

in my judgment proper and legitimate legislation; and I say so because I think it is wrong. There are many things about which the Constitution says nothing, which it neither allows nor prohibits, but which it may be wrong nevertheless to pass. But I hold it is not proper to pass a bill to give away money for any purpose not fair and equitable.

Mr. FOOTE. Mr. President, it only results that I misunderstood what I deemed very plain phraseology, coming from the lips of the honorable Senator from Arkansas. He certainly did say, according to my recollection, that we had no right to adopt this bill as a proposition of compromise. Now, to my plain understanding, that means that we have no authority, if it means anything. And if it means we have no authority, it must mean that we have no authority because, under the Constitution, from which we derive all our power, we have no constitutional authority to pass such a measure. That is the way I understood the honorable Senator. It seems that I did not understand him correctly, and that that was not his meaning. He meant that it was improper in itself; and if he had said so at first, I certainly should not have been under the necessity of making my remarks upon it.

The amendment was not agreed to.

The PRESIDENT. The question recurs, shall the bill be ordered to be engrossed for a third reading?

Mr. HUNTER. On that question I ask the yeas and nays.

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Badger, Baldwin, Berrien, Bradbury, Clarke, Clay, Cooper, Davis of Massachusetts, Dawson, Dayton, Downs, Ewing, Greene, Hale, Hamlin, Miller, Morton, Pearce, Phelps, Pratt, Seward, Shields, Smith, Soule, Sprague, Sturgeon, Underwood, Upham, Wales, and Windthrop—30.

NAYS—Messrs. Atchison, Bell, Benton, Borland, Butler, Cass, Chase, Claiborne, Davis of Mississippi, Dickinson, Dodge of Wisconsin, King of Iowa, Douglas, Felch, Foote, Hunter, Jones, Kling, Mangum, Norris, Rhet, Rusk, Turner, Walker, Whitecomb, and Yulee—28.

So the bill was ordered to be engrossed for a third reading.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of executive business, and after some time the doors were reopened and the Senate adjourned.

The following paragraphs formed a part of Tuesday's Senate proceedings, but by an accident were omitted in their proper place:

COMPENSATION TO POST OFFICE CLERKS.

Mr. MANGUM. A petition has been put into my hands this morning, of which I understand that a copy has already been presented to the Senate. But as there are some papers accompanying the petition which have been entrusted to me which I desire to have referred to the Committee on the Post Office and Post Roads, I wish to present the whole together. It is a petition from the clerks and subordinate officers in the post office at Baltimore, praying an increase of compensation, and it modestly, succinctly, and clearly sets forth its object, and shows most conclusively that these officers are more unequally compensated than any other officers of a similar grade in the public service. They are under the lead of one of the best postmasters I know of, who has reduced his force to the very lowest minimum, and the compensation given to them is the smallest paid to any officers of a similar grade. There is one matter connected with this subject which I understand, upon consultation with the Senator from Maryland, [Mr. PEARCE.] has been referred to the Committee on the Post Office and Post Roads. I ask that this may have the same reference.

The petition was so referred.

SMITHSONIAN INSTITUTION.

Mr. PEARCE. I have a memorial from the Regents of the Smithsonian Institution, in which they set forth that Congress has set apart the original bequest of \$515,000, and deposited it in the Treasury as a perpetual fund for the support of that institution; and that the sum of \$242,000 of interest which had accrued on that fund was paid to the Regents in Treasury notes for the purpose of erecting a building. The memorial further states that a system of finance has been

adopted by the Regents which will enable them to erect the building without disposing of the whole of this sum of \$242,000. They have now at their disposition \$150,000 in money, and they wish Congress to take that sum, and some other funds which they expect to receive, and place them in the Treasury with the original bequest, thus increasing the perpetual endowment of the institution to about the sum of \$700,000. I move the reference of the memorial to the Committee on Finance.

The memorial was so referred.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 24, 1851.

The House met at twelve o'clock, m. The Journal of yesterday was read and approved.

Mr. DANIEL moved that the House resolve itself into Committee of the Whole House on the private calendar.

Mr. BAYLY moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union on the special order—the deficiency bill.

Mr. THOMAS expressed the hope that the House would not agree to the motion of the gentleman from Virginia, [Mr. BAYLY,] as this was objection day, and that a great many private bills could be disposed of to which there was no objection.

Mr. STANLY asked the Speaker whether this was not the day under the rule for the consideration of private bills to which there was no objection?

The SPEAKER said that it was the fourth Friday, and what was termed objection day under the 30th rule, which provides that the bills to the passage of which no objection shall be made shall be first considered and disposed of.

Mr. MASON inquired whether it was not after the morning hour that that rule applied?

The SPEAKER said that there was no morning hour to-day.

Mr. SCHENCK inquired whether there were not private bills on the Speaker's table to be disposed of?

The SPEAKER said that there were private bills on his table which might be disposed of before going into committee; if there was no objection.

Mr. JOHNSON, of Arkansas, inquired whether, if the House did not go into committee on the private calendar to-day, there would be more than one other objection day this session?

The SPEAKER replied that the rule provided that the first and fourth Fridays in each month were objection days; and that the gentleman could calculate for himself.

The question was then taken on the motion of Mr. BAYLY, that the House resolve itself into Committee of the Whole on the state of the Union on the special order, and decided in the negative.

The question was then taken on the motion of Mr. DANIEL and agreed to; and

The House accordingly resolved itself into Committee of the Whole House, (Mr. OLDS in the chair,) and proceeded to the consideration of the bills on the private calendar.

The following House bills were severally considered, and ordered to be laid aside to be reported to the House:

198. A bill for the relief of the heirs-at-law of Colonel David Hopkins;

200. A bill for the relief of the heirs of Semoice, a friendly Creek Indian;

201. A bill further to amend an act approved the 2d of July, 1836, for the relief of Samuel Smith, Linn McGhee, and Semoice, Creek Indians; and also an act passed the 2d July, 1836, for the relief of Susan Marlow;

202. A bill to amend an act entitled "An act for the relief of Frederick Durrie," approved August 14, 1848;

206. A bill for the relief of William Hankins;

207. A bill for the relief of Alden and Williams;

211. A bill for the relief of Gustavus A. De Russey, late an acting purser in the Navy;

213. A bill for the relief of Edmund L. De Barry;

215. A bill for the relief of Mary Kirby Smith;

219. A bill for the relief of John Morrison;

220. A bill for the relief of Adam Garlock;

228. A bill granting a pension to Asel Wilkin-

238. A bill for the relief of Major E. H. Fitzgerald;

245. A bill for the relief of Jasper A. Maltby;

247. A bill for the relief of Danning R. McNair;

12. A joint resolution providing for an adjustment of the accounts of John D. Colmear, President of the Ohio and Mississippi Mail Line Company;

248. A bill for the relief of Josiah P. Pilcher;

258. A bill for the relief of the Virginia Woolen Company;

260. A bill for the relief of the securities of Robert S. Moore, deceased;

262. A bill for the relief of Eli Darling;

268. A bill for the relief of James F. Green;

271. A bill for the relief of George C. Thomas;

276. A bill for the relief of William B. Edwards;

281. A bill for the relief of the legal representatives of Robert S. Burroughs and Stephen Hopkins;

284. A bill for the relief of Isaac Cook and others;

285. A bill for the relief of Malvina Cruzat, widow of Manuel Cruzat, late Navy agent at New Orleans;

286. A bill for the relief of Child, Farr & Co., of St. Louis, in the State of Missouri;

287. A bill for the compensation of James W. Low and others, for the capture of the British private armed schooner *Ann*, during the late war with Great Britain.

The following bills coming in their order on the calendar, were considered, amended as indicated below, and ordered to be reported to the House as amended:

221. A bill for the relief of Rebecca Freeman, widow of Pearson Freeman. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence in 1850 instead of 1847.]

222. A bill for the relief of Thomas Flanagan. [On motion by Mr. CHANDLER, so amended as to provide that the pension shall commence on the 1st January, 1850, instead of 1st July, 1847.]

223. A bill for the relief of Jonas D. Platt. [On motion by Mr. CONGER, so amended that the pension shall commence on the 1st January, 1850.]

225. A bill for the relief of William Gove. [On motion by Mr. CONGER, so amended as to strike out 1844, and insert 1850.]

226. A bill granting a pension to Benjamin Cressey. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence 1st January, 1850.]

227. A bill for the relief of Lot Davis. [On motion by Mr. CONGER, so amended as to insert 1850, in lieu of 1843.]

231. A bill for the relief of Alanson Pool. [On motion by Mr. CONGER, so amended as to strike from the bill the second section, which provides that the Secretary of the Interior shall issue to said Pool a land warrant as bounty land, to which he would have been entitled if he had been regularly discharged at the expiration of his term of service.]

233. A bill for the relief of Fielding G. Brown. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence in 1850, instead of 1836.]

236. A bill for the relief of Charles S. Mathews, Charles Wood, and James Hall. [On motion by Mr. THOMAS, so amended as to reduce the amount of appropriation from \$12,500 to \$11,500.]

265. A bill for the relief of Isaac Cobb. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence on the 1st January, 1850, instead of July, 1841.]

266. A bill for the relief of Martha Dameron. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence on the 1st January, 1850, instead of March 4, 1843.]

267. A bill for the relief of William Lynch. [On motion by Mr. CONGER, so amended that the pension shall commence in 1850 instead of 1848.]

269. A bill for the relief of James Mains. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence in 1850, instead of 1848.]

270. A bill for the relief of Isaac Downs. [On motion by Mr. CONGER, so amended as to provide that the pension shall commence in 1850, instead of 1848.]

273. A bill for the relief of Gardner Herring. [On motion by Mr. CONGER, so amended as to

Mr. BADGER. The sum appropriated by the item which it is proposed to strike out is very small, and I submit to my friend from Maryland whether it would not be an act of cruelty and injustice to those persons who receive these pensions now to cut them off so suddenly. I understand from the Senator's statement that since 1844 Congress have constantly paid these pensions out of the Treasury. Those who have received these pensions heretofore are looking forward to them, and if we were to cut them off from this small sum of \$3,000, it would be ungenerous, and cruel, and hardly just.

Mr. PEARCE. I cannot see that it is either cruel or unjust, for this is a mere gratuity, one for which there is neither legal nor moral obligation; but if the Senate choose to be liberal, as they very often are, I shall have nothing further to say in relation to the matter, except that this is a precedent that may be hereafter brought up. We may have wars, and if we have a maritime war, I suppose we shall have private armed vessels again, and our action on this occasion will be invoked to justify the payment of pensions to persons wounded on board of such private armed vessels. I leave the matter to the Senate to do with it as they please.

Mr. DAVIS, of Mississippi. It is very clear to my mind that men on board privateers do not properly come within the principle of men on board vessels of the United States. On another occasion, when it was proposed to put soldiers on the same footing with sailors, it was said that the sailors got no prize money during the Mexican war. Since that we have had a statement from the proper Department showing the amount of prize money which they did receive during that war. The bill is very liberal towards the Navy—much more so than our legislation has been towards the Army.

But the item now under consideration does not stand on the same footing as the other items in the bill. There is a great difference between the navy and privateers engaged in maritime war. Privateers go out to make money. They are upon the footing of seamen of merchant vessels, except that they look for gain by the taking of prizes. It is a species of force which civilized nations use from considerations perhaps other than humane, and which is furnished to them from promptings certainly other than simply patriotic. I think, therefore, they have no claim to be pensioned out of the National Treasury.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be read a third time, and was read a third time and passed.

HONORS TO MAJOR RINGGOLD.

Mr. GREENE, from the Committee on Military Affairs, to which was referred the joint resolution directing a sword to be presented to the nearest male relative of Major Samuel Ringgold, late of the United States Army, reported back the same without amendment, and recommended its passage, and asked its immediate consideration.

No objection having been made, the resolution was considered as in Committee of the Whole.

Mr. GREENE. I will not take up the time of the Senate by debating all the considerations which induced the committee to make this recommendation. They are too fresh in the memory of the Senate to require anything more than the reading of the resolution itself.

The SECRETARY read the resolution. It requests the President of the United States to present a sword to the nearest male relative of Major Samuel Ringgold, of the 3d regiment of artillery, who was then in command of the light artillery in the glorious battle of Palo Alto—the first battle in the war with Mexico—and communicate to him the deep regret which is felt for the loss of that gallant and accomplished officer.

Mr. DAWSON. In the Committee on Military Affairs I did not give my assent to the resolution, not because I had any opposition in doing honor to the meritorious individual who is now no more, but because I disliked to discriminate by selecting any one of the gallant men who fell in the Mexican war. There was Captain Ridgely, who was perhaps as gallant as the lamented Major Ringgold. I thought that our policy was wrong then to discriminate, and that if we intended to do justice to all it should be upon a general

proposition of the kind. That would bring up the question whether the Government of the United States, for every act of gallantry, would present a sword to every officer who had an opportunity to distinguish himself. I had no objection to this resolution being considered, for my individual voice could have prevented its consideration. I merely wish the question to be fairly propounded to the Senate, whether they will act upon it now or will refer it back to the committee with instructions, if they intend thus to act, to give a sword to every officer who distinguished himself in the Mexican war, to the surviving as well as the dead. For myself, I cannot discriminate between the gallantry of those who have survived and those who have died. It is for the Senate to say whether it shall be done. I beg to say, so far as relates to Major Ringgold, that no man feels more regret for his loss, no man will honor him more than I will. But I am disposed to pay honor to all; I dislike to discriminate.

Mr. HALE. So far as regards the living, they have received the honor of a brevet. I believe that every officer who distinguished himself in the Mexican war has been brevetted; Major Ringgold is beyond everything of that sort. If the honorable Senator will look he will find abundant precedents to justify this resolution, and I hope it will pass.

Mr. DAVIS, of Mississippi. I cannot agree to the proposition of the Senator from Georgia to give a sword to every officer who may have distinguished himself in Mexico. Compliments to be valuable must be rare. The thanks of Congress, medals, and swords voted by Congress, are recognitions of special and brilliant services. I think there is much that has special merit in the case which has been reported from the Committee on Military Affairs by one of its members, the Senator from Rhode Island, [Mr. GREENE.] Major Ringgold may be considered as the founder of that system of light artillery which, perhaps, contributed more than any other one thing to our victories in the war with Mexico. At the head of that particular arm, which he had mainly contributed to bring to its then and present state of efficiency, he fell in the first battle with the Mexican army—in that battle which may be said to have set the seal of invincibility upon American troops, and determined all the future results of the war with Mexico.

Every one is familiar with the trying circumstances under which the little army on the Rio Grande was placed when they met the boasted army of Mexico, which was always pointed to as something above the ordinary standard of Mexican troops. Every one, too, recalls the brilliant success of our little army, and how far it is to be attributed to the light artillery, that particular arm which Major Ringgold had brought to such a state of efficiency. He was killed in battle—killed in a moment of brilliant service. He lived not to reap the rewards which others have received from a grateful country. He fell before he knew what estimate his countrymen placed on his services.

For much that he did before the commencement of the war—for all that he did on that special occasion—for the fact of his having fallen at the beginning of the war, and having by his own gallantry contributed in no small degree to set that first seal of invincibility on American arms, I think some special recognition is due to his merit. This resolution proposes, as he had no family, to give this recognition to his nearest male relative. I believe it falls upon a highly-esteemed officer of the Navy, and one worthy to receive it. I hope the resolution will be adopted.

The resolution was reported to the Senate, and was ordered to be engrossed for a third reading.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. Young, their Clerk:

Mr. PRESIDENT: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

An act to provide for carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo.

An act to establish certain post roads in the United States and the Territories thereof.

The House of Representatives insist on their disagreement to the amendment of the Senate to the bill (H. R. 434) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1856, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses, and have appointed Mr. Jacob

THOMPSON, of Mississippi, Mr. ROBERT TOOMBS, of Georgia, and Mr. GEORGE W. JONES, of Tennessee, managers at the conference on their part.

MEXICAN INDEMNITY.

House bill 460. An act to provide for carrying into execution, in further part, the twelfth article of the treaty with Mexico, concluded at Guadalupe Hidalgo, was read a first and second time by its title, and referred to the Committee on Finance.

POST ROUTE BILL.

House bill 475, to establish certain post roads in the United States and the Territories thereof, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

LIABILITY OF SHIP-OWNERS.

The engrossed bill to limit the liability of ship-owners, and for other purposes, was read a third time, and on the question shall this bill pass?

Mr. DAVIS, of Mississippi, called for the yeas and nays, and they were ordered; and being taken, were:

YEAS.—Messrs. Baldwin, Bell, Bradbury, Cass, Chase, Clarke, Clay, Dutton, Dickinson, Dodge of Wisconsin, Douglas, Foote, Greene, Gwin, Hamlin, Miller, Norris, Pearce, Phelps, Pratt, Rantoul, Seward, Shields, Smith, Soule, Spruance, Sturgeon, and Upham—28.

NAYS.—Messrs. Atchison, Badger, Berrien, Borland, Bright, Clemens, Davis of Mississippi, Dawson, Dodge of Iowa, Downs, Felch, Jones, King, Mangum, Mason, Sebastian, Turney, Underwood, Wales, Walker, and Yulee—21.

So the bill was passed.

CONFERENCE ON MILITARY ACADEMY BILL.

Mr. DAVIS, of Mississippi, from the Committee of Conference on the part of the Senate, reported that they had met the Committee of Conference on the part of the House of Representatives, on the disagreeing vote on the amendment of the Senate to the bill making appropriations for the support of the Military Academy for the year ending the 30th of June, 1856, and that the committee, after full conference, had agreed to recommend to their respective Houses that the Senate do recede from their amendment.

The Senate proceeded to consider said report, and in concurrence therewith—

Resolved, That the Senate recede from their amendment.

THE CONTOY PRISONERS.

A message was received from the President of the United States, by Mr. M. P. FILLMORE, his Private Secretary, in compliance with a resolution of the Senate of the 17th ultimo, calling for all the correspondence between this Government and its Ministers with the Government of Spain, in relation to the prisoners captured near the Island of Contoy; and also the correspondence relating to any projected expedition to the Island of Cuba, covering a report of the Secretary of State, containing all the documents relating to the subject not heretofore communicated to Congress; which was read, laid on the table, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT of the Senate laid before the body the report of the Commissioner of Patents, being part No. 2 of his annual report for the year 1850, containing statistical and other information relating to agriculture.

On motion by Mr. BORLAND that the report be printed, the motion was referred to the Committee on Printing.

OVERFLOWED LANDS IN LOUISIANA.

On motion by Mr. DOWNS, the Senate proceeded, as in Committee of the Whole, to consider the bill to aid the State of Louisiana in reclaiming the overflowed lands therein, and for other purposes. The bill provides:

That to aid the State of Louisiana in preventing the overflow of the Mississippi river, and in reclaiming the overflowed lands therein, the whole of the lands remaining the property of the United States therein, unsold and undisposed of, shall be, and the same are hereby granted to the said State, to be disposed of as the Legislature of said State shall direct; the proceeds, so far as necessary, to be applied to the construction of the necessary levees, drains, &c., so as to carry out the object of this act.

SEC. 2. And be it further enacted, That before the grant hereby made shall be considered as complete, the Legislature of Louisiana shall provide, by an act to be passed by them for that purpose, for the final disposition of all claims of every kind which exist or have arisen under any treaty or law of the United States; and immediately on the passage of such an act, all the maps, plats, books, documents, and records pertaining to the land titles in that State, shall be turned over to the officer or officers appointed by the authority of the State to receive them: *Provided,* That this

nature, is neither taught by philosophy nor attested by experience. Prejudice against him, originating in error of opinion on this subject, has doubtless been a formidable obstacle in the way of his improvement; while, on the other hand, it is equally certain that his progress has been retarded by ill-conceived and misdirected efforts to hasten his advance.

It is even questionable whether the immense amounts paid to them in the way of annuities have not been, and are not now, all things considered, a curse to them rather than a blessing. Certain it is, there has not at all times been the most wise and beneficial application of their funds. To arouse the spirit of enterprise in the Indian, and bring him to realize the necessity of reliance upon himself in some industrial pursuit for his support and comfort, is generally, if not universally, the initiative step to his civilization, which he is often prevented from taking by the debasing influence of the annuity system. But the system is fastened upon us, and its attendant evils must be endured.

On the general subject of the civilization of the Indians, many and diversified opinions have been put forth; but, unfortunately, like the race to which they relate, they are too wild to be of much utility. The great question, How shall the Indians be civilized? yet remains without a satisfactory answer. The magnitude of the subject, and the manifold difficulties inseparably connected with it, seem to have bewildered the minds of those who have attempted to give it the most thorough investigation. The remark of the late Attorney General Legaré is not more striking than true, that "there is nothing in the whole compass of our laws so anomalous, so hard to bring within any precise definition or any logical and scientific arrangement of principles, as the relation in which the Indian stands towards this Government and those of the States." My own views are not sufficiently matured to justify me in undertaking to present them here. To do so would require elaborate detail, and swell this report beyond its proper limits. I therefore leave the subject for the present, remarking only that any plan for the civilization of our Indians will, in my judgment, be fatally defective if it do not provide, in the most efficient manner, first, for their concentration; secondly, for their domestication; and, thirdly, for their ultimate incorporation into the great body of our citizen population.

Respectfully submitted,

L. LEA, Commissioner.

Hon. A. H. H. STUART,
Secretary of the Interior.

Assaults on the Spanish Consul and other Spaniards at New Orleans.

Mr. Calderon to Acting Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

It has positively been announced in all the newspapers of this city, and those of this evening confirm the fact, that not only her Majesty's Consul in New Orleans, but also the editors of a Spanish journal published in that city called *La Union*, together with many peaceable Spaniards, have been brutally insulted. Herewith enclosed is the *Commercial Advertiser*, of this evening, containing an account of the occurrence.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has not yet received any authentic information of the affair, nor is it natural that he should, if, as it is said, her Majesty's Consul has taken refuge in a prison, or has become the victim of some criminal outrage.

The undersigned flatters himself with the hope that the rumor is false, or that it has been greatly exaggerated, for the diabolical purpose of inflaming the evil passions of men. The Federal Government, however, is no doubt in possession of reliable information on the subject.

But the undersigned would fail in the performance of his duty, in his own opinion, if in the present state of uncertainty he did not address himself to the Acting Secretary of State, as he now does, with a request that he will have the goodness to inform him of the truth, and, in case these rumored acts of violence should actually have been committed,

ted, to ask in the most urgent manner, in the name of civilization, of the law of nations, of treaty obligations, and of morality, that the Consul of her Catholic Majesty in New Orleans, and all Spaniards residing in the United States, be efficiently protected in their persons and property; and that due satisfaction may be secured both to the demands of justice and to the Spanish nation.

The undersigned repeats again that he still flatters himself that this is one of those innumerable falsehoods which evil-minded men have circulated with such unheard-of profusion in the hope of destroying those friendly relations which happily exist between the two countries, to the mutual advantage of both parties. Such is his earnest wish; such is his hope.

The undersigned avails himself of this occasion to renew to the Acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. W. S. DERRICK, Acting Secretary of State of the United States.

New York, August 26, 1851.

Acting Secretary of State to United States District Attorney at New Orleans.

DEPARTMENT OF STATE,

WASHINGTON, August 28, 1851.

SIR: I have the honor to transmit enclosed a copy of a dispatch from the Minister of Spain near this Government of the 26th instant, in which he invites attention to certain outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of New Orleans.

Allow me to request that you will immediately institute a strict inquiry into the truth of these representations, and if, upon investigation, they prove to be well-grounded, you will report the facts of the case to this Department, and take proper steps to vindicate the laws and bring the offenders to punishment.

I am, sir, very respectfully, your obedient servant,

WM. S. DERRICK,

Acting Secretary.

LOGAN HUNTON, Esq., United States District Attorney, New Orleans, Louisiana.

Mr. Calderon to Acting Secretary of State.

[TRANSLATION.]

SPANISH LEGATION IN WASHINGTON.

In addition to his note of the 26th instant, the undersigned Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, begs to enclose to the Acting Secretary of State of the United States a copy of a telegraphic communication which he received yesterday from her Majesty's Vice Consul at Mobile, confirming, in a certain degree, the accounts of the outrages committed in New Orleans against her Majesty's Consul for that port.

Upon this subject, as it shows that he had ample cause, and is still justified in asking, in the most urgent manner, that efficient measures may be adopted, the undersigned desires to call the attention of the Acting Secretary of State to the fact which he will already have learned from the journals of this city, viz: that but for the decided and timely interference of the local authorities of this place, it is probable that both her Majesty's Consul for this port and the editor of the *Cronica* would have likewise been the victims of some violent outrage.

Convinced, as the undersigned is, that the enlightened Government of the United States, and the upright Chief Magistrate at the head of it, will employ all the means necessary to check such abominable excesses, which they cannot but condemn with just indignation, he abstains from making any idle reflections, and renews to the Acting Secretary of State the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. Wm. S. DERRICK, Acting Secretary of State of the United States of America.

New York, August 29, 1851.

[COPY—BY TELEGRAPH.]

Dated WASHINGTON, August 28, 1851.

To Spanish Minister, care of Spanish Consul, 115 Leonard Street.

The Spanish Consul's office at New Orleans has

been entered and torn to pieces, and the Consul burnt in effigy, last night.

Spanish Consul at Mobile, August 22, 1851.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,

WASHINGTON, 30th August, 1851.

The undersigned, Acting Secretary of State of the United States, has the honor to acknowledge the receipt of the two notes which Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty near this Government, addressed to him on the 26th and 29th instant, inquiring of this Department whether official information of certain reports respecting outrages alleged to have been committed lately against the Spanish Consul, the editors of the *Union*, and many peaceable Spaniards in New Orleans, had reached this Department, and asking for efficient protection of the persons and property of those individuals. Possessing no official information respecting the outrages complained of in these communications, as having been committed in New Orleans, the undersigned hopes sincerely, with Mr. Calderon, that the reports which have been published in the journals of the day may prove to have been greatly exaggerated.

In the mean time, however, the undersigned has instructed the United States District Attorney at New Orleans to furnish this Department with a full statement of facts respecting these alleged acts of violence, and to prosecute any persons who may be found to have been engaged in them.

The undersigned avails himself of this occasion to renew to Mr. Calderon the assurances of his distinguished consideration.

WM. S. DERRICK, Acting Secretary.

Acting Secretary of State to the United States District Attorney at New Orleans.

DEPARTMENT OF STATE,

WASHINGTON, 1st September, 1851.

SIR: Referring to the letter addressed to you from this Department on the 28th ultimo, relative to alleged acts of violence upon the Consul of her Catholic Majesty and other Spanish residents of New Orleans, I have to request that you will, in prosecuting your inquiries, endeavor to ascertain with all practicable accuracy what amount of pecuniary loss or damage Mr. Laborde may have sustained in the attack upon him by the mob of that city, and communicate the particulars to this Department without unnecessary delay.

I am, sir, respectfully, your obedient servant,

WM. S. DERRICK, Acting Secretary.

LOGAN HUNTON, Esq., United States Attorney for the Eastern District of Louisiana, New Orleans.

Mr. Calderon to the Acting Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, proceeds to place in the hands of the Acting Secretary of State the accompanying narrative of the violent outrages which have been inflicted upon her Majesty's Consul at New Orleans, and upon several peaceful and industrious Spaniards residing in that city.

This narrative has been compiled by the undersigned from the various accounts which have been forwarded by said Consul, who, finding it impossible freely to perform the functions of his office, and in view of the risk he has undergone, and would still undergo, of jeopardizing his life, has been compelled to abandon his post, recommending all Spanish subjects to the protection of the French and English consuls, as it appears from the annexed copies.

From this narrative we gather that the unheard-of crime of sending, without hindrance, an armed expedition of considerable strength from New Orleans to take possession of her Catholic Majesty's territory in the midst of peace, laying waste her property and killing her subjects, has been aggravated, if such a thing be possible, by subsequent atrocities.

Her Majesty's Consul has been assaulted, his place of business forcibly entered, the effects belonging to him destroyed, his life threatened, and the sign of his office torn down, and carried away

32D CONG....1ST SESS.

Assaults on the Spanish Consul, &c.

SENATE & HO. OF REPS..

in triumph to Lafayette square, where, in the midst of rude jests, it was publicly burnt, together with the Spanish flag; and, as if such disorderly acts had not been sufficient, they have taken away the official papers of the consulate, and it is credibly rumored that the same will be published. Personal attacks were also made upon several Spaniards, as well as upon the Consul, and their respective houses plundered; all of which is proved by the annexed list.

The undersigned feels persuaded that the noble President Fillmore deplores and highly disapproves of these excesses, and that his enlightened Cabinet, and all the good men of the Republic, cannot do otherwise than to condemn the same as well as his Excellency.

In the mean while, however, the hostilities and bloody acts of violence committed on Spanish territory, the insult offered to the dignity of her Catholic Majesty in the person of her Consul; the robbery of her archives, the trampling on the rights of her subjects, and the plundering the latter of their property, have placed the relations between Spain and the United States in the most melancholy condition.

For this reason the undersigned, in compliance with the sacred dictates of duty, appeals again to the most excellent President, as bound to see that the treaty stipulations with Spain are faithfully carried out, and to protect the Spanish residents in the United States under the guarantee of those treaty stipulations and of the laws, for the purpose of asking once more not only for just satisfaction for the above-mentioned insults and acts of hostility, with a corresponding indemnification for the damages and injuries inflicted upon her Catholic Majesty's subjects, but also for the adoption of the most efficient measures, in order that Spain may rest secure that such scenes will not be repeated.

The undersigned renews to the Acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

NEW YORK, September 5, 1851.

[TRANSLATION ENCLOSED IN THE ABOVE.]

SPANISH LEGATION IN WASHINGTON.

A narrative of the outrages committed in New Orleans upon the persons and properties of her Catholic Majesty's Consul in that city, and of several other Spaniards:

On the arrival of the steamer *Crescent City*, on the 21st of last August, at eight o'clock in the morning, the daily press began to excite the angry passions of the people, and fully succeeded in that iniquitous purpose.

A numerous crowd, exasperated by the falsehoods which said press had knowingly circulated, and by inflammatory harangues, started for the office of a Spanish newspaper published in New Orleans called *La Union*, and destroyed it completely, the editor having only saved his life at the entreaties of his wife and children.

The mob, having divided itself into groups, started in the direction of various establishments belonging to Spaniards, (a list of which is herewith enclosed,) and proceeded to demolish them all, some being more or less injured than others, merely because the property belonged to Spaniards.

In their mad fury they called at the house of her Majesty's Consul, which they entered, demolished whatever they happened to meet with; seized his papers and books of entry, and tore down the sign of the consulate and the national flag, which they afterwards carried in triumph to Lafayette square, where they were cut and broken into fragments, and burnt up.

The sign of the consulate was torn down by the Recorder of the First Municipality, as it is stated, with a view of thus appeasing the anger of the crowd, by gratifying their wishes so far.

Her Majesty's Consul, Don J. J. Laborde, being compelled to yield to the representations of the Recorder and Mayor of the First Municipality, who assured him that he was endangering his life, concealed himself, and presently took refuge in the house of a friend.

With a view of continuing to inflame the evil passions of men, and to keep such passions in a

constant state of fermentation, "the press was induced (these are the Consul's own words) to follow in the same strain, by representing in its leading articles the exasperated condition of the public mind as having been produced by the indirect conduct of several Spaniards; boastful and elated at the triumph obtained over the pirates. So great a falsehood was never put in circulation before."

In such a conflict the Consul, who found himself abandoned by all the authorities, sought in vain to find the Governor of the State. His Excellency was, as usual, out of the city.

"I undertook afterwards (continues the Consul) to induce the Mayor and Recorder to do something, as those officials had previously entreated me to interpose my influence with the editors of *La Union*, in order that they might be moderate in their remarks in the number of their paper which was to be issued on the 23d, requesting me shortly afterwards that I would persuade the aforesaid editors not to publish their paper for some days; all of which I guaranteed should be done, in order to restore the tranquillity about which so much anxiety was felt. I did not on this account, however, succeed in inducing these local authorities to adopt such measures as would have evinced on their part a desire to restrain those who were ready, as it was known, to commit a thousand atrocities. The calling out the troops for the preservation of order was evaded in various ways. I was informed that the greatest portion of them partook largely of the same sentiments, and that they were not therefore to be trusted.

"The troops under General Twiggs, stationed at a short distance from this city, had become useless, inasmuch as their commander was temporarily absent in the bay of St. Louis; and, even though he had been here, he would have turned a deaf ear to my most pressing request."

Thus forsaken by those who should have protected him, and left to the mercy of a ferocious rabble, the Consul adopted the only alternative which was left to him. He ceased to perform the functions of his office, and committed the property and persons of Spanish subjects to the care and protection of the British and French Consuls, in the terms specified in copy A of a communication which he addressed to them; which fact was brought to the knowledge of our countrymen by the notice as contained in copy B.

Having taken refuge in the house of a friend, situated thirty-three miles from the city, the Consul was about to repair to Havana, where he is probably at present.

And what else could he have done? He says, and very justly, as a great portion of the papers belonging to the consulate are in the possession of several of the rioters, and it is rumored that said papers will be published, springing thus a source of irritation to the families and friends of those residing in this city who are implicated in favoring piratical expeditions, it is not to be wondered at, I repeat, if the mob, on being again inflamed, should proceed to the perpetration of fresh outrages.

The Consul encloses the following list of the houses which have been plundered:

Consulate of her Catholic Majesty completely destroyed, without a vestige being left of its archives.

Printing office of the newspaper *La Union* completely destroyed.

Coffee-house, called Jenny Lind, razed to the ground.

Coffee-house of Señor Albeio not entirely destroyed.

Coffee-house of Don Antonio Rovira not entirely destroyed.

Coffee-house of Don N. M. Beltram completely demolished.

Coffee-house of Don Juan Carbo totally destroyed.

Two other coffee-houses, the owners of which names I know not, destroyed.

Tobacco store of Don A. Hernandez completely destroyed, and its valuable contents stolen.

Tobacco store called "La Corina," belonging to Don Francisco Romagosa, entirely destroyed.

Tobacco store of Don Y. M. Caballero completely destroyed; with many other establishments which have suffered little, in consequence of va-

rious means adopted by their owners for the preservation of the same, some calling themselves American citizens, and others by simply hoisting the flag of this Republic, without saying anything.

A. CALDERON DE LA BARCA.

NEW YORK, September 5, 1851.

A.—TRANSLATION.

The events of yesterday, of which you will have been informed, compel me to resort to the only expedient which is left me, in the very painful position in which I am placed. Relying, as I am bound to do, upon the well-known sympathy, nobleness, and generosity of the valiant English [French] nation, of whose Government you are the worthy representative at this port, I place under the magnanimous protection of the illustrious flag of her Britannic Majesty [of the republic] all the Spanish subjects of her Catholic Majesty, expecting that my request will be well received by you, which will secure you the blessings of those who at present consider themselves without protection.

I hope that, should you think it proper, as I think it is, in order that those who are to be protected by you may be apprised of the fact, you will cause my request to be published in any papers which you may select to that effect.

May God preserve you for many years.

NEW ORLEANS, August 22, 1851.

JUAN IGNACIO LABORDE Y TRUEDA.

Consul ad interim of her Majesty.

Her Britannic Majesty's Consul, present.

The same, with the alterations in [], to the Consul of the French Republic, present.

B.—TRANSLATION.

To Spanish subjects and Merchants in general:

Until I receive instructions from the most excellent Minister of her Catholic Majesty in Washington, and while the consulate under my charge continues closed, it is my duty to give notice to all Spanish subjects that I place their persons and their property under the protection of the authorities of the country, and of the representatives in this city of those nations which are allied to the Government of her Catholic Majesty, and to apprise merchants, generally, that all matters connected with the duties of my office will be attended to and disposed of, without distinction, by her Britannic Majesty's Consul, and the Consul of the French Republic, residing in this city.

NEW ORLEANS, August 23, 1851.

(Signed) JUAN IGNACIO LABORDE.

Acting District Attorney of the United States at New Orleans to Acting Secretary of State.

NEW ORLEANS, September 25, 1851.

SIR: After a delay which I have found unavoidable, but for which I beg to express my regrets, I proceed to submit, in reply to your letters of the 28th ultimo and 1st instant, such particulars in respect to the outrages which were committed upon the Spanish Consul and other Spanish residents of this city, on the 21st August last, as I have been able to ascertain.

In order to obtain the most full and authentic information in regard to the origin and extent of the riots which took place on that day, as well as the measures which were adopted by the public authorities for their suppression, I addressed a letter to the Hon. A. D. Crossman, Mayor of the city, and I enclose herewith his reply, and also copies furnished by him of the several orders issued from his office during the existence of the excitement, and of his message to the council of the Second Municipality under the date of the 26th ultimo.

These documents furnish a general history of what occurred: but your inquiries in relation to the Spanish Consul call for a more particular statement, and compel me to refer to circumstances which preceded, and perhaps may serve to explain the attack upon his office.

Mr. Brincio, the Secretary of the Spanish Consul, who arrived in the Empire City from Havana on the 21st August, had in his charge the letters from the prisoners executed in Havana to their friends in this country. He had been directed by the Captain General of Cuba, as I am informed,

to deliver the letters addressed to parties in this city personally, if practicable, and to deposit the others in the post office. It was soon made known that the letters were in his possession, and many of the parties to whom letters were directed called at the Consul's office and received them; but the report got into circulation in course of the morning that the letters were improperly detained at the Consul's office, instead of being deposited, as usual, in the post office, and even that the Consul had refused to deliver them. Perhaps the rumor grew out of a misconception of the conduct of the Secretary, who had declined to deliver the letters to any other than the parties to whom they were addressed, when the parties themselves were known to be in the city. It is proper to state, that as he was informed of the misunderstanding and ill-feeling which had been occasioned, he immediately deposited all the letters remaining in his hands in the post office, and took a receipt for them. I enclose a copy of the receipt, from which it appears that the letters were put into the post office at 3½ o'clock p. m.; but meanwhile the misrepresentations of the matter which had been circulated had served to excite some animosity against the Consul.

About 2½ o'clock p. m., an extra was issued from the office of *La Union*, which contained an abstract of the news from Havana, preceded by a few editorial remarks. It so happened that I was passing the office of *La Union* a few minutes before three o'clock p. m., and bought at the office a copy of the extra, which is herewith transmitted. At that time the press was at work. All was quiet in the neighborhood, and no apprehensions seemed to be entertained of any disturbance. It appears, however, that placards had been posted up during the morning of the 21st, threatening an attack on the office of that journal the ensuing night. Perhaps the publication of the extra precipitated the attack; but, be this as it may, between three and four o'clock p. m., and before the public authorities expected or were prepared to resist it, the attack was made, and all the presses and other furniture of the office completely destroyed. No violence or personal offence of any kind, so far as I can learn, was offered to any of the people employed about the establishment, and as soon as the destruction of the office had been accomplished the parties engaged in it dispersed. None of the police appear to have been present, and no arrests were made; but it is believed that few, if any, of the persons engaged in that business took part in the disturbances that afterwards occurred. A great and general excitement, however, was created by it throughout the city. Shortly afterwards a difficulty occurred in a cigar shop on the corner of St. Charles and Gravier streets.

I am inclined to believe that the affair was rather accidental than preconcerted, and that it was, in a great measure, induced by the folly of Gonzales himself, the proprietor or attendant of the shop. He is said to have been a very loyal subject of the Queen of Spain, and in the habit of speaking very freely and in strong language in relation to Cuban affairs. His shop, however, was the resort of many of that class of men, quite numerous in this city about that time, and known as "Fillibusters." They would call for "Fillibuster cigars," and Gonzales permitted himself to be irritated by it. He had been cautioned in a friendly way against his intemperate language and conduct on such occasions, and advised not to involve himself in an unnecessary quarrel. Quite an angry scene, however, took place in his shop on the morning of the 21st, and in the evening of that day, between four and five o'clock, an attack was made upon his establishment; but whether it was induced by the quarrel of the morning or by some new difficulty, I have not been able to learn. The police promptly interfered, and succeeded without much trouble in expelling the assailants, and in closing the doors of the shop, leaving Gonzales within. But the crowd, which, in the feverish state of the public mind, had quickly collected in considerable numbers, still lingered around the corner, and several citizens addressed them, urging them to respect the laws and preserve the peace. The excitement appeared to subside, and the people had already begun to disperse, when Gonzales removed the bars of one of the doors which had been fastened on the inside, and came out upon

the sidewalk in his shirt sleeves, with a knife in his hand, and threatened to kill any one who should attack him or his property. He was immediately assailed with stones and brickbats, when he rushed into the crowd, and began to cut right and left, till he forced his way through and fled towards the guard-house of the Second Municipality. He was pursued by the mob, but fortunately some policemen came out from the guard-house and rescued him from his pursuers. The attack upon his shop then recommenced, and all its contents were broken to pieces and thrown into the street. In the midst of the confusion and excitement thus renewed, a cry was raised for an attack on the office of the Spanish Consul, and the mob forthwith started off in that direction.

The Consul's office is on Bourbon street, near the corner of St. Louis street, in the First Municipality. Hon. Joseph Genois, the Recorder of the First Municipality, informs me that it was between five and six o'clock p. m. that he learned that a mob from the Second Municipality was threatening the Consul's office, and that he immediately repaired to the spot, accompanied by the captain of the watch and one or two policemen. He states that on his arrival he found the streets filled with people, the doors of the office broken open, and some seven or eight persons inside in the act of breaking the furniture; that he made his way into the office, and commanded the rioters to desist from further violence; and that, with some difficulty, he at length succeeded in inducing them to withdraw without having done any serious injury. They possessed themselves, however, of the Consul's "sign," with which they ran off, shouting and exulting, to the Lafayette square, in the Second Municipality, where a public meeting had been called for that evening, and had already begun to assemble, and there the sign was publicly burnt.

No arrest was made of any of the persons who had been found in the office. After the mob had withdrawn, the doors were closed and nailed up. No guard was placed over the office, but the police retired, or were called off to other scenes of disorder, without any apprehension, apparently, that the attack would be renewed. Within an hour afterwards the rioters returned, forced their way again into the office, without any interruption or hindrance, destroyed all the furniture of the office, threw the archives of the consulate into the street, defaced the portraits of the Queen of Spain and of the Captain General of Cuba, and tore the flag of Spain (which they found in the office) into pieces. All these outrages were committed upon the office of the Consul without any interference on the part of the police, (none of whom appear to have been present), and without the apprehension, as yet, of any of the offenders. Other disturbances took place during the night, and numerous arrests of the rioters were made; but, so far as I can learn, none of the persons concerned in the attack upon the Consul's office have been taken or identified. The value of the property destroyed at the Consul's office cannot be very great. The chief loss is that of the archives. A portion of them has since been recovered; but I fear the greater part is lost. The damage done to the property of individuals cannot yet be ascertained with certainty, but the estimates which I have heard for the value of the property destroyed in the Second Municipality at \$10,000 to \$20,000, and in the First Municipality at \$6,000 to \$7,000. No personal injury was suffered by the Consul or any one connected with his office. The story that he had fallen a victim to violence, or been compelled to fly for safety to the prison, was one of those falsehoods which, as his Excellency the Spanish Minister observes, have been scattered through the country with unheard-of profusion. It may be, (though I do not myself believe it,) that if he had fallen in the way of the rioters during the night of the 21st August, he might have been in some danger; but, after the excitement of that night was over, any notion that his stay in New Orleans would have been attended with personal danger is simply ridiculous. It is worthy of remark that the only person who suffered any injury whatever at the hands of the mob was Gonzales, who, in a great measure, was himself to blame for it. He has since been examined, on the complaint of one of the persons who was wounded by him, and he now stands committed

for trial before the criminal court. The temper of the mob was neither sanguinary, nor even strongly vindictive, and after the attack upon the Consul's office all the subsequent mischief was committed by parties the most of whom were recognized by the police as common vagrants and thieves, who probably had no other object in view than plunder. It is rumored also that among them were some natives of Cuba, who took advantage of the opportunity to instigate the rioters against their fellow-countrymen of Old Spain.

The riots doubtless are to be ascribed to the exasperation excited by the news from Cuba. It was a sudden outbreak for which the public authorities were not prepared, and which the citizens did not immediately rally to resist; but it is a significant fact that in no instance where the police made the attempt, did they fail to check the rioters; that in no case was any violent resistance opposed to them, nor was any effort even made to rescue parties which they arrested.

I am, sir, very respectfully, your obedient servant,
E. A. BRADFORD.
Hon. Wm. S. DERRICK,
Acting Secretary of State.

[ENCLOSURES IN THE ABOVE DISPATCH

From Mr. Hunton to Hon. A. D. Crossman
U. S. DISTRICT ATTORNEY'S OFFICE,
NEW ORLEANS, September 8, 1851. }

SIR: I have been instructed to institute an inquiry in respect to the outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of this city, and to report the facts of the case to the Department of State, at Washington.

As I desire, in furtherance of the views of the Government, to obtain the most full and authentic information, I beg leave to apply to you for such a statement of the facts connected with the outrages referred to as it may be in your power to furnish.

I am, very respectfully, your obedient servant,
LOGAN HUNTON,
by E. A. BRADFORD.

Hon. A. D. CROSSMAN.

From Mr. Crossman to Mr. Hunton.
MAYORATEY OF NEW ORLEANS, }
September 18, 1851. }

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, in which you desire to obtain information "relative to the outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of this city," for the purpose of reporting the same to the Department of State at Washington.

Confining myself strictly to the facts of the case, I would state, in reply, that, at an early hour on the morning of the 21st ultimo, the steamship *Empire City* arrived here, bringing the melancholy intelligence of the execution at Havana of a portion of Crittenden's command, comprising fifty-one American citizens. This heart-rending news was confirmed by the correspondents of the press of this city, who at the same time accompanied their narrative by a recital of the most revolting and barbarous indignities committed on the bodies of those unfortunate men after they had been shot. These advices spread like wildfire through the city, and aroused the entire community to the highest pitch of excitement and exasperation. Notwithstanding the universal sympathies of our population, I did not, however, for a moment apprehend that any outrage would have been committed on persons or property, until about two o'clock, when I ascertained that some written placards had been stuck up, containing an inflammatory appeal to unite in destroying, during the night, the office of *La Union*, the Spanish paper of this city. This induced me at once to send for the Hon. Joseph Genois, Recorder of Municipality No. 1, for the purpose of communicating with him on the subject; and, after consultation, we deemed it advisable to call upon the Spanish Consul, with the object of persuading him to use all his influence with the editors of that paper to suspend its publication until the great excitement should have somewhat subsided. On reaching the office of the

32D CONG...1ST SESS.

Assaults on the Spanish Consul, &c.

SENATE & HO. OF REPS.

Consul he was not in; whereupon the Recorder and myself, after having explained the purport of our visit to the Consul's private secretary, left word that we would wait for him at the Mayor's office until three o'clock. A few minutes after the appointed time Mr. Laborde arrived, and, after representing to him the dangerous excitement which prevailed, and the probability that it might be quieted by an authorized announcement that *La Union* would suspend its issues for some time, he consented to use all his influence in carrying out our wishes, and actually gave the requisite instructions to that effect to his private secretary in our presence.

At that time I had not the slightest idea that any attack would have been made upon the Spanish Consul, and so expressed myself at the moment.

On leaving my office at four o'clock, in company with the honorable Recorder Genois and some other gentlemen, we were then apprized that the establishment of *La Union* had been destroyed. The persons who participated in this act of violence went determinedly and coolly to work, and, it must needs be confessed, were encouraged by the presence and openly-avowed sympathies of many citizens. Previously to this occurrence I had issued orders to the heads of police to muster all their available forces, and to increase them to any extent that might be demanded by the public safety.

In the mean while the excitement continued to grow, and at five o'clock a concerted attack was made on the cigar shop of a Spaniard in St. Charles street. The police, however, succeeded for a moment in arresting the disorder, at this point, only to break out, however, simultaneously and with renewed violence, in various other quarters. An immense demonstration was made on the establishment at the corner of Tchoupitoulas and Poydras streets, and on repairing thither I addressed the multitude, counseling them to preserve order and peace, and calling upon all good citizens to aid in suppressing the disorders. The crowd dispersed, promising to behave peaceably; but the riots broke out anew, and, indeed, so strongly were the sympathies of the community enlisted in the cause of the expedition, and so greatly were they incensed at the barbarities said to have been practiced in Havana, that for a moment the greater portion of the population was entirely disaffected, and the police were thus left to cope with the rioters without much assistance on the part of the citizens. So spontaneously also were the disturbances in various parts of the city, that it was impossible for the police to act with concert, and the same difficulty was experienced with the military, who turned out in very limited numbers only, and were not enabled to effect an organization until an advanced hour of the evening.

I was so much occupied in going over the entire extent of the city that it was nearly eight o'clock in the evening before I heard of the attack on the office of the Spanish Consul. It was not until twelve o'clock that the rioters were finally dispersed, after having broken open about a dozen coffee-houses and shops in different portions of the city.

I can assure you, however, from information I subsequently received, that not one fourth of the places which it was designed to attack were disturbed; and were it not for the very decided measures which I took for the preservation of the peace on the following day, and the hearty response made by the citizens to my proclamation calling upon them to aid the authorities in suppressing the turbulent proceedings, there would doubtless have been a renewal of those disgraceful occurrences which, for the fair fame of our city, I so deeply deplore.

I will also state that several citizens, who had been led to believe from various threats that their property was menaced with destruction, called upon me for assistance, and in every instance I took the necessary precautions to preserve them from being molested. I deem it proper to add that the only time I saw the Spanish Consul was during the brief interview with him in my office on the 21st, the particulars of which have already been set forth. The foregoing statement embraces a correct and faithful account of the proceeding which took place in this city on the 21st and 22d ultimo.

In connection with the above it may perhaps not be amiss to add that Mr. Mueson, the postmaster of this city, called on me between two and three o'clock on the 21st ultimo, and stated that he entertained some apprehensions that an attack would be made on the Union office during the night. He also remarked that Mr. De Buys, his deputy, had informed him that persons had called at the post office for letters which had been written to them by the unfortunate victims at Havana, and that he overheard some of them utter threats against the Spanish Consul for not having deposited the letters in the post office.

Finally, as a matter of reference, I beg to enclose a copy of an official communication which I sent into the Council of Municipality No. 2, in relation to the occurrences of the 21st and 22d ultimo. The strong language which I employed on the occasion had its origin in the concurrent accounts received by all the papers of this city from their various correspondents in Havana, reciting the mutilations and barbarities committed on the bodies after death.

In addition to the above details, I have deemed it proper, with the view of placing the State Department in possession of all the information touching on the subject, to enclose copies, numbered 1 to 9, of the various orders and directions issued from my office during the period of excitement.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, Mayor.

LOGAN HUNTON, U. S. District Attorney.

From Mr. Crossman to the Council of Municipality No. 2.

MATORALTY OF NEW ORLEANS,
August 26, 1851.

GENTLEMEN: On Thursday last our usually quiet city was thrown into the deepest agitation by the receipt of advices from Havana announcing the horrible massacre of a number of our citizens, coupled with details of the most revolting indignities and mutilations committed on their bodies. Commiseration for the untimely fate of so many gallant young men was for a moment absorbed in a universal expression of horror at the barbarous manner of their death, and it became evident that the recital of these cruel events had aroused the public mind to the highest pitch of excitement. Such being the state of affairs, and fearing that the natural indignation of the community might manifest itself in acts subversive of law and order, I gave directions in the forenoon to the heads of police to take the needful measures for the preservation of the public peace, by putting on such additional force as they might deem necessary.

Notwithstanding these precautionary steps, I deeply regret to state, for the fair fame of our city, that during the afternoon and night scenes of violence and disorder were committed, and the property of inoffensive citizens destroyed; and, although using every personal exertion to put a stop to these outbreaks, I feel compelled to add that my efforts, together with those of the police, were only partially successful. Indeed, so spontaneous was the movement on the part of the rioters, and such the suddenness with which tumultuous assemblages appeared in various parts of the city, that, in addition to the embarrassment occasioned by the lateness of the hour, the police officers found it extremely difficult to act with that degree of concert necessary to the prompt suppression of the disorders. Later, however, when the police had got fairly organized, it is due to state that they performed efficient service, and succeeded in arresting a considerable number of the rioters and restoring the public peace. Early in the evening, finding that the riots and outrages on property continued unchecked, I deemed it my duty to call upon the military to hold themselves in readiness at a moment's warning; and, on a given signal, to aid in repressing the tumults.

At eleven o'clock that night I issued a proclamation, calling upon all good citizens to aid the authorities in preserving the order, peace and dignity of the city, and on the following day I put forth another proclamation, inviting my fellow-citizens to enroll themselves as a special police for the purpose of

performing patrol duty. This call, I am happy to say, was promptly responded to by many of our most respected citizens, and it is with great pleasure that I thus publicly acknowledge the important services rendered by this volunteer corps in preserving the peace of the city, despite the great excitement which continued to prevail on Friday and Saturday; nor must I omit to mention the fact that many strangers now sojourning in the city came forward and tendered to me their services on Friday, for which disinterested offer they are entitled to the hearty thanks of the community. As there was reason to apprehend a renewal of the scenes of Thursday, I caused the military to remain under arms on Friday night; but feel deeply grateful in adding that no occasion was had for their services. Several citizens, who, in consequence of threats, had been led to believe that their property was menaced with destruction, applied to me for protection, and in every instance I gave immediate orders for the stationing of an extra force in their vicinity. Indeed, if any intention existed on the part of evil-minded persons to disturb the public peace on Friday, it was most effectually thwarted by the complete and extensive arrangements made by the authorities to put down disorder wherever it might manifest itself. These preparations have necessarily entailed some expense on the city, which will have to be met.

I cannot dismiss the subject without again expressing my sincere sorrow and regret that our city should have been made the scene of such disgraceful occurrences as took place on Thursday last. Conduct of this kind can admit of no palliation; and whilst I would not for a moment set up in justification of those excesses the excitement produced by the heart-rending news from Havana, knowing, as I do, that in a popular government it is all-essential that the laws be maintained, yet, on reviewing the causes out of which these disorganizing acts arose, I cannot but congratulate my fellow-citizens that these disreputable riots have terminated without bloodshed. In conclusion, allow me to express the hope that our city may never again be disgraced by such exhibitions as were unfortunately witnessed last Thursday. New Orleans has always been characterized by her love of order and her obedience to the laws, and every good citizen should do all in his power to maintain and preserve this reputation. No grievance, however insupportable, no outrage, however gross, can justify a resort to mob violence. An habitual disregard of the laws framed by the people for their own protection can only end in demoralization of the community.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, Mayor.

To the Hon. President and Members of Council of Municipality No. 2.

[Here follow copies of various communications of the Mayor of New Orleans, calling upon the civil and military officers to aid in preserving the peace. These papers consist of orders to the high constable; a request to the major general of the militia to order out the forces under his command; proclamations to the citizens; orders to the recorder to provide a night police; also, directing the same officer to detail a special police force to protect the office of the *True Delta* newspaper from apprehended violence; a list of the letters transmitted from Havana to the Spanish Consul and by him deposited in the city post office; and a card of the Mayor, formerly published in the *Picayune*, in which it denies the statement of one of its Havana correspondents, that the Mayor advised the Spanish Consul to leave the city in order to escape personal injury; on the contrary, the Mayor says that he distinctly informed the Consul that he need not apprehend the slightest danger to his person. All the orders of the Mayor to the police evince commendable promptitude and activity on the part of that officer to suppress the outbreak.]

Mr. Calderon to Acting Secretary of State.

[TRANSLATION.]

SPANISH LEGATION IN WASHINGTON.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, notified his Government, at the same time that he

addressed to the Government of the United States the reclamations contained in his notes of the 26th August and the 5th September last, respectively, in regard to the excesses which were committed in New Orleans after the piratical invasion of Bahia Honda.

The undersigned has just received a reply from her Majesty's Government expressive of the very deep grief it has experienced (as it was to be expected) in consequence of such ominous and abominable events. Nor has the Spanish Government felt less pain in seeing the futility of the numerous and constant efforts it had made with a view to prevent the catastrophe which has been witnessed in the Island of Cuba. It is certainly not its own fault if, turning a deaf ear to all its warnings, and persisting to disdain the voice of reason and of justice, a set of wicked agitators have succeeded in carrying into effect an undertaking which has been denounced at all times by every civilized nation, and which has been condemned beforehand by the enlightened public opinion of the country. Since the Cardenas expedition of last year, military preparations have been going on without interruption at various points of the Confederacy, keeping the Island of Cuba in a constant state of uneasiness, until finally the new attempt upon Bahia Honda was consummated, in spite of the repeated protests and constant reclamations.

And as if the scandal which the New Orleans agitators presented to the world, in sending piratical expeditions against a country from which not the least insult or provocation had been received, and with which the Government was entirely at peace—a peace guaranteed by solemn treaties, and preserved until this moment, through the medium of the most friendly intercourse—had not been sufficient, these and other agitators, in the phrensy of an unjust resentment, have committed, upon the territory of the United States, acts of violence which are of public notoriety, and which would not even have been justified under circumstances of an open state of war between the two Governments.

Apprised of all the facts, her Majesty's Government has ordered the undersigned to persist in asking, as he again asks, in the name of said Government, for full satisfaction for the aggravated insults committed upon the Spanish flag and upon her Majesty's Consul in New Orleans; and also, that the Spaniards residing in that city shall be indemnified for the losses they have sustained at the hands of an infuriated and licentious mob.

Her Majesty's Government has been likewise informed, and it does not deny the fact, how painful it has been to the illustrious President of the Republic to see his authority set at defiance, and the noble imperishable principles contained in his proclamation, on the 25th of last April, undervalued. His excellency, however, cannot fail likewise to acknowledge on his own part, and in the plenitude of his liberal sentiments, how impossible it is for Spain to put up with such outrages, which it has never tolerated before. If the excitement produced in the South and at other points by recent events has been tumultuous and far-spread, the sensation which has been caused in Spain has been equally deep, as well as unanimous among all classes and parties, with the public press and in private life, at Court as well as in the provinces. In the Island of Cuba there also exists an opinion on the subject which the Spanish Government is bound to respect, because it is at once just and honorable. And, in view of this expression of national sentiments, her Majesty's Government, whether optional with it or otherwise, could do no less than to sustain, at all hazards, the honor of the Castilian flag without stain, notwithstanding the unforeseen disasters and misfortunes through which the Spanish nation has had to pass for a long series of years—a nation which never shrinks from any species of sacrifice when it is a question of maintaining her honor and of vindicating her rights.

Her Majesty's Government has been gratified to observe that a respectable portion of the people of the United States have expressed themselves openly and resolutely against the criminal excesses committed in the South; and relying, moreover, upon the support which the Cabinet of Washington will meet from all good and sensible men, her Ma-

esty's Government hopes also that the former will succeed in suppressing and restraining all similar misbehaviors.

The undersigned has been instructed to inform the Government of the United States that the Captain General of the Island of Cuba has received positive orders from her Majesty's Government efficiently to protect the persons and property of all Anglo-Americans established there, because, with the same severity it has used towards the piratical invaders of Spanish territory, it would likewise punish all who should attempt to commit any offence against those respectable foreigners who reside there under the assurances of our good faith.

Her Majesty's Government fears, however, that, if these agitations and hostile designs should continue, the supreme authority of the Island might be placed in such circumstances as not to be able to avoid ordering all those who belong to the southern States out of it, and even to compel the United States Consul himself to quit, in case the Spanish Consul at New Orleans should not have received due satisfaction.

But this reparation, together with the indemnification due to those Spaniards who were deprived of their property by forcible means, have been verbally promised to the undersigned, who has communicated the fact to his Government. He has no doubt, therefore, but that he will soon receive an explicit reply from the Hon. J. J. Crittenden on the subject, which he earnestly requests; and he flatters himself with the hope that justice will shortly repair the injuries and excesses which have been caused by injustice, to the detriment of those friendly relations which existed between the two countries, to the mutual advantage of both parties, and which are suitable to both countries.

The undersigned renews to the Hon. J. J. Crittenden the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

WASHINGTON, October 13, 1851.

Hon. J. J. CRITTENDEN, Acting Secretary of State of the United States.

Secretary of State to Don A. Calderon de la Barca.

DEPARTMENT OF STATE,

WASHINGTON, November 13, 1851.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Señor Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, of the 14th of last month, upon the subject of the excesses committed at New Orleans upon the house of the Spanish Consul, and also on the property of certain individuals, subjects of her Catholic Majesty.

Mr. Calderon has written and acted on this occasion, as well as on others growing out of similar occurrences, with his accustomed zeal, as well as with fidelity to his Government; and he has met, and will meet, on the part of that of the United States, an entire readiness to listen most respectfully to his representations, and to do all that honor, good faith, and the friendly relations subsisting between the United States and Spain may appear to demand.

The first rumor of the outrage at New Orleans induced the Government of the United States to take immediate steps to become acquainted with the particulars. It was regarded as a case in which the honor of the country was involved; and, as Mr. Calderon has already been informed by this Department, the Attorney of the United States for the district of Louisiana was instructed to cause inquiry to be made into the circumstances attending the occurrences, and report the same to this Department. The report of the District Attorney has been received, and a copy of it is now communicated to Mr. Calderon for his information. It is accompanied, as will be perceived, by a statement of the Mayor of the city of New Orleans, whose duty, as well as whose inclination, led him to make himself acquainted with everything which took place.

From these authentic sources of information, it appears that, on the morning of the 21st August, the steamer Crescent City arrived at New Orleans from Havana, with intelligence of the execution of the fifty persons who were captured near

the coast of Cuba. Mr. Brincio, the secretary of the Spanish Consul, was a passenger in the steamer, and was understood to have been intrusted by the Captain General with letters written by the persons who were afterwards executed, to their friends in the United States. Instead of putting these letters into the post office at once, on his arrival, he retained them, as was alleged. This occasioned an impression that he acted with great impropriety, and a report became current that the Consul had refused to deliver the letters when requested. Written placards were accordingly posted up in the city, threatening an attack on the office of the Spanish newspaper called *La Union* during the ensuing night. This attack was probably precipitated by an extra sheet, issued from the office of that paper at half-past two o'clock in the afternoon, giving an account of the execution of the fifty persons at Havana; and the attack was made between three and four o'clock the same afternoon, and before the public authorities were, or could be, prepared to prevent it. During the attack, however, no personal injury was offered to any one. Afterwards, attacks were made upon coffee-houses and cigar shops kept by Spaniards. Between five and six o'clock the same afternoon, Mr. Genois, the Recorder of the First Municipality, hearing that an assault was threatened on the Consul's office, situated in that municipality, repaired thither, accompanied by some of the police. He found the streets filled with people, the doors of the office broken open, and seven or eight persons in the act of breaking and destroying the furniture. He commanded the rioters to desist, and they withdrew, after obtaining possession of the Consul's sign, which they took to a public square and there burnt. After the departure of the mob the doors of the Consul's office were fastened up by the officers, and the police retired, not apprehending that the attack would be renewed. Within an hour, however, the rioters returned, forced their way into the office, destroyed all the remaining furniture, threw the archives into the street, defaced the portraits of the Queen of Spain and of the Captain General of Cuba, and tore in pieces the flag which they found in the office. This is believed to be a true account of everything material which took place.

The undersigned has now to say, that the Executive Government of the United States regards these outrages not only as unjustifiable, but as disgraceful acts, and a flagrant breach of duty and propriety; and that it disapproves them as seriously, and regrets them as deeply, as either Mr. Calderon or his Government can possibly do. The Spanish Consul was in this country discharging official duties, and protected not only by the principles of public and national law, but also by the express stipulations of treaties; and the undersigned is directed to give to Mr. Calderon, to be communicated to his Government, the President's assurance that these events have caused him great pain, and that he thinks a proper acknowledgment is due to her Catholic Majesty's Government. But the outrage, nevertheless, was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom are known to this Government; nor, so far as the Government is informed, to its officers or agents in New Orleans. And the undersigned is happy to assure Mr. Calderon that neither any officer or agent of the Government of the United States, high or low, nor any officer of the State of Louisiana, high or low, or of the municipal government of the city of New Orleans, took any part in the proceeding, so far as appears, or gave it any degree of countenance whatever. On the contrary, all these officers and agents, according to the authentic accounts of the mayor and district attorney, did all which the suddenness of the occasion would allow to prevent it.

The assembling of mobs happens in all countries; popular violence occasionally break out everywhere, setting law at defiance, trampling on the rights of citizens and private men, and sometimes on those of public officers, and the agents of foreign Governments, especially entitled to protection. In these cases the public faith and national honor require not only that such outrages should be disavowed, but also that the perpetrators of them should be punished whenever it is possible to bring them to justice; and, further, that full satisfaction should be made, in cases in which a

duty to that effect rests with the Government, according to the general principles of law, public faith, and the obligation of treaties. Mr. Calderon thinks that the enormity of this act of popular violence is heightened by its insult to the flag of Spain. The Government of the United States would earnestly deprecate any indignity offered in this country, in time of peace, to the flag of a nation so ancient, so respectable, so renowned as Spain. No wonder that Mr. Calderon should be proud, and that all patriotic Spaniards of this generation should be proud, of that Castilian ensign which, in times past, has been reared so high and waved so often over fields of acknowledged and distinguished valor; and which has floated also, without stain, on all seas, and especially, in early days, on those seas which wash the shores of all the Indies. Mr. Calderon may be assured that the Government of the United States does not and cannot desire to witness the desecration or degradation of the national banner of his country. It appears, however, that in point of fact no flag was actually flying, or publicly exhibited, when the outrage took place; but this can make no difference in regard to the real nature of the offence or its enormity.

The persons composing the mob knew that they were offering insult and injury to an officer of her Catholic Majesty, residing in the United States under the sanction of laws and treaties, and therefore their conduct admits of no justification. Nevertheless, Mr. Calderon and his Government are aware that recent intelligence had then been received from Havana not a little calculated to excite popular feeling in a great city, and to lead to popular excesses. If this be no justification, as it certainly is none, it may still be taken into view, and regarded as showing that the outrage, however flagrant, was committed in the heat of blood, and not in pursuance of any predetermined plan or purpose of injury or insult.

The people of the United States are accustomed, in all cases of alleged crime, to slow and cautious investigation and deliberate trial before sentence of condemnation is passed, however apparent or however enormous the imputed offence may be. No wonder, therefore, that the information of the execution, so soon after their arrest, of the persons above referred to, most of whom were known in New Orleans, and who were taken, not in Cuba, but at sea endeavoring to escape from the Island, should have produced a belief, however erroneous, that they had been executed without any trial whatever, and caused an excitement in the city, the outbreak of which the public authorities were unable for the moment to prevent or control.

Mr. Calderon expresses the opinion, that not only ought indemnification to be made to Mr. Laborde, her Catholic Majesty's Consul, for injury and loss of property; but that reparation is due also from the Government of the United States to those Spaniards residing in New Orleans whose property was injured or destroyed by the mob, and intimates that such reparation has been verbally promised to him. The undersigned sincerely regrets that any misapprehension should have grown up out of any conversation between Mr. Calderon and officers of this Government on this unfortunate and unpleasant affair; but, while this Government has manifested a willingness and determination to perform every duty which one friendly nation has a right to expect from another in cases of this kind, it supposes that the rights of the Spanish Consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens, and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is afforded to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause; and these private individuals, subjects of her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws, and the same administration of law, as native-born citizens of this country. They have, in fact, some advantages over citizens of the State in which they happen to be, inasmuch as they are enabled, until they be-

come citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the United States, or the State courts, at their election. The President is of opinion, as already stated, that, for obvious reasons, the case of the Consul is different, and that the Government of the United States should provide for Mr. Laborde a just indemnity; and a recommendation to that effect will be laid before Congress at an early period of its approaching session. This is all which it is in his power to do. The case may be a new one; but the President, being of opinion that Mr. Laborde ought to be indemnified, has not thought it necessary to search for precedents.

In conclusion, the undersigned has to say that if Mr. Laborde shall return to his post, or any other Consul for New Orleans shall be appointed by her Catholic Majesty's Government, the officers of this Government resident in that city will be instructed to receive and treat him with courtesy, and with a national salute to the flag of his ship if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him and to his Government the sense entertained by the Government of the United States of the gross injustice done to his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign State with which the United States are, and wish ever to remain, on terms of the most respectful and pacific intercourse.

The undersigned avails himself of this occasion to offer to Mr. Calderon renewed assurances of his distinguished consideration.

DANIEL WEBSTER.

Mr. Calderon to the Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from her Catholic Majesty, has the honor to acknowledge the receipt of the note addressed to him by the Hon. Daniel Webster, Secretary of State of the United States, dated the 13th instant, in answer to the communication of the undersigned dated the 14th ultimo.

The undersigned will lose no time in bringing this document to the knowledge of his Government; and he entertains the confident hope that Mr. Webster's note, both as regards its substance and as regards the friendly spirit in which it is conceived, will prove satisfactory to the Queen's Government, and will not fail to have the effect of reestablishing those friendly relations which have so long and so happily subsisted between her Majesty's Government and the Government of the United States upon that accustomed footing of cordiality which it has ever been the earnest desire, as well as the duty of the undersigned to see maintained between the two nations.

The undersigned avails himself of this opportunity to renew to the Hon. Daniel Webster the assurances of his high consideration.

A. CALDERON DE LA BARCA.

WASHINGTON, November 11, 1851.

Documents relative to the Americans who were taken Prisoners and sent to Spain.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,

WASHINGTON, September 6, 1851.

It having been announced, both by telegraph and in the newspapers of this date, that Lopez has been captured and executed, and that one hundred and fifty-five men under his command have been arrested, the undersigned, Acting Secretary of State of the United States, has the honor of addressing himself to his excellency Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, for the purpose of ascertaining from him whether he is possessed of any certain information on the subject, and in that event to beg that he will be pleased to communicate the same to this Department.

In the event of these facts, relative to the execution of Lopez and the seizure of his command, being true, as generally stated, the undersigned avails himself of this opportunity to submit the following remarks to his excellency Don A. Calderon de la Barca:

During the several hostile attempts which have been made upon the Island of Cuba, the Government of the United States has never hesitated to pursue the course which was pointed out to it by the stern dictates of duty, whether in putting forth all its executive energies to prevent any violation of existing laws, or to punish those of its officers who had failed to execute, or exhibited any criminal backwardness in the execution of such laws. In view of these considerations, and of the tragical antecedents connected with this last expedition; in view also of the peculiar state of excitement under which the popular mind is still laboring, consequent upon the summary proceedings against the party of Americans captured at Bahia Honda; the Government of the United States would be much gratified to learn that his excellency Mr. Calderon had used the influence of his high position in persuading the Governor General of Cuba to treat the unfortunate party of citizens of the United States reported to have lately been captured, with that leniency which so becomes a magnanimous conqueror, and which, as in this case, could not fail to strengthen the cause of her Majesty, by showing to the world that even in the midst of the most aggravating circumstances the Spanish authorities can listen to the voice of humanity, and appreciate the unhappy position of those misguided men who have been lured on to destruction by false representations. It may be said on the part of Spain that the summary execution of Mr. Crittenden's party was an indispensable act of policy, required by the exigency of the occasion, and necessary to deter others from making similar attempts in future; but any violence or undue austerity which may be pursued against the party of Americans lately captured would only tend to exasperate the public mind in this country. Now that the principal instigator of those outrages is out of the way, any harsh measures against these defenceless men would probably be made the plea for new commotions, and be represented as the unnecessary outpourings of a revengeful spirit; whereas, by a course of lenity and mercy, the storm of passions which at present rages in portions of this country might be appeased, and the asperities felt by those who have lost friends or relations by the first executions considerably softened down.

The undersigned begs Mr. Calderon distinctly to understand that no right is now claimed on the part of this Government to intervene officially with regard to this matter, but that the foregoing remarks are offered as simply embodying the private wishes of this Government, and as worthy the consideration of one so eminently humane and kindly disposed as her Catholic Majesty's representative in the United States.

The undersigned has the honor to renew to Mr. Calderon the assurances of his distinguished consideration.

W. S. DERRICK,
Acting Secretary.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,

WASHINGTON, 30th September, 1851.

SIR: The same spirit of humanity which dictated my note to you of the 26th instant, in favor of Robert M. Grider, now impels me to appeal once more to your good offices in behalf of another of the late Cuba expeditionists, J. C. Brigham, a youth of respectable family and a near relative of the Hon. S. W. Downs, United States Senator from the State of Louisiana, who, it appears, has personally addressed a communication to you upon the subject. I transmit a copy of his letter to this Department respecting his kinsman, of whose fate the family have so far received no certain intelligence.

In appealing to your own well-known kindness of heart, I know I do not appeal in vain, but I could most fervently wish that the Spanish Government might evince its moderation and its magnanimity by a spontaneous grant of pardon to the survivors of the Lopez expedition, together with a formal permission to the families of those who were executed, or who otherwise perished, to remove their remains, wherever they may be found in the Island, for interment in the United States.

Such an act on the part of Spain could not fail, in my opinion, to produce a most salutary effect at this moment in the United States, and it would

32D CONG.....1ST SESS.

The Cuba Expedition.

SENATE & HO. OF REPS.

assuredly receive the sanction of the civilized world.

I am, sir, with distinguished consideration, your obedient servant,

J. J. CRITTENDEN,

Acting Secretary of State.

Señor DON. A. CALDERON DE LA BARCA, &c.

Acting Secretary of State to Mr. Barringer.

DEPARTMENT OF STATE,
WASHINGTON, 6th October, 1851.

SIR: At the request of Mr. B. F. De Bow, of Charleston, South Carolina, I transmit a letter which is addressed to you, but sent hither by him open for my perusal, and a copy of his communication to this Department, of the 27th ultimo, respecting his brother-in-law, Edwin L. Bell, one of the Cuban expeditionists. I cannot hesitate to comply with Mr. De Bow's wishes, and I cordially join him in soliciting, as an act of humanity, your unofficial intercession with the Spanish Government in favor of this young man.

Sir, I would go further: I would ask you to exercise whatever personal and private influence you may possess, and to use it in whatever manner you may think most likely to command success with her Majesty the Queen of Spain, in behalf of all the survivors of the late Lopez expedition. I do not intend to give you formal and official instructions or orders on this delicate and painful subject; but I cannot go far wrong in requesting you, as an American, to do anything you can, informally, to procure the pardon and release of those of your unfortunate countrymen who have been sent prisoners from Cuba to Spain.

I have lately had occasion to make applications to Mr. Calderon de la Barca, the excellent and humane Minister of her Majesty near the Government of the United States, to enlist his kind offices in favor of particular individuals in the late expedition, who have, like young Bell, been sent to Spain; and I now transmit, for your information, a copy of one of these notes, which is dated the 30th ultimo, in which I availed myself of the opportunity to express my fervent wish that the Spanish Government might come to the determination of pardoning the whole of those unfortunate persons; adding also, what I firmly believed, that an act of clemency and grace like this, on the part of her Majesty, could not fail to be attended by the most salutary consequences at this moment in the United States, and that it would certainly receive the sanction of the civilized world.

I also send for your information a copy of a dispatch which I thought it proper to address to Mr. A. F. Owen, the Consul of the United States at Havana, on the subject of obtaining permission for the families of the deceased to remove to the United States the remains of those of the late Lopez expedition who were executed or who otherwise perished in Cuba. I transmit at the same time another dispatch from this Department to Mr. Owen, dated the 29th ultimo. The Consul has been instructed to furnish to his Government ample and exact information in regard to the recent tragic events which took place in the Island. You will, of course, not fail to communicate all the information within your reach which may have any bearing on the same subject, and especially in relation to those Americans who have been sent, or who may hereafter be sent, as criminals to Spain. Their families and friends, I may say the whole American people, are interested in their fate.

Your dispatches to No. 57, inclusive, have been received at this Department.

I am, sir, respectfully, your obedient servant,

J. J. CRITTENDEN, *Acting Secretary.*

D. M. BARRINGER, Esq., &c., *Madrid.*

Mr. Crittenden to Mr. Owen.

DEPARTMENT OF STATE, WASHINGTON,
September 29, 1851.

SIR: Frequent applications have been made, and others no doubt will be made, to the Department of State, praying for the interposition of the Government to enable the families of those who were lately executed in Havana to procure the mortal remains of their deceased relations for decent interment in their native land.

Those who make this appeal are amongst the most virtuous of our citizens, and their private

grief deserves and commands general respect and sympathy.

Having been just called by the President to assume the temporary charge of this Department, it becomes one of my first duties to call your special attention to the natural wishes on this subject of the parents, relatives, and friends of the Americans who, fatally connecting themselves with General Lopez in his late attempt on Cuba, were captured and shot at Havana.

Those who met this fate were mostly inexperienced youths, who have evidently been enticed and beguiled by false lures and misrepresentations; but it is not doubted that they were animated at the same time by impulses which, under proper circumstances, would have done them honor, and secured for them the approbation of the world.

They were unquestionably the dupes of Lopez, a Spanish subject, and of other individuals, whose motives this is not the time, nor indeed have I the disposition, to criticise. The lives of these victims have atoned for all the follies they committed, and the royal authority of Spain, against whom all their acts were aimed, has exercised a terrible retribution upon the invaders.

The most of the victims we know were very young, and I venture to declare my own conviction that they had not the remotest idea of the crime they were committing, but were influenced rather by a misguided enthusiasm for liberty than by any criminal motive. Had they indeed comprehended the cruel deceptions really practised upon them, and which many of them discovered only when it was too late, they never would have embarked in the ill-fated, the criminal enterprise, the catastrophe of which has rendered necessary this appeal from their surviving families.

I will no longer dwell on those melancholy events; my principal object in calling your attention to the subject at all being to request you to receive with kindness all those persons who may visit Havana on this sad business, and to furnish them with every facility, private, and official, that will aid them in performing the mournful duty that carries them thither.

I do not permit myself for a moment to suppose that the Colonial Government will consider these wishes, or any efforts you may be pleased to make to effect their accomplishment, as either offensive or improper. Their indignation against the late invaders of Cuba, I trust and believe, is now buried in that untimely grave to which our gallant but deluded fellow-citizens have been doomed. Their mouldering bones have long since ceased to be fit objects of resentment.

I am, sir, &c.,

J. J. CRITTENDEN, *Acting Secretary.*

A. F. OWEN, *United States Consul, Havana.*

Mr. Derrick to Mr. Owen.

DEPARTMENT OF STATE,
WASHINGTON, September 29, 1851.

SIR: I am directed by the President to instruct you to prepare and send to this Department a full and detailed account of the occurrences connected with the late invasion of Cuba by a body of men from the United States; and particularly to furnish all the information in your power concerning the capture, trial, and execution of one part of that body, and the capture, trial, and detention of the remaining part. The President is desirous of ascertaining the fate of those who may now be held in captivity; whether they are still in Cuba, or have been sent elsewhere, and what has been or may now be their treatment from the local authorities. It is reported in the public papers that a number of these men have been sent to Spain. If these reports are correct, you will please state under what circumstances they were sent thither; whether they had been tried and condemned in Cuba, and if so, to what punishment; or if they were transported for the purpose of undergoing trial; and if the former, if it be practicable to do so, you will transmit copies of the judicial proceedings which were had on the occasion.

The President is especially anxious to receive a fuller statement than you have yet given of your own course of proceeding during these occurrences. He trusts that nothing was omitted on your part, in your official character, to secure to these men such privileges as, influenced by motives of hu-

manity and magnanimity, the Captain General might be willing to extend to them; and that in your private intercourse you afforded them all the attention and sympathy of which their condition was susceptible, and which, from the relation you bore to them as a fellow-citizen, they had a right to expect and to receive from you.

The President has felt himself much embarrassed for the want of that precise and authentic information which is now invited, and which was confidently expected from you, concerning the recent events in Cuba, and respecting the deluded and misguided men, who, following the impulses of an ill-directed enthusiasm, have suffered such heavy afflictions as to have awakened the sympathies of their Government and country in their fate.

Enclosed is a duplicate of the letter addressed to you on the 1st instant. I am, sir, &c.,

W. S. DERRICK, *Acting Secretary.*

A. F. OWEN, Esq.,

Consul of the United States, Havana.

Secretary of State to Mr. Barringer.

DEPARTMENT OF STATE,
WASHINGTON, October 29, 1851.

SIR: I transmit a copy of a communication addressed, on the 14th instant, to this Department by P. Hamilton, Esq., the United States District Attorney at Mobile, and the petition to the Queen of Spain which came enclosed, signed by a considerable number of citizens of Alabama, soliciting the clemency of her Majesty towards the Americans lately captured in Cuba and sent to Spain.

The President wishes you to lose no time, after the receipt of this dispatch, in ascertaining, through the Minister of Foreign Relations of Spain, whether her Majesty will receive this petition, and if so, in what manner it will be most agreeable to her that it should be presented.

You may inform the Minister that although the people as well as the Government of the United States entirely condemn the late attempt upon the Island of Cuba, both would be greatly gratified to learn that her Majesty had been pleased to listen to the voice of mercy, and to extend her sovereign grace to the unfortunate Americans who were misled and induced by Lopez and the other confederates of his designs to participate in that criminal and ill-fated expedition.

I am, sir, respectfully, your obedient servant,

DANIEL WEBSTER.

D. M. BARRINGER, Esq., *Madrid.*

Mr. Webster to Mr. Barringer.

DEPARTMENT OF STATE, WASHINGTON,
November 26, 1851.

SIR: Your dispatches to No. 64, inclusive, have been received. I am happy to inform you that the complaints of her Catholic Majesty's Government, respecting insults to the Spanish Consul and flag, by a mob at New Orleans, and other acts of violence against the property of her subjects in this country, all occasioned by the excitement growing out of the late invasion of Cuba, and its incidents and consequences, have been made the subject of a correspondence between this Department and Mr. Calderon, her Majesty's Minister here. A copy of this correspondence is herewith transmitted to you, by which you will perceive that those complaints have been met by the Government of the United States in a manner satisfactory to the representative of Spain. Her Catholic Majesty's Government must be too just to suppose for a moment either that the Government of the United States has connived at the several invasions of Cuba, by persons proceeding from our ports, or that anything within the power of the Government has been omitted for preventing those invasions, and for punishing those concerned in them. It has now been many months that these hostile designs against Cuba have occupied the attention of the Government of the United States, from week to week and from day to day. The most zealous efforts have been made to bring to condign punishment all who have been disposed to violate the laws of their own country, by making war upon a Spanish possession. Her Catholic Majesty's Government is quite well aware that the principal

instigator of this criminal invasion of Cuba, and leader of the expedition, was one of her Majesty's subjects, who came to this country and abused its hospitality by inducing American citizens, mostly young and ill-informed persons, to embark in his cause and follow his standard. There is good reason to believe that but for his agency, and that of other Spaniards who had come to the country, no expedition against Cuba would ever have been set on foot. The policy of the United States is the policy of peace, until there shall arise just cause of war. The colonies of Spain are near to our own shores. Our commerce with them is large and important, and the records of the diplomatic intercourse between the two countries will manifest to her Catholic Majesty's Government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from her Majesty's Crown. If there is one among the existing Governments of the civilized world which for a long course of years has diligently sought to maintain amicable relations with Spain, it is the Government of the United States. Not only does the correspondence between the two Governments show this, but the same truth is established by the history of the legislation of the country and the general course of the Executive Government. In this recent invasion Lopez and his fellow-subjects in the United States succeeded in deluding a few hundred men, by a long-continued and systematic misrepresentation of the political condition of the island, and of the wishes of its inhabitants. And it is not for the purpose of reviving unpleasant recollections that her Majesty's Government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violations of the law, these authors of gross violence towards the citizens of this Republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our Navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti.

All this is not said for the purpose of making or renewing complaints, either of the violation of treaty obligations or of unjustifiable remissness against the Government of Spain or the authorities of the islands. But it may be brought to the notice of the Spanish Government as one of the consequences which may sometimes flow from the conduct of men disposed to carry on criminal enterprises, and favored, in the execution of such enterprises, by the contiguity of the possessions of the two Governments. The Spanish islands lie near the coast of America, and the use of steam has rendered the passage from one to the other short; but while this facilitates the accomplishment of the purposes of wrong-doers, on the other hand it augments the means of Government to pursue, overtake, and disperse them, or bring them to proper trial and punishment. In truth, steam has greatly increased the proximity between Cuba and the United States. We have become much nearer neighbors than formerly, and the duty which this new state of things devolves on both Governments is to keep a closer and stricter watch on their subjects and citizens respectively, in order that no violation of treaty obligations, and no interruption of the peace and amity existing between the two Governments, may take place. And this duty will be performed on the part of the United States diligently and faithfully, in the true spirit of treaties as well as in the proper execution of the laws. You are at liberty to communicate these observations to the Government of her Catholic Majesty.

I have now to call your attention to another subject of much interest. We have learned that a hundred and sixty-two of the persons captured on the island of Cuba, as having constituted a part of Lopez's forces, have been sent to Spain. We have no official information respecting their trial or sentence, or of their subsequent destination, but it is generally reported that they have been or are to be sent to the mines. The Government of the

United States has admitted that these violators, both of the law of nations and of the laws of their own country, have no legal claim for its protection. Yet they are men, and most of them ignorant or deluded men. It cannot be denied that they are, as such, objects of compassion; and I think I may say that severe punishment inflicted on so many persons for an attempt which has ended in a failure so signal, and for an offence which, however grave, has already been expiated by the lives of a majority of those who participated in it, might be regarded as inconsistent with feelings of humanity and that generosity of sentiment which may not unreasonably be looked for from the sovereign of a great nation. This seems to have been the sentiment entertained by the Captain General of Cuba, under the influence of which he pardoned several of the captives; and her Majesty's Government may be assured that this wise and well-considered exercise of clemency and mercy has produced the best effects in this country. He has said that in the executions ordered by him he acted under a conviction of the absolute necessity of setting an example which might deter others from the performance of acts of similar criminality. That example has been set by the infliction of a punishment as prompt as it was awful, by the execution of fifty persons. The knowledge of their miserable fate has been carried to every man in this country and spread all over the world.

Is not this enough? Can example be made more terrific? Certainly an act of clemency on the part of the Spanish Government could not now be thought a symptom of weakness. May not the sword of justice be now sheathed without danger, and the voice of Christian humanity be allowed to be heard? And even if the Spanish Government can entertain no great feeling of compassion for these deluded and offending men themselves, is it not highly just and proper to consider that they have friends and families, distressed fathers and mothers, weeping brothers and sisters, all of them unoffending, and some of them most respectable persons? Application has been made for the interposition of the kind offices of this Government from fathers whose sons—thoughtless young men, seduced by the efforts of Lopez and his associates—eloped from their own homes and joined the expedition without the knowledge of their friends. I am aware that, in regard to the results of the Cuban invasion, all cause for sympathy and compassion is not on one side. I am aware that a general officer in her Majesty's service was slain, and that many Spanish soldiers and Spanish subjects lost their lives in defence of their Government and of their own homes. But the President thinks that it is wise to suffer oblivion to cover the past. He is anxious for the removal of every cause which might tend to keep alive ill-will between the citizens and subjects of the two countries. So long as these prisoners shall continue to be suffering a severe and lingering punishment in a foreign land, so long will efforts be constantly made by their friends to procure their release by appeals to the good offices of their Government. The tendency of these applications can only be to keep alive a very considerable irritation. It is in consideration of this, and from a strong wish for the extinguishment of all feelings of that kind, that, in the judgment of the President, nothing would be more useful than the granting of her Majesty's pardon to the residue of these prisoners, and suffering them to return to their own homes.

Those who were pardoned by the Captain-General of Cuba appear to have been among the most prominent and well-informed members of the expedition. The friendless are left to their fate, although less culpable, as being less informed of their duties and obligations. It seems invidious and unjust to make distinctions of this kind. You say that the existing belief in Spain is, that the result of the expedition has strengthened the hands of the Spanish Government, and given new security to its possession of the island. A similar sentiment prevails, to some extent, here.

We are not apprised of the disposition which may have been made of the prisoners who, you state, in your No. 62, had arrived at Vigo. In answer to your inquiry as to whether, in any event, and to what extent, assistance in clothing, or other necessities, might be furnished to such

as might need and apply for the same on account of the United States, I have to remark that it is expected that none of the needy among the prisoners will be allowed to suffer for want of the necessities of life. You will accordingly take care that their wants are provided for.

An application will be made to Congress for an appropriation towards defraying any expenses which may thereby be occasioned.

I am, sir, very respectfully, your obedient servant,
DANIEL WEBSTER.

To D. M. BARRINGER, Esq., &c.

Intervention of Great Britain and France.

Memorandum.

Mr. Crampton, at an interview with Mr. Crittenden, at the Department of State, on the 27th of September, 1851, stated that he had been directed by her Majesty's Government to say to the United States Secretary of State that her Majesty's Government had learned with great regret that expeditions have again been prepared in the ports of the United States for an attack upon a territory belonging to a sovereign at peace with the United States and in friendly relations with her Majesty.

Her Majesty's Government do not doubt that the Government of the United States will use all possible diligence to prevent and punish proceedings which are in violation both of the laws of the United States and of the law of nations, and her Majesty's Government are persuaded that such measures, if taken in time, will accomplish their object.

But her Majesty's Government deem it due to the frankness which ought to characterize the intercourse between the two Governments, to state to that of the United States that her Majesty's ships of war on the West India stations will have orders to prevent by force any adventurers of any nation from landing with hostile intent upon the island of Cuba.

At another interview, held at the same Department on the 6th of October, Mr. Crittenden replied verbally to Mr. Crampton as follows:

I am instructed by the President to express his regret that such orders as those mentioned in the dispatch from Lord Palmerston should have been deemed necessary and proper by the British Government.

So far as they have reference to lawless and unauthorized expeditions against the island of Cuba, apprehended from citizens of the United States, it is only necessary to say that such expeditions are forbidden by the laws of this Republic, and that its Government is able and determined to execute those laws. Evasions of them may occur, in spite of the utmost vigilance and energy; such instances are common to the laws of all countries. It is only by stealth and by favor of rare and accidental circumstances that any such expeditions can escape from our shores; none of sufficient force or magnitude to create any serious apprehension for the safety of Cuba, and certainly none against which Spain herself is not abundantly able to protect that island.

The Government of the United States, always determined, in perfect good faith, to maintain its neutral relations, and perform all its national obligations, condemns as strongly as the British Government the lawless enterprises against which the orders in question appear to be directed, and the Government of the United States, equally with the British Government, desires their prevention or suppression.

But, just and desirable as that end may be, the President could not witness without concern any attempt to accomplish such an object by means which might eventually lead to encroachments on the rights of the people of the United States.

The President is of opinion that, so far as relates to this Republic and its citizens, such an interference as would result from the execution of these orders, if admitted to be rightful in themselves, would nevertheless be practically injurious in its consequences, and do more harm than good. Their execution would be the exercise of a sort of police over the seas in our immediate vicinity, covered as they are with our ships and our citizens, and it would involve, moreover, to some extent, the exercise of a jurisdiction to determine