himself with necessary food, having had to pay thirty dollars a barrel for flour, half a dollar a pound for meat, a dollar a dozen for eggs, and the rest in the same proportion. The numerous crew of the vessel, exceeding forty persons, including officers, seamen, engineers, firemen, and other service, compulsorily brought upon her a daily expenditure of large amount, besides towings, pilot dues, and other extraordinaries, which have had to be paid three times in consequence of such quarantine, so that the whole will not be less than four thousand dollars; and if to this be added, as should be added, the estimate of damage by the loss of time by twenty-two days detention in such quarantine, during which the vessel might have made very easily a voyage and a half, this is another damage of importance, which, according to the data presented by the

administrators of the company, may be considered at the lowest at \$12,450 under existing circumstances; and this is the reason why the president of the company, who has the honor to address himself to you, begs you will please to have presented, in due form, the protest enclosed, with a separate note of the estimate of damages brought upon the Cuban General Steam Navigation Company, according to a memorandum signed by the administrators, amounting together to \$16,347. These documents are placed in your influential hands, that in such manner and form as you shall seem just most adequate claim be made for payment from the government of the United States, as a just indemnification of the damages which were caused to the said company as a consequence of the unjustifiable orders of General Butler, commandant general of the department of New Orleans, such being an act of justice which is prayed from the government of her Majesty which your excellency so worthily represents in this island.

J. M. MIRALES.

HAVANA, July 26, 1862.

[Translation]

Administration of the Cuban General Steam Navigation Company.

HAVANA, July 23, 1862.

Amount of damages which, according to the notes of expenses presented by the captain of the steamer Cardenas, and the usual product of a round voyage to New Orleans at the present epoch, this administration considers that the Cuban General Steam Navigation Company has suffered, by the unjustifiable detention of twenty-two days, which the said vessel was subjected to at the port of New Orleans by the military commander and representative at that place of the government of the United States of North America, maintenance of the crew during twenty-two days, expenditure of coal, which was necessary to be replaced, at sixteen dollars per ton, tow boats, pilotages, errands of persons in employ, transportation of provisions, commissions on purchases, loss on exchange of paper for gold, &c., &c. \$3,897

On a round voyage of a steamer of 407 tons, between this port and that of New Orleans, the period of fifteen days is reckoned. Upon this idea, the Cardenas ought to have made a voyage and a half in the twenty-two days she was detained, and using as bases the net product of that she had just completed, (if she had not been delayed,) amounting to eight thousand three hundred dollars, the company would have earned, for a voyage and a half. 12,450

Total. 16,347

It results that the Cuban General Steam Navigation Company, which we conduct, has suffered damages to the amount of sixteen thousand three hundred and forty-seven dollars, by the detention of twenty-two days, at the port of New Orleans, of their steamer Cardenas.

SAN PELAZIO PARDO & CO.

Certified.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, September 11, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has had the honor to receive the note of the honorable Secretary of State, of the 9th instant, in reply to that of the 3d, from this legation, remonstrating against the outrage committed in New Orleans upon the Spanish house of Avendaño and Brothers.

The case is, in truth, serious, and the undersigned hopes that, as the honorable Secretary of State assures him, the government of the United States, once convinced of the ground of the remonstrance, will hasten to do justice. The appointment of the new governor of Louisiana will, without doubt, contribute to the settlement of affairs in New Orleans.

The undersigned avails himself of this occasion to renew to the honorable Secretary of State the assurance of his most high consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,

*Secretary of State of the United States, &c., &c., &c.**Mr. Seward to Mr. Tassara.*

DEPARTMENT OF STATE,
Washington, September 17, 1862.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of the 26th ultimo, in continuation of previous notes on the subject of occurrences which took place at New Orleans in the month of June last, on the arrival and departure of the Spanish steamer Cardenas and the United States steamer Roanoke.

In his note of the 16th of July last the undersigned had the honor to inform Mr. Tassara that a transcript of his communication of the 28th of the preceding month, on the subject referred to, would be sent to the special agent of the United States, then at New Orleans, and that he would be instructed to make a prompt investigation of the complaint. The return of that officer, however, to this city, while the instruction was on its way to New Orleans, has rendered a different disposition of the subject necessary, and the undersigned has accordingly transmitted to the Secretary of War copies of Mr. Tassara's several communications, with the request that he would cause an examination of the complaint and allegations in question to be made without delay.

The undersigned avails himself of the occasion to offer to Mr. Tassara renewed assurances of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, October 20, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, addresses the Hon. Secretary of State with a view of bringing to his knowledge an unwarrantable offence which has been committed at the island of Cuba by a vessel of the federal navy of the United States, and which, on account of all its circumstances, requires the most urgent and formal attention of this government. The facts, according to official communications received this morning from the governor captain general of the island, are as follows:

On the 7th of this month a merchant vessel, the *Blanche*, which at first was thought to be confederate, but which afterwards turned out to be English, was proceeding with a cargo of some six hundred bales of cotton to the port of Havana, consigned to Messrs. Timer, Robertson & Co. Pursued by a federal steamer-of-war, which all the versions designate as the *Montgomery*, and which was chasing her within the jurisdictional belt of the island, the *Blanche* thought to save herself by making for the beach of Mariano, at a few miles from Havana, running aground thereon at the distance of a few yards from the shore, and hoisting the Spanish flag over the English. The *Montgomery*, nevertheless, which was following her closely, sent two boats, with a crew of twenty-four to thirty men each, who, not satisfied with boarding her, set fire to her.

Meanwhile the authorities of the town of Mariano, situated at a short distance, had come forward to ascertain the causes of the disaster, and to lend suitable assistance. The naval officers of the federal steamer, far from listening to the strong protests which were addressed to them, threatened the sea alcalde, maltreated his son, who had gone on board, and finished by taking off with them a Spanish subject, who had served as a pilot. The conflagration being over, the federal steamer went away. The *Blanche* and her cargo having been consumed, the two flags which had been left on the vessel having been burnt up, and the crew, consisting of twenty-two men, and their captain, named Smith, having been saved, thanks to the assistance which was lent them by the people of Mariano.

Such are the facts as they are officially shown up to this time. From trustworthy accounts, published in the newspapers of Havana, it appears, moreover, that the *Blanche* was proceeding from Port La Vaca, in Texas, and that on the 6th she had anchored at Mulata to take in fuel. Other aggravating circumstances also appear, if aggravation is possible in this case, such as that during the chase, at a very short distance from land, several ball cartridges were fired. Of the whole the appropriate judicial investigation was taking place, a report of which the undersigned will communicate in season to the Hon. Secretary of State, and meanwhile he transmits to him the annexed copies of the first reports of the affair, with the circumstances which have been mentioned, (Nos. 1, 2, and 3.)

On the first reception of the news at Havana, where it was proper it should be told, the sensation was very great. The superior authorities of the island sent several vessels-of-war immediately in pursuit of the offending steamer, which had disappeared from those waters, and other proceedings were resorted to to prevent under any circumstances the repetition of this or any similar aggression.

Through a toleration, for which, if not the government, at least some of the official agents of the United States make a very poor return, the war and merchant vessels of this country, on arriving at Havana, have hitherto been permitted to remain outside of the port, communicating with their consul by means

of a boat from the first moment of their arrival. On the said morning of the 7th the Montgomery was at the port of Havana, and was communicating with the consul by that means, which induces the belief that the subsequent offence was committed with the assent or perhaps by the instructions of that agent. This practice was abolished from that moment, and a stop was also put to any other which is not in conformity with the maritime or sanitary regulations, or in which there is not perfect reciprocity in the ports of the United States.

In addressing this legation the governor, captain general of Cuba, transmits the determination of reclamations which may finally have to be made to the government of her Catholic Majesty. That functionary judges, however, and judges rightly, that the undersigned will act as is demanded of him by the extraordinary character of these events. To act in any other manner would be, by closing his eyes to the evidence of such wrongs, to render himself an accomplice in the possibility of conflicts, the responsibility for which the Spanish authorities, ever disposed to avoid them, will hasten to cast off from themselves on whomsoever they may be who provoke them.

The undersigned need not stop to prove that the event of Mariano involves not only an offence but a series of offences, each one of which is more than sufficient for establishing a grave reclamation. These offences are, 1st, a violation of the jurisdictional maritime belt of Cuba, carried even to the territory itself of the island, and the character of which is aggravated by the existence of previous demands, to which this government, although exhibiting always the best disposition, has not yet given a final answer; 2d, the insult offered to Spanish authority in the person of the sea alcalde of Mariano and in that of his son, at the moment when they were exercising two most sacred acts, one an act of authority, and the other an act of humanity—an insult aggravated, moreover, by the capture of the pilot of the *Blanche*, and taking him out of his country on board of the *Montgomery*; 3d, the insult offered to the Spanish flag, together with another neutral flag, that of England, by looking on them unmoved, and seeing them consumed amidst the bales of cotton of the burning vessel; and, 4th, the burning itself of a neutral merchant vessel on an almost desert beach, as though it were in open war, without any respect either to existing treaties, to the declarations of the governments, or to any of the laws which now prevail in the civilized world.

The imperious duty in virtue of which the undersigned now comes forward to complain of the government of the United States is still more strengthened by a profound conviction that the Spanish government, and the authorities of Cuba, have fulfilled all their duties towards the United States in the two years of civil war which has been going on, with an amplitude that perhaps has exceeded the limits of true neutrality, and with a respect for established rights that was more demanded of it for the rights of Spain. The honorable Secretary of State has acknowledged this on more than one occasion, and even at this time it would be easy to exhibit to him new proofs of a conduct which gave a right to expect a different return. Nor is this to admit the supposition that this government could have even remotely authorized acts like that which has just been perpetrated in Cuba. It would even be offering an insult to it to apprehend that it would hesitate a moment in condemning them with all the energy which is demanded by so many rights and by so many respectful observances that are not usually found; but the truth is that the justice and reason of Spain are moreover re-enforced with another title to consideration of the United States, and it is to be hoped that it may be held in account in proceeding in this grave affair.

The undersigned, therefore, would be wanting to the confidence which his government has reposed in him if he did not anticipate its instructions by demanding prompt and complete satisfaction and reparation for all the wrongs inflicted, and all the interests damaged, by the outrage and the burning of the

English vessel, the *Blanche*, on the beach of Mariano. He must demand, also, the immediate restoration of the pilot who was conducting her, with corresponding orders to the commanders of naval forces in the Gulf, to the end that, respect being secured to maritime jurisdiction and to the other rights of a neutral power like Spain, a stop may be put to acts whose repetition would certainly lead to consequences which it is the common duty and interest to avoid. He would moreover request the honorable Secretary of State to fix well his consideration on the conduct of the officers or agents who have figured in this affair, and who have in this manner compromised the good name of their government, not only in the eyes of Spain but in those of the whole world. He must add, finally, that, for the due knowledge of the authorities of Cuba, he would desire to know, within a conveniently brief space of time, what the government of the United States may be pleased to determine.

The undersigned knows too well the elevation of understanding and the sincerity of character of the honorable Secretary of State to doubt that he will endeavor on this occasion to make good the friendly inclinations with which he has always shown himself animated towards Spain. The honorable Secretary of State, in his turn, is sufficiently acquainted with the minister who has the honor of addressing him this note to know that his greatest aspiration, interpreting therein the will of his government, is to preserve unharmed and even to draw closer than they ever have been the relations of Spain with the United States through the crisis of this country. On this account he has ever endeavored, within the circle of his influence, and in the course of long and repeated negotiations, to give the affairs the turn most propitious to the honor and interest of the two nations; and in making now this demand he is entirely confident of being able to assure his government very soon that there is no reason for apprehending the slightest alteration in the course of the reciprocal relations.

The undersigned avails himself of this opportunity to reiterate to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

[Translation.]

GOVERNMENT AND CAPTAIN GENERALSHIP OF THE ISLAND OF CUBA—OFFICE OF SECRETARY OF GOVERNMENT—POLITICAL—GENERAL COMMANDING OF NAVY FOR THE STATION OF HAVANA.

MOST EXCELLENT SIR: I have to-day received the telegram which I transcribe from the commander of the schooner *Isabel Francisca*:

"It is 11½ o'clock, the confederate vessel is all on fire, having run aground at a distance of six miles from Sabana; it cannot be extinguished; the federal steamer *Montgomery*, which set her on fire, took a course to the northwest. We set out immediately to assist the schooner and to see if we could find the federal."

Which I transcribe for the knowledge of your excellency, adding that the *Montgomery* is the same steamer which was yesterday at the mouth of the port, and which sent a boat to communicate with her consul. * * * *

At the same time a preliminary investigation is being made into the affair on

the spot, the result of which I shall report to your excellency for the ends which it may occasion.

God preserve your excellency.

His Excellency JOAQUIN GUTIERREZ DE RUBALCAVA.

His Excellency the SUPERIOR GOVERNOR.

HAVANA, *October 8, 1862.*

A copy.

ANSELMO DE VILLAESCUSA, *Secretary.*

A true copy.

[Translation]

GOVERNMENT AND CAPTAIN GENERALSHIP OF THE ISLAND OF CUBA—ULTRAMARINE ARMY IN CUBA—REGIMENT OF THE CIVIL GUARD NO. 160.

MOST EXCELLENT SIR: At seven o'clock to-night I received the following despatch from the sub-lieutenant commanding the post of civil guard of Mariano, who sent it to me from the beach of that village:

"At three o'clock in the afternoon I received notice from Captain Redaneo, of this district, and immediately came to this beach, where I met that officer viewing at ten yards from the shore a vessel of the southern States which was completely on fire, and, as I was informed, she was set on fire by the crew of a vessel-of-war of the northern States, which vessel-of-war was pursuing and had launched boats with twenty-four and thirty men each, and they boarded said vessel and set fire to her. The said southern vessel was run aground by her crew, and the Spanish flag was hoisted over the English, which were burnt, to the former of which the said vessel had been delivered. The crew landed without anything remarkable, not being able to save any of their cargo, which consisted, as they said, of six hundred bales of cotton. After setting fire to the vessel the people of the northern vessel re-embarked, and the vessel disappeared; which I report to Y. H. in compliance with my duty."

I have the honor to transcribe it for your excellency without loss of time, for your perfect knowledge of an affair as serious as it is extraordinary, although it is probable that your excellency may have received these despatches from the local authorities.

God, &c.

HIPÓLITO LORENTO,
Colonel First Commander.

His Excellency the CAPTAIN GENERAL of this Island.

HAVANA, *October 7, 1862.*

A copy.

ANSELMO VILLAESCUSA, *Secretary.*

A true copy.

[Translation.]

GOVERNMENT AND CAPTAIN GENERALSHIP OF THE ISLAND OF CUBA—OFFICE OF SECRETARY OF GOVERNMENT—POLITICAL—MILITARY ADJUTANCY OF NAVY OF CHORRERA.

To the Commauler of Matriculations of this province :

In compliance with the verbal order of Y. E., I proceeded at daylight this morning to the beach of Mariano, for the purpose of entering into the preliminary investigation in relation to the running aground at said place of a steamer supposed at first to be confederate, but which now turns out to be English. According to the depositions furnished by the sea alcalde and two witnesses who were present at the act, it seems that about two o'clock in the afternoon a steamer without a flag was descried, which was approaching that part of the coast, and that another with the flag of the federal navy of the United States was giving chase to her. The former, on drawing near to the beach, hoisted the English flag; and, according to information which I have obtained, she is called the "Blanche," and her captain is named Smith; and the federal the "Montgomery;" the crew of the former consisting of twenty-two men and three passengers; her consignees in this place, Timer, Robertson & Company; her cargo, cotton. As soon as she ran aground, the federal steamer lowered two boats, which, sufficiently manned and armed, went to the English vessel and set her on fire, taking away with them a Spanish individual belonging to a coasting schooner, whose name was unknown, but who has served as a pilot; remaining at the place until a quarter past three, when the vessel being completely burnt, they made their course to the west, the English captain having asked for and hoisted previously on his vessel a Spanish flag, which was also burnt. On coming on board the American officers threatened the sea alcade, and actually maltreated his son, who had gone on board to offer assistance to the captain and crew in their critical position. As the persons forming the crew were not acquainted with the Spanish language, and I had no interpreter, I limited myself solely to the first proceedings, which I have the honor to enclose to Y. H., for such determination as you may deem proper. All which I state to Y. H. for your knowledge and as a continuation of my despatch of yesterday referring to the matter.

God, &c.

HAVANA, *Octo'ber 8, 1862.*

A opy.

ANSELMO DE VILLAESCUSA, *Secretary.*

A true copy.

Mr. Seicard to Mr. Tassara.

DEPARTMENT OF STATE,

Washington, October 23, 1862.

The undersigned, Secretary of State of the United States, had the honor, on Monday last, the 20th instant, of receiving his excellency Señor Don Gabriel Garcia y Tassara, minister plenipotentiary of her Catholic Majesty, the Queen of Spain. Upon that occasion Señor Tassara verbally communicated to him the substance of a correspondence which had been made to Señor Tassara by his excellency the captain general of Cuba, to the effect that a United States cruiser had chased an English and neutral vessel into the maritime limits of

Spain, driven her ashore, and destroyed her by fire, committing at the same time other acts of aggression and violence against not only subjects, but even authorities of the Queen of Spain in that island.

No department of this government had at that time received any information of the transaction thus mentioned, except a vague statement that it was reported at Havana that an insurgent vessel of this country had been chased at sea by an armed vessel of the United States, and was reported to have run ashore upon the coast of Cuba and been burned, without any further or more definite information concerning the transaction. The undersigned immediately thereupon called the attention of the Navy Department to Señor Tassara's complaint, with a request for the earliest and fullest investigation of the same that the department could make. The undersigned, at the same time, communicated to the minister plenipotentiary of the United States at Madrid the information which he had received from Señor Tassara, and authorized him to assure Mr. Calderon Collantes that the subject would be promptly investigated, and that just in the degree that the transaction should be found to justify the representations which Señor Tassara had made to the undersigned would agents of this government, who had equally violated the laws of the United States and their own instructions, be visited with the severe displeasure of the government, and the wrongs and injuries they had committed would be promptly and amply redressed.

The undersigned has now the honor to acknowledge the receipt of a note in writing from Señor Tassara, bearing date the 20th instant, which sets forth the same complaint with customary formality, and which is accompanied by documents presented for the purpose of substantiating the same.

The undersigned being thus, for the first time, made acquainted with the case in a convenient manner, is authorized to renew to Señor Tassara the expressions conveyed to his government that no delay shall be made by this government in ascertaining the merits of the complaint, and in awarding to Spain, and to any other parties who may be concerned in it, if the facts presented shall not be adequately controverted, all the redress and all the satisfaction which the law of nations, or the treaties between Spain and the United States, or even the comities due between friendly nations, shall require.

The undersigned willingly admits on this occasion the general as well as the special grounds upon which Señor Tassara rests his expectations, that this government will act not only promptly, but justly, and in good faith in regard to the complaint.

The undersigned avails himself of this occasion to renew to Señor Tassara the assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *Sec., Sec., Sec.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, November 15, 1862.

The undersigned, Secretary of State of the United States, has now the honor to recur to a communication concerning the house of Avendaño Brothers, at New Orleans, which was addressed to him on the 26th of August last, by Señor Gabriel Garcia y Tassara, her Catholic Majesty's minister plenipotentiary residing near this government.

In that paper Mr. Tassara stated that a confederate steamer going from the Havana, having been captured in Berwick bay, there were found on board of her some letters addressed to the Spanish house of Avendaño Brothers, one of

them containing invoices of goods sent in consignment to them, but not for their account, by different vessels, and a bill to their order for some few hundred dollars.

Mr. Tassara further states that a few days after that incident occurred Avendaño Brothers received a note from General Butler, saying that he wished to see them. That one of the members of the house went to General Butler. That General Butler showed him the letter, (which contained invoices as before described,) together with the bill before mentioned, and two others, seconds, for the value of nineteen hundred pounds sterling, requiring payment of the amount.

Mr. Tassara next states that the representative of Messrs Avendaño Brothers assured General Butler that that house had nothing to do with those bills, because they did not, even by name, know the persons by whom they were drawn, but that these protestations served no purpose except to enrage the general, who insisted on his demand, under the threat of imprisonment in Fort Jackson, directing that the member of the house who made the protestations should be kept under arrest, and at the same time Major General Butler ordered an officer to take possession of the correspondence which should be found in the counting house of Avendaño Brothers.

Mr. Tassara proceeds to say that, in the state of things thus described, Messrs. Avendaño Brothers instructed a lawyer to see General Butler, and to cause him to understand the injustice he had done against them. That the general admitted that the bills, and even the goods pointed out by the invoices, were not, in fact, the property of those gentlemen; but he added that the gains which they must have made by the exportation of cotton and the importation of arms must have augmented so much that they might consider themselves very fortunate if they were not compelled to pay a larger sum.

Mr. Tassara proceeds to state that in the face of such violences there was no remedy but to yield, and that the Messrs. Avendaño, fearing to become victims of an outrage, signed a bill of exchange to the order of General Butler for the value of nine thousand six hundred dollars. That then, and not until then, the partner of the house who had been arrested, but was at large on bail, was set at liberty.

Mr. Tassara further states that the head of the said house, by name Don Peregrino Avendaño, not yet knowing to what he might be exposed, and judging from past oppressions, resolved to go to the island of Cuba; and that he has done so, and so has abandoned his business at New Orleans.

Mr. Tassara next observes that he deploras the necessity under which he is placed of complaining so repeatedly of the military authority at New Orleans in relation to the subjects of her Catholic Majesty.

Mr. Tassara then observes that the exaction of which the Messrs. Avendaño have been the subjects is a new and odious arbitrariness, and that the charge informally alleged against them cannot be anything else than a pretext to cover up the injury.

Mr. Tassara remarks that her Catholic Majesty's government has no need to repeat that it withdraws its protection from those of its subjects who break the laws of neutrality in the contests of this country.

At the same time Mr. Tassara observes that vague asseverations are not sufficient to prove an offence, especially, in particular, such as the violation of a blockade, which frequently bears its punishment along with it, and which, even when established, cannot palliate such downright injustice as that of which he has thus complained.

Upon these premises, Mr. Tassara expresses the opinion that the United States are under an obligation to make restitution of the sum of nine thousand six hundred dollars, which he represents as having been extorted by violence from the Messrs. Avendaño, no less than of the correspondence which the said

house was also compelled to deliver, and also to compensate the Messrs. Avendaño by the payment of damages and further indemnities.

Mr. Tassara, in conclusion, remarks that he does not question the proper disposition of the government of the United States to give effect to the protection of Spanish subjects residing in this country, but that, in the face of facts of the nature of those which are taking place at New Orleans, such protection seems to be null or insufficient; and such abuses demand urgent remedy.

The undersigned thinks it not improper to recall to the remembrance of Mr. Tassara the fact that some eighteen months ago an insurrection broke out in the city of New Orleans and in the region adjacent to it, and that a seditious party seized upon that important city, with its port, and occupied it with hostile forces, subverting the authorities of the United States and waging a war thereon for the overthrow of this government. All citizens of the United States residing there, whether engaged in trade or otherwise, owed allegiance to the United States, and were, by the Constitution and laws, obliged to refrain from engaging in, or aiding, abetting, or comforting their internal enemies. By the laws of nations, and by treaties, the same obligation rested upon all aliens who were residing there, whether engaged in commerce or not. The government of the United States forbade, by laws and by executive proclamation, all citizens and strangers within the United States from giving or rendering aid or information to the insurgents in any manner, equally by sea and on land. In due time the government despatched naval and land forces to New Orleans, conquered and captured the town and the port, and reduced them to military occupation under the command of Major General Butler, of the volunteer forces of the United States. Since that occupation the civil authority at New Orleans has, from reasons of public necessity, remained entirely in abeyance, and the city and port have been and are yet held under martial law as a military garrison, with the single modification that the blockade of the port has been relaxed, so as to permit legitimate and innocent trade under the restrictions proposed by the military authorities.

The undersigned is informed that the house of Avendaño Brothers are merchants who have for a long time been carrying on trade in the city of New Orleans. The undersigned finds himself obliged to remind Mr. Tassara that no evidence has been furnished to show that, if Avendaño Brothers ever have been subjects of her Catholic Majesty, they have still retained their allegiance, much less that they have not, to use Mr. Tassara's words, "broken the laws of neutrality in the contests of this country," which it has been the duty of the undersigned to describe. Indeed, the Messrs. Avendaño have not caused the undersigned to be furnished with proof of the fact that they ever have been subjects of her Catholic Majesty.

Mr. Tassara will be satisfied that this point is a material one, when he is informed, as the undersigned has learned from the military authorities at New Orleans, that persons who were born in the United States and attained the age of thirty years, continually residing in the country, and carrying on business and enjoying the privileges and exercising the rights of American citizens, have, since this civil war broke out, claimed to be subjects of foreign sovereigns, and by reason thereof rights of neutrality.

The undersigned does not doubt for a moment that Mr. Tassara has assumed upon probable grounds to extend the protection of her Catholic Majesty's government to the Messrs. Avendaño. But, inasmuch as they are presented to this government as claimants, it is deemed reasonable that their allegiance, like every other element of their claim, should be substantiated by proper evidence.

The undersigned has now to inform Mr. Tassara that it is represented by the military authorities at New Orleans, as a fact which has been duly ascertained by them, that the house of Avendaño Brothers were, from an early period in the present civil war, engaged at New Orleans in exporting cotton through the

blockade, and in importing and supplying the insurgents with arms and munitions of war for the overthrow of the government of the United States, in violation of the laws and the proclamations of the President, and that they thereby became, and ever since have been, active and dangerous enemies of the country whose protection they are now claiming.

The undersigned is justified by the same military authorities in saying that, for all the cotton the Avendaño Brothers so exported, in violation of the blockade, they were required by the insurgents' agents to import, and they did import, one-half of the proceeds or equivalent in such arms and munitions, which they directly or indirectly placed in the hands of the armed insurgents against the United States.

The undersigned is next authorized to state that a steam vessel, the Fox, having at an early period in the war been seized and taken by armed insurgents from her loyal owners, she was thereafter employed by such insurgents in the same contraband exportation of cotton and importation of arms and munitions of war; that, after she had already made three successful trips in that occupation, about the 10th of May last she was captured by General Butler on her fourth voyage; that she had then on board a cargo of arms, powder, lead, quicksilver, acids for telegraphic purposes, chloroform and morphine for medical stores, (all of which was not merely contraband, but was designed for the enemies of the United States,) to the value of three hundred thousand dollars; that at the time of the capture the Fox had run into the Bayou la Fourché, on the west side of the Mississippi, from which bayou she might run into Vicksburg, then in the possession of the insurgent enemy.

The undersigned is further authorized to state that on board of the Fox were found invoices, letters of advice, bills of lading, bills of exchange, and other evidence of transactions of the illegal character which the undersigned has described; that the bills of exchange were the produce of contraband shipments of cotton, less the one-half which had been invested in such contraband arms and munitions as have been described; that among these bills were the bills of exchange payable to the house of Avendaño Brothers, to which Mr. Tassara is understood to refer, the first having been forwarded by some other conveyance, but still remaining unpaid, and these very bills were for the one-half of the proceeds of a cargo shipped to Havana, the other half of which proceeds had been invested in such arms and munitions of war for the use of the armed insurgent enemies of the United States.

Besides these papers there was also found in the same vessel a correspondence between one Roest, an emissary of the insurgents at Richmond, engaged in attempting to excite foreign governments, and even the government of Spain, to adopt belligerent proceedings against the United States.

The undersigned is further authorized to state to Mr. Tassara that Major General Butler, by personal examination of the papers of the Fox, ascertained that the Avendaño Brothers were largely interested in, or consignees of, the aforesaid contraband cargo of the Fox. He then took into consideration the facilities for such traffic which were afforded by the no less than fifty-three marine passages connecting the State of Louisiana with the Gulf of Mexico. Upon such examination and consideration he determined to exert his military power to arrest this illegal and dangerous traffic. He called before him a member of the house of Avendaño Brothers, and charged him with the aforesaid participation of the house in the treasonable trade, and the member so charged did not deny the accusation.

Major General Butler having, in the manner before mentioned, seized and brought into the use of the government of the United States the contraband arms and ammunition which represented one-half of the proceeds of the previously described shipments of cotton, he seized for the use of this government the equally contraband other half of those proceeds, which were found on

board in the form of a bill of exchange, payable to the order of Avendaño Brothers. Major General Butler required Avendaño Brothers to pay the amount of that bill of exchange as a just penalty for their crimes against the United States, and as preventive of such treasonable proceedings in future.

The undersigned is further authorized to state to Mr. Tassara that, while it is true that the senior of the house of Avendaño has left New Orleans and taken refuge in Cuba, as Mr. Tassara has been informed, it is also true that his flight from New Orleans was determined by the consciousness that he had committed other grave crimes against the peace, dignity, and sovereignty of the United States.

The undersigned is further authorized to state to Mr. Tassara that the lawyer who was sent by the Avendaño Brothers to Major General Butler to ask explanations was one who had not renewed his oath of allegiance to the United States, as had been required by a military regulation which that general officer had established, and therefore he was not heard when he proposed to argue legal questions with the general in command. In the course of that conversation Major General Butler, referring the transactions which the undersigned has related, informed the lawyer that Avendaño might think himself well off if he lost no more of the profits of his illegal transactions.

In conclusion, the undersigned, having taken the instructions of the President of the United States upon the subject, has the honor to inform Mr. Tassara that upon the case, as it now stands, the United States cannot admit that they have been brought under such obligations as Mr. Tassara has in his note assumed. At the same time the undersigned holds himself in readiness to receive any information or proofs which Mr. Tassara may be able now, or at any future time, to present, either in support of the case as it has been presented by Mr. Tassara, or controverting the case as it has been presented by the undersigned. Nor will the undersigned, in the prosecution of the matter, fail in any case to furnish Mr. Tassara all such proofs as may be found necessary to justify the defence which the military authorities at New Orleans have authorized the undersigned to assume.

Mr. Tassara may be assured that, while the government of the United States must, of course, sustain their military authorities in the performance of their difficult and responsible duties towards the government, it will in no case sanction any the least violation by them of the rights of the government or of any of the subjects of her Catholic Majesty. The undersigned hardly need assure Mr. Tassara that this government regrets as profoundly as Mr. Tassara does every occasion which tends in any degree to produce misunderstanding between the United States and Spain.

The undersigned avails himself of the opportunity to offer to Mr. Tassara renewed assurances of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA. Sr. Sr. Sr.

Mr. Sanford to Mr. Seward.

No. 69.]

LEGATION OF THE UNITED STATES,
Brussels, September 26, 1862.

SIR: The King, who is restored to tolerable health, made his entry into Brussels yesterday, on the occasion of the national fêtes, and was enthusiastically received by all classes of the people.

I duly received your despatch No. 62, and communicated its contents to M. Rogier yesterday—saying that I desired to keep him advised of the views of the government in the various phases of the crisis which the country was passing through. He expressed his hopes that an arrangement could be made now—he thought we would have to end by making one. I replied, I knew of no possible one on a basis of a division of the Union. He remarked upon the strength and military spirit shown by the rebels. I replied that they fought well; they were our own race; that the men were fighting from a mistaken sense of loyalty, with the idea inculcated by their leaders that they were resisting invasion and threatened servile insurrection, and they were developing rapidly into a military people. It might be a source of reflection to European powers, who had encouraged these rebels at the outset, that they had contributed towards building up a military power that would, if the rebellion succeeded, be likely to cause them trouble. That the idea of the getters-up of the rebellion was to form a great military aristocracy, based upon slavery, which would make the whites all fighting men, and to extend the area of slavery over Mexico, Central America, and Cuba, on a grand filibustering scale, and, holding a vast territory and the monopoly of cotton, to pursue the same wilful, reckless career for power and conquest which had characterized their efforts, made powerless, however, by the north for years past; that the idea entertained by many of a great profitable trade with the south would be found illusive—a population composed of slaves, who would require nothing from Europe, of a poor and numerous class of whites devoted to agriculture and with few and simple wants, and a comparatively few wealthy slaveholders, would never require large amounts of transatlantic manufactures, compared with the northern States, which for years past had consumed nine-tenths of the foreign importations of the whole country. M. Rogier remarked that, whatever might occur, he thought the cotton monopoly of the south was at an end forever.

An international congress for the promotion of social science, which has been in session here for four days, has closed to-day. It was proposed, I believe by some of the English members, to make our war and the project of an address to the American people a subject of discussion at the general meeting of the congress to-day. The possibility of an amendment touching the revolt in India, or the opium war in China, or some other equally appropriate subject for discussion by the congress for the promotion of social science, perhaps, may have prevented the carrying out of the plan of the English philanthropists, who have, however, called a meeting at one of the hotels here, of such of the members as are so disposed, for the discussion of a proposed address to the American people. The address will probably be found to contain the ideas of a class of Englishmen whose interests and whose policy are for the dismemberment of the Union.

I have the honor to be, with great respect, your obedient servant,

H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State.