

United States National Archives, Record Group 59, General Records of the State Department, Miscellaneous Correspondence 1784-1906, Correspondence on the Lopez Expedition to Cuba, 1849-51, Box 1, Entry 121.

By Robert Granville Caldwell, 1915.

Transcribed and indexed by Antonio Rafael de la Cova

(Copy)

Confidential.

Department of State.
Washington, 8th August 1849

Logan Hunton, Esquire
U.S. Attorney for East. Dist. of
Louisiana, New Orleans.

Sir:

Information has been received at this Department that an armed expedition is about to be fitted out at New Orleans, but I have as yet no means of learning with certainty the destination of this expedition. It is believed that certain persons are, at this time, engaged in enlisting and drilling soldiers at or near New Orleans. The soldiers appear not to have been entrusted with the Secret, So far as to disclose the place to which they are going, though they say they are to receive high pay, and are to be engaged in actin hostilities with some foreign power. Rumors are afloat that their destination is Yucatan, to engage in the contest between the Yucatecos and the Indians and Colonel White who was formerly engaged in a similar expedition to Yucatan is pointed out as one of the leaders. Other rumors are that their object is either Saint Domingo or San Francisco. I do not myself, as yet, credit these rumors, but fear there is reason to suspect that their real destination is Cuba. It is said that 800 men are to embark from Cat Island or some other point near New Orleans, on board the steamer "Fanny," between the 20th and 25th of this month--that Col. Biscoe of New Orleans, is concerned in the enterprise, and that Whitney & Co. of New Orleans has on hand 250,000 dollars to aid in fitting out the expedition. It is also said, that Charles C. Campbell, of New Orleans (who, if my informant be right is in some way connected with that firm) is to be one of the officers. I give these statements to you as I have received them, and have no means of knowing their truth.

By examining our law of the 20th of April 1818, entitled "An act in addition to the act for the punishment of certain crimes against the Unites States, and to repeal the acts therein mentioned," you will see that it is provided in the Sixth Section, "that if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprize, to be carried on from thence against the territory or dominions of any foreign Prince or State, or of any Colony, district or people, with whom the United States are [at] peace, every person so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars and imprisoned not more than three years."

The President, is anxious to maintain with fidelity the treaties of the United States with all foreign powers; and he will not, for any consideration, consent to disregard our obligations, or the faithful discharge of which depends the honor as well as the peace of the country. He is now desirous to ascertain through your instrumentality, if possible, how far the above stated rumors, or any of them may be entitled to credit, and what evidence you can adduce to justify him in interfering to present a violation of our laws. Should you find the Statements herein referred to, as to the fitting out of an expedition against Cuba, substantiated by credible testimony, he wishes you to proceed, by every means in your power, to enforce the laws, and to prevent the violation of our treaty with Spain. At your earliest convenience, report the result of your proceedings and investigations to this Department.

Your telegraphic despatch of the 3rd of August was received here on the 6th. Accept my thanks for your prompt attention.

It will be gratifying to learn that the Spanish Consul was not guilty of the abduction of Rey *alias* Garcia.

I am with great respect,
Your obedient servant,
John M. Clayton

Logan Hunton to Secretary of State

Copy

Office U.S. Atty. E. Dist. La.
New Orleans May 23 1850

Sir,

I have the honor to acknowledge the receipt of your of the 13 Instant, informing me that the Spanish Minister has complained on behalf of the Consul *ad interim* of Spain in this City "remonstrating against the course alleged to have been pursued by you (myself) and the Collector in reference to the Schooner Heroine, and the vexations legal proceedings against him which followed on the departure of that vessel. You do me the honor also to furnish "a copy of the translation of the Minister's note date the 7 inst, in order that you (I) may promptly furnish an explanation of the circumstances, and a statement of the facts which may be necessary for your (my) justification."

I may say, Sir, you do me but justice when you say it is not necessary to apprise me that it is my "duty and that of the Collector to afford all proper facilities to Consular Agents who are exercising their functions legitimately in obedience to official duty;" and whatever may be said or supposed to the contrary, I aver, that in my official intercourse with the Consul of Spain, I have not been unmindful of that duty.

In relation to the complaint "seriously" urged by the Spanish Minister on behalf of Don Juan Y. Laborde, the Consul of Spain at this City, that, on the occasion of his visit to me in relation to the Schooner Heroine, I had given him a "cold reception," I can only declare that I do not know what he means or to what he refers, my manner may not possibly have been as ardent as that functionary anticipated. The interview left on my mind no trace whatever. I am very sure, however, I could not have been wanting in the proprieties of official intercourse, nor in usual civilities, for I had no reason to receive him uncivilly, and until I heard of these complaints, I really supposed I had, in the language of the Spanish Minister, "a cordial understanding with her Majesty's Consul." Indeed looking at this complaint and the further absurd charge that "trammels are attempted to be put in the way of the Consul in the exercise of his functions" I must say that if it were not too uncharitable to indulge such a sentiment, I should really think the Consul hoped to commend himself to the favor of Her Majesty by indiscriminate fault finding with officers of the United States at this City.

I have thought it incumbent on me to make this personal explanation as my reception of the Spanish Consul on the occasion referred to, has been made the subject of grave complaint.

I now proceed to furnish an explanation of the circumstances and a statement of facts for the "justification" of my conduct in relation to the "Heroine."

I received from the Spanish Consul the 5th March, a communication informing me that the Steamers "Fanny" and "Mary Burke" were then lying at New Orleans and were destined for the Island of Cuba, with armed men and stores. I transmit herewith a copy of translation of that letter together with copy of my reply dated 6th March. On the receipt of his letter, I made prompt and diligent enquiry and ascertained *beyond all doubt*, that the Consul had been mistaken wholly as to the vessels.

I am sure he himself became convinced that, as to these vessels he had been imposed on, perhaps by some mischievous person, and did not further prosecute that matter. I had no other correspondence or communication with the Consul till the 25th March when I received from him a letter in relation to the Heroine-- I had immediately an interview with S. J. Peters, Esqr, the Collector, who informed me that he had received a communication of same tenor and date-- the vessel was examined promptly, and not "tardily"-- the Consul was again mistaken-- Mr. Peters reported to him verbally the same evening the result of the examination. The Consul had in person delivered to me his communication in relation to the Heroine and I had orally acknowledged its receipt; and as I had no action to take in the premises I did not deem it necessary to reply in writing, especially as he had received from Mr. Peters the only intelligence I could have communicated. In this connexion I beg leave to refer you to communication from Mr. Peters enclosing report from Mr. Stille, Surveyor of this Port, on this subject which is transmitted herewith. After this I had no interview with the Consul nor any correspondence with him till the 18th Instant when I received from him a communication or "Protest" dated 17 May on the subject of a suit which has been instituted against him, a copy of which together with my reply I had the honor to transmit to you on my communication of the 19th Instant. In relation to the communication of the 17th Instant from the Consul I must be permitted to say it merited rather a different reply; but I forbore inasmuch as he was the Commercial Agent of a friendly Government, and as I regarded him rather distinguished for his zeal than discretion-- this I believe is the sentiment held of him in this City.

I have thus presented you, Sir, not only a Statement but a history of my correspondence with this Consul. I regard it rather as a plea of "not guilty" than of "justification." I indulge the hope that my conduct in the premises will thus have been satisfactorily vindicated.

I observe your renewed instructions in relation to the supposed plans for the invasion of the Island of Cuba, and referring you to my letter of the 14th Instant on that subject. I now repeat that no fact has come to my knowledge which would have authorized my interposition as District Attorney by legal proceedings. If I had caused any Citizen to be arrested I would have been without law and without evidence for it has not escaped your observation that the Act of 20th April 1818, which is the only law that could be invoked, does not by any means embrace every movement of a hostile character by our Citizens against people with whom we are at peace. Whilst I have thus been anxious to observe and faithfully execute the instructions urged upon me, yet, I have not deemed it my duty, nor have I deemed it politic in the Government, to be engaged in abortive efforts to arrest by judicial proceedings, these attempts at invasion, conducted as they have been. The effects of such efforts would only have served to inflame the public mind, and to have emboldened these adventurers.

I have the honor to remain, with high regard
Your Obedient Servant
Logan Hunton
U.S. Atty.

Honorable John M. Clayton
Secretary of State, Washington

(Copy)

Respected Sir:

I have the honor to inform you, that according to the news I have received and in which I place entire credit, and which conforms to the reports in circulation in this city and vicinity for some

time past, there are being organized bodies of men and arms, and other warlike articles are being collected, with the design of forming an expedition to invade the Island of Cuba.

And, further, that the steamer "Fanny" and "Mary Burke," laying in this port, are destined for the same object, and will convey the said armed men and stores, of which I have made mention, with a similar pretext.

It is my duty to make to you this Protest (or manifestation) in fulfillment of the Orders I have received from his Excellency the Minister Plenipotentiary of Her Catholic Majesty, and in perfect consonance with the instructions given to you by his Excellency the President of this particular.

I improve the present opportunity, now offered me, to assure you of my respect and consideration.

New Orleans, March 5th, 1850.

Juan Igno. Laborde
Consul ad interim of Her Catholic Majesty

To L. Hunton, U.S. Attorney
District of Louisiana.

(Copy)

Office of U.S. District Attorney,
New Orleans, March 6th, 1850.

Sir:

I received yesterday your communication without date informing me that you had received notices "that certain persons are gathering and procuring arms and other implements of war with the intention of forming an expedition to invade the Island;" and you also say that the steamers "Fanny" and "Mary Burke" now lying at this port are intended for that purpose, &c.

I beg leave to assure you, sir, that I will take all legal measures in my power to prevent aggressions of that character by citizens of the United States, on the Island of Cuba.

If any overt act shall be committed, and such proof is obtained that the judicial authorities can interfere, I will institute the necessary proceedings to bring to punishment the offenders.

I have the honor to be, Very respectfully
your obedient servant,
Logan Hunton
U.S. Attorney

Don Juan Y. Laborde,
Consul, &c.

(Copy)

Custom House, New Orleans,
Collectors Office, May 23, 1850.

Sir,

In reply to your note of this morning, I beg to state-- That on the 25th day of March last at about 4 o'clock P.M. I was called upon at my residence in Carondelet St. by three gentlemen, the Spanish Consul Mr. Laborde being one of them. I had been but a few minutes at Dinner. They were shown into my office in front and sent me word by the servant that they desired to see me on very urgent business. I immediately left the Table and joined them. Mr. Laborde presented to me his communication of that date and requested my early attention to it. I promised him it should be

immediately attended to.

Without any delay whatever I proceeded to see you at your House and found you had just left for your office-- went there and found you. On leaving my house I sent my son to see Mr. Stille the Surveyor of the Port and request him to meet me at the Custom House as soon as possible, from your office I proceeded to the Custom House and in a few minutes after I was there Mr. Stille came into my office. I communicated to him the contents of the Consuls letter and desired him to make the examination of the cargo of the Heroine immediately and that I would remain in my office until his return.

I did so-- and the result of the examination as you will perceive by the report of Mr. Stille herewith enclosed, showed the consul had been erroneously informed.

This I communicated to the Consul the same evening verbally and I thought no more of the matter.

I would state similar erroneous information had misled the Consul on other occasions before but I had invariably caused prompt examination in relation to each complaint.

As to my action having been "tardy" and "informal" I am certain that within an hour after Mr. Laborde first called on me at my house and presented me with his letter, the Heroine was examined and the manifest verified.

I deem it proper to add that to this time although I have endeavored to, I have not been able to ascertain a single violation of the law which would sanction my action as Collector.

All I have heard has been rumors, I have enquired of many persons arriving from Chagres to know if there were any indications there of an expedition of a hostile character being prepared -- and so far -- my information has been such as shown there was nothing of the kind.

No doubt exists in my mind now, that many persons have gone from here with the intention of landing on Cuba with hostile intentions to the existing Government there.-- and I have reason to believe that there are many persons now in this City, who also intend going there with similar objects and opposed as I am and have ever been to such a disregard of Treaty obligations existing between our country and foreign nations, I am persuaded no one in this City, except Don Juan Y. Laborde, Consul ad inst &c suspected me of aiding by neglecting my duty, and throwing obstacles in his way, an expedition of such a character.

I am Sir
Very Respectfully
your ob. servt.
Sam J. Peters
Collr.

Logan Hunton, Esq.
U.S. D. Attorney
New Orleans

(Copy)

Surveyors Office
New Orleans
May 23d 1850

Sir,

Your communication under present date, has this moment been received, and in which you

state "It has been represented by the Consul of Spain ad interim, Dr. Jose Y. Laborde, that the examination of the cargo of the Sch. Heroine, on information communicated to me by him on the 25th of March last was unreasonably delayed, that assertion being, that a tardy and informal examination was made " and also "Be pleased to report to me at what time, that day, you were requested by me to examine, without delay, the cargo of said vessel, and how soon after the examination was made, you reported to me verbally the result, and what that report was."

In answer I would state, that as near as I can recollect, it was about 4 o'clock p.m. on the 25th of March last, that I met you in your office at the Custom House, having been apprised by your son Samuel J. Peters Jr. a few minutes previously that you wished to see me; at that interview you informed me, that the Spanish Consul had addressed a note to you in which he stated, that he had information, that the Sch. Heroine, which was to sail that morning for Chagres, had arms and ammunition as a part of her cargo and which did not appear upon the manifest, at the same time handing me the manifest of the said schooner, and requesting me, to repair on board, and ascertain the facts: I proceeded at once on board the Heroine, accompanied by three Inspectors, to make the examination, and upon doing so I was satisfied, that the manifest was correct, that there was neither arms, nor ammunition, concealed on board, and so reported to you verbally, at the Custom House no less than ten minutes after leaving the vessel.

The assertion "that a tardy and informal examination was made" is most unjust for I assert most positively, that in thirty minutes from the time I was informed that you wished to see me, I was on board of the Heroine, and made the examination which was desired.

Very Respectfully,

Your obedt. servt.

Robert B. Stille
Surveyor

For
Saml. J. Peters, Esq.
Collector

(Copy)

Henry Williams to Secretary of State

U.S. Attorney Office
Dist. of Ga., Savannah May 27, 1850

Sir,

In pursuance of instructions received by telegraph from you on the afternoon of Saturday May 25th, I immediately caused proceedings to be instituted for the arrest of Genl Lopez for a violation of the Act of Congress of April 20th 1818. The affidavit was made by John G. Doon, Spanish Vice Consul and the warrant was issued by Hon: John C. Nicoll, District Judge of the United States for Georgia. The affidavit and warrant charged a violation of the sixth section (6th) of the Act-- the deponent not being able to show (according to the opinion of the District Judge) sufficient probable cause for a warrant under any other section; -- Gen. Lopez was arrested about 1/2 past eight o'clock on Saturday evening 25th instant once upon his arrest demanded an instant examination. The District Judge fixed (10) o'clock on the same evening as the hour for examination and during the intervening time I used every exertion (in which I was assisted by the Spanish Vice-Consul, and the officers of the U.S. Courts) to obtain testimony on the part of the prosecution. When the hour of examination

arrived I urged a motion for the postponement of the examination until Monday morning in order that I might have proper and ample time to collect and discover testimony. The motion was overruled. The only class of witnesses I had been able to procure was that composed of individuals with whom General Lopez had conversed while in Savannah and to some of whom I presumed he might have made admissions of his agency in setting on foot the expedition. Upon their examination however it appeared that no such admission had been made. All the conversation having been directed exclusively to the acts performed after the landing at Cardenas. Genl. Lopez was discharged by the District Judge upon the ground that no sufficient evidence had been shown to justify his commitment. I am not prepared to say that the postponement of the examination until Monday would have enabled me to discover any important testimony for the prosecution. My impression is that no one could have been found at such a distance from the scene of the early operations of the organizers of this expedition able to testify to any overt act of Genl. Lopez in connexion with it. Genl. Lopez left Savannah yesterday morning in the Central Rail Road Cars for Mobile on his way to New Orleans. I sent to you yesterday a despatch by telegraph and by this days mail I send a copy of the "Daily Morning News" to which I beg leave to refer you for a proper statement of the occurrences of Saturday Evening.

I have the honor to be
Very respty, your obt. Servt.,
Henry Williams
U.S. Dist. Atty

Hon. Jno. M. Clayton
Secretary of State
Washington City

(Copy)

G. Prescott Hall, U.S. Dist. Atty. Southern Dist. N.Y. to Secretary of State.

Southern Dist. of New York
U.S. District Atty's Office
May 28th 1850
Half past two, P.M.

Sir,

Your communication of the 26th inst. has been this morning received, and will meet with the promptest attention.

The most efficient way in my judgement, of carrying our neutrality laws into complete effect, is by a discreet exercise, under the authority of the President, of the Powers conferred upon him by the eight section of the act of 1818, and if I find good cause for its exercise I will use it in the particular case referred to in your communication.

I am bringing witnesses before the Grand Jury in the Cuban affair, but I do not believe that any evidence will be produced to justify them in preferring a Bill against any individuals here. Their action however will have a good effect on the public mind, and Judge Bett's charge gives entire satisfaction to all reflecting men in New York.

I have the honor to be
Your obedient servant
J. Prescott Hall

U.S. Atty.

Hon. John M. Clayton
Secretary of State
Washington

(Copy)

Logan Hunton to Secretary of State

Office of the U.S. Atty.
E. Dist of La.
New Orleans May 30, 1850

Sir,

I have the honor to acknowledge the receipt of your communication by Telegraph, yesterday instructing me to arrest General Lopes, if he should appear in this City, and cause him to be tried for violation of the Act of Congress approved 20th April 1818. He has not yet appeared here, if he does appear I will not fail to take prompt measures to bring him to trial -- I shall proceed under the 6th section of the Act referred to.

I apprehend that he would be able to shew that no other section of the Act has been violated: that no organization of the forces engaged in the enterprise against Cuba was had within the limits of the United States; -- that no Commissions were issued or accepted; -- that no enlistments were made within the United States of persons to enter into the service of any foreign power, state, Colony, district or people; that he was not concerned in the furnishing or fitting out or arming any vessel with intent that such vessel should be employed "in the service of any foreign prince or State, or any Colony, district or people." But it will be more difficult to evade the 6th section. I suppose it will be urged that the military expedition was not set on foot to be carried on *from the United States* against Cuba but on the contrary was to be carried on from Yucatan where the organization took place, or from some of the Islands near that coast. How far a construction so technical and so much at war with the spirit and intention of the law can be sustained remains to be seen: I of course will resist such a construction. I am sure the movements were made expressly for the purpose of avoiding the penalties of this act.

Great indignation is manifested here against Lopez, and much sympathy for his deluded followers. Public opinion here will sustain the government in its course in the affair.

I am very respectfully
Your most obt servant

Logan Hunton

U.S. Attorney

Hon: John M. Clayton
Secretary of State
Washington

(Copy)

J. Hamilton to Secretary of State

Office of U.S. Atty.
Mobile May 30, 1850

Sir,

I have to acknowledge the receipt of your communication by telegraph directing the arrest

of Genl Lopez if he appears in Mobile.

Before the receipt of your instructions, I had received a communication from the Spanish Consul resident here: a copy of which, as also of my reply is herewith enclosed.

Many rumors have been in circulation here with regard to Genl Lopez, and the expedition-- but no reliance could be placed upon any of them. Nobody here knows where Genl Lopez is; tho' it has been said he arrived in town this morning, about 6 o'clock, and immediately left for Pascagoula (on the coast) in a buggy. Certain it is that the Spanish Consul has no information on which he can act. In fact that officer is utterly without any kind of evidence, that would justify the detention of Lopez, if he were known to be in our midst. The Spanish Consul at New Orleans has been addressed on this subject, but no evidence could now be produced that would authorize a commitment.

At present the U.S. Judge is holding a Court in the Middle District of the State -- and we are without a U.S. Commissioner the late Commissioner having recently resigned, on account of his election to the bench of our City Court. I believe however that the Judge of the State Circuit Court, would issue a warrant if he were applied to.

Very respecy

your obt svt.

P. Hamilton, U.S. Atto.

To Hon: J. M. Clayton

Secy. State

P.S. I am credibly informed that Genl Lopez, has just arrived in town, by Steamer "Pratt." But the Consul is not yet in possession of any proof of his acts, save as heretofore stated.

May 31, 1850

Very respy.

P. Hamilton

U.S. Atty.

(Copy)

Vice Consulate of Spain

Mobile, Alabama

Dear Sir,

I have this moment recd. a telegraphic despatch from Washington, addressed to me as Vice-Consul of Spain, by the Spanish Minister resident in that City, that General Narciso Lopez is about to reach Mobile, on his way South, and that it is the intention of the United States Government to arrest him on a charge of violating the Act of Congress of April 20, 1818, entitled an Act in addition to the Act for punishment of certain crimes against the United States.

I have therefore respectfully to request that you will immediately take such steps as seem to be contemplated by the U.S. Government for the arrest of said General Lopez, as soon as he reaches this City: and by so doing you will evidently carry out the design of your Government to enforce as far as possible the neutrality of the United States, which has been so grossly violated by the said Lopez.

I am respectfully your obedient servant,

The Vice Consul of Spain

Manuel D. Cruzat

Peter Hamilton, Esq

U.S. Atty &c.

(Copy)

Office of U.S. Atty.
Mobile, May 29, 1850

Sir,

I have received your communication in relation to the arrest of Genl. N. Lopez for a violation of the Act of C. of Apl 20, 1818.

The Government at Washington is fully alive to the propriety of maintaining its good faith towards her Cath. Majesty, and of preventing, so far as the laws can do so, any unlawful interference with the affairs of any of the Spanish Colonies.

I hold myself in readiness, at any moment, to enforce the laws so far as within my power, and will co-operate with you, in the arrest of any person, that may be charged with their violation.

In order to the arrest of Genl. Lopez, in case of his arriving in Mobile, it will be necessary for you to make affidavit to the fact of your having good reason to believe, that he has committed one or more of the acts forbidden by the Law: it will be necessary after that, upon his examination to show by proof a probable case of violation of the law, sufficient to justify the Magistrate in ordering his commitment. To do this you will probably have to send over to New Orleans for witnesses.

A practical difficulty may be found in the way owing to the absence at this time of the U.S. Judge, for this District, and the fact of the late U.S. Commissioner having resigned his office. In this state of things the application will have to be made to one of the State magistrates.

Very respy.
Your obt Svt.
P. Hamilton
U.S. Atty.

To M. D. Cruzat, Esq.
V. Consul of Spain

P. Hamilton to Secretary of State

Office of U.S. Attorney
Mobile, May 31st 1850

Sir:

Since my letter, that went forward by to-day's mail, I have had another interview with the Spanish Consul, I found that the only evidence in my power to introduce in support of the arrest of General Lopez, was the isolated fact of the purchase by him of the Steamer Creole at this place: Not another fact could be proven. The Consul at New Orleans professes to have witnesses there, who can prove several of the acts named in the law of April 20th 1818, but the names of these witnesses were not made known to me, and they refused to come over. Under these circumstances I took no steps for the arrest of General Lopez, and he proceeded by the mail boat to New Orleans.

I was informed by the Consul that General Lopez made some remarks to the people that surrounded him --I was not present nor was that officer --but inquiry was made of what the substance was, and it seems from the note, a copy of which I enclose, that he was very guarded in the remarks he made.

I regard it unfortunate that an arrest could not be made, and it seems to argue a great want of efficiency somewhere. The absence of the proper Federal officer occasioned some embarrassment: but the main difficulty was in the absence of an authority somewhere, to hold the person for a time,

until testimony could be procured. From the circumstances attending the matter here, and which seem to have caused a failure in the arrest at Savannah, you will be able to judge, whether an law for, an amendment of the Act of 1818, and of the practice in cases of criminal procedure, should be deemed desirable.

Very Respy.
Your obt. Servt.
P. Hamilton
U.S. Attorney

To the
Hon. John M. Clayton
Secretary of State

Copy

Mobile, May 31st 1850

P. Hamilton
Present.

Sir:

After diligent enquiry, I find that in his speech, General Lopez has said nothing to commit himself, by saying a word about his departure from the territory of the U.S. Consequently notwithstanding my fervent desire to aid the orders you have received from the Department, and to comply with the instructions from the Spanish Minister at Washington, I feel that for the interest of the Service, I had better allow him to depart for New Orleans, without molesting him: in that place effectual steps may be taken.

I remain respectfully
Yr. obt. Servant,
Manuel D. Cruzat

Mr. Hunton to Secretary of State

Office U.S. Atty. E. Dist. La.
New Orleans June 1st 1850

Sir,

I have the honor to acknowledge the receipt of yours of the 24th ult. transmitting copy of memorandum made by Mr. Calderon de la Barca, the Spanish Minister for the Department of State, in relation to muskets, sabres and musket balls, about to be forwarded from New York to this place, and here to be placed on board the Creole for the Cuban expedition.

I presume this will not now be accomplished; for the Creole is now under Seizure at Key West, and the Cuban Expedition is an utter failure-- the forces dispersed, and the leader I am informed is hastening to depart the United States. He has not appeared in this City.

I am Sir, very respectfully
Your obt. servt
Logan Hunton
U.S. Attorney

Hon. John M. Clayton
Secretary of State

Washing.

R. B. Campbell to Secty. of State

Consulate of the United States
Havana June 4th 1850

Honorable John M. Clayton
Secretary of State
Washington City

Sir:

You are already aware that the Count of Mirasol, late Captain General of Madrid, is here.

The object of his mission has not *certainly* transpired. He has with him in officials the duplicates of the chiefs of a Government as organized in this Island.

The Count's mission is reported as twofold.

First-- In person to organize a Government under Spain in the Spanish part of the Island of St Domingo.

Second-- To carry out an understanding said to exist with Carrera, late President of Guatemala, for the reconquest of that country for the Spanish Monarchy.

These reports look to action apparently so incompatible with the present condition of Spain, that I cannot believe them entitled to consideration, although it is characteristic of the Spaniard to think his Government competent to any undertaking. Men are certainly being recruited for some purpose.

Thinking it may by possibility be useful to you to know the strength of the Spanish Marine in these waters, I furnish the following list of their ships-- time of being built-- number of guns-- and men-- composing the Squadron of the Antilles

	Names	Guns	time built	men
Ships of the Line	Soberano	74	1761	612
	Guerrero	--	1735	now useless
frigates	Esperanza	42	1834	366
	Perla	42	1839	349
	Isabel 2a	42	1836	341
	Cortes	32	1836	278
Sloops	Louisa Fernanda	24	1844	161
	Colon	16	1843	119
Brigs	Patriota	20	1828	138
	Habanero	18	1843	140
	Nervion	16	1839	115
	Villavicencis	6	1846	47
	Six Schooners	17	in all	222

	Guns	time built	horse power	men
Steamers				
Blasco de Garay	6	1845	350	122
Pizarro	6	1849	350	122
Alvaro de Bazan	5	1840	160	92
Congreso	5	1840	160	92
Isabel la Catolica	3	1850	unknown	unknown
Gunboat Donacion				
	1	1832	----	23
	375		1020	3,339

I have the honor to be, Sir,
with great respect & esteem
Yr mt obt servt
Robert B. Campbell

Duplicate

Consulate of the United States
Havana, June 4th 1850

Honorable John M. Clayton
Secretary of State
Washington City
Sir:

The American ships captured at Contoy by the Spanish vessels have not yet arrived in this port, and the prisoners now here are still incommunicated and on trial.

With great respect & esteem
I have the honor to be, Sir,
Yr. mt. obt. servt.
Robert B. Campbell

J. Prescott Hall to Secretary of State

Southern Dist. of New York
U.S. Dist. Atty's Office
June 7th 1850

Sir,

I deem it my duty to inform you officially, although the facts have already been made known to you by the newspapers, that the Grand Jury of this District, at their late session, after a thorough investigation of the matter, came to the conclusion that there is no reason to believe that any military expedition against the Island of Cuba has been begun or set on foot in the City of New York, since that of September last was frustrated.

The Spanish Consul was one of the witnesses called before the Jury, and we issued subpoenas to all persons indicated, by him as being likely to have information upon the subject.

The Consul himself had no personal knowledge of any such expedition, nor could he produce proof to fix any criminal act upon any individual or individuals. Indeed his information was exceedingly vague and unsatisfactory. It would scarce justify suspicion, much less action against any person or persons here.

It is quite true that meetings have been held, and propositions discussed and plans proposed: but no men have been enlisted; no guns or --- munitions of war have been purchased, nor has any money been contributed or collected in this District for any such expedition as is prohibited by our acts of neutrality; and it is a great satisfaction to be able to report that although some of our citizens express opinions which cannot meet the approval of just men yet none of them have of late violated, or, in my judgement attempted to violate the laws of their country in relation to foreign states or territories.

With the highest respect
Your obedient servant
J. Prescott Hall
U.S. Atty

Hon. John M. Clayton
Secretary of State
Washington

Logan Hunton U.S. Dist. Atty. to Secretary of State

Office U.S. Dist. Atty.
East. Dist. La.
New Orleans June 7, 1850

Sir,

General Lopez was this day arrested for violation of 6th Section of Act of 20th April 1818, and brought before the Judge of the U.S. Dist. Court for examination. I fear the examination will be protracted.

I have the honor to remain
Very respy. Yr. obt. servt.
Logan Hunton
U.S. Atty.

Hon. John M. Clayton
Secy. of State
Washington

Secretary of State to Mr. Hunton, U.S. Dist. Atty, N. Orleans.
(Telegraphic)

Department of State
Washington, June 9, 1850

To Logan Hunton Esq.
U.S. Dist. Atty
New Orleans

Sir,

I thank you for the intelligence of the arrest of Lopez. The honor of the Government requires that no just effort be spared to bring him to trial and punishment. The President instructs me to enjoin it upon you as you value the faith and character of your country to spare no pains to execute the law. Do your whole duty.

Truly yours
J. M. Clayton

(Telegraphic)

Department of State
Washington, June 10, 1850

Logan Hunton, Esq
U.S. Dist. Atty.
New Orleans
Sir,

The President authorizes you to select and employ for the Government some gentleman of the Bar, to assist you in the trial of Lopez. His fee will be arranged with Mr. Erving, Secretary of the Interior who will write to you on the subject and who will pay him out of the proper fund. Prosecute all the officers, you can lawfully arrest, who belong to the Cuban expedition. I assure you that the honor of the Government imperatively requires that at least all the leaders, who helped to enlist or entice others into this infamous enterprize should meet with exemplary punishment according to the laws. Of this you would be more deeply convinced could you see the correspondence with me.

Truly your friend,
J. M. Clayton

P. Sheward Johnson U.S. Dist. Atty. Delaware, to Secretary of State

Wilmington, June 17th 1850

Hon. J. M. Clayton
Secretary of State

Sir,

Since my last communication in reference to a report of the Spanish Vice Consul at Philadelphia, alleging that a schooner called the Enterprise was at some port in this district, and that there were about sixty men in Wilmington and thirty or forty in Lewistown, all intended to take part in a hostile expedition against the Island of Cuba, I have visited Lewistown passing in my way through nearly all the towns and villages of the District, with a view to ascertain whether there was any foundation for such a report, and if there were, to take measures for the purpose of frustrating any such design. I also requested Captain J. H. Nones of the revenue Cutter Forward, who reached Lewistown about the same time with myself to keep a look out a-long the coast on his return to Wilmington for a Schooner of that name, and for any movement, which might seem to be of a suspicious character. We have now both returned to Wilmington, and from my own observation and enquiries, and from the information of Captain Nones I think I may safely give you the most positive assurances, that there is not, nor has there been any such Schooner in any port of this District, nor have there been any persons either here or at Lewistown connected with the expedition against Cuba, I feel very confident that there could not be sixty persons of this character, or indeed half that number in Wilmington, without my being made aware of their movements. Nor could there be six men, strangers in Lewistown for a day, without attracting attention and existing suspicion. I may add that there is little or no sympathy among the people of this District with the Cuban expeditionists.

I am Sir, Very Respectfully
Your obt. servant

P. Sheward Johnson
U.S. Atty. Dt. Del.

R. B. Campbell to Secretary of State

Consulate of the United States
Havana June 21st 1850

Honble. John M. Clayton
Secretary of State
Washington City

Sir,

I avail myself of the opportunity of the sailing of the ship James Drake, to say that nothing has transpired since my communication of the 19th worthy of an official communication.

The Congress has not arrived, and we have no men of war in port. The Germantown is cruising off the harbor.

At the conclusion of my letter of the 19th instant, it was stated that great excitement prevailed in the city against me for expressions in one of my letters to you, which has found its way to the Press. The letter was of the 19th May last, and was written in consequence of being called upon by American merchants urging the necessity of having some of our men of war in port for the protection of American interests, and without asking for the men of war, I stated my opinion of the then existing state of things, and left it to you, as best able, to judge of what steps should be taken.

That letter, published in the Cronica of New York, has reached here, and produced an excitement against me such as I have never known to exist against any individual.

The part speaking of the insufficiency of the Spanish Marine to guard the extensive coasts of this island against the landing of men from Steamers, is viewed as encouraging expeditions against the island. The part in relation to lower classes has, by the great mass of Spaniards, and the volunteers, been considered as applied by me to them. I hear every where of threats of vengeance, where it will end in I do not know.

I have the honor to be, Sir,
With great respect & esteem,
Yr. mt. Obt Servt.

Robert B. Campbell

Logan Hunton to Secretary of State

Office of U.S. Atty. E. Dist. La.
New Orleans, June 22nd 1850

Sir:

I have the honor to report to you that the Grand Jury of this District yesterday prepared Indictments, for violation of the Act of 20th April 1818, against the following persons, Narcisso Lopez, L. J. Sigur, Donalson Augustin, John A. Quitman, J. L. O'Sullivan, Theodore O'Hara, John F. Pickett, J. R. Hayden, Chatham R. Wheat, Thomas Theodore Hawkins, W. H. Bell, N. J. Bund, Peter Smith and _____ Gonzales.

I did not call witnesses to testify against any person below the rank of Major in the Expedition. Most of these persons have entered into Bonds for appearance at the next December Term of the Circuit Court.

At the date of my correspondence with you before the investigation I was not in possession of the facts since developed, or I should have greatly qualified the opinions therein expressed.

I am now satisfied there was Military organization here.

I am, most respectfully
Your Obedient Servant

Logan Hunton
U.S. Attorney

Hon: John M. Clayton
Secretary of State
Washington

R. B. Campbell to Secretary of State

Consulate of the United States
Havana June 27th 1850

Honble. John M. Clayton
Secretary of State
Washington City
Sir,

I have nothing of importance to communicate as having occurred in this Consulate since my last.

The situation of the Contoy prisoners, so far as I can learn, remains unchanged; it is believed that the investigation has concluded, and copies of all the proceedings sent both to Madrid and Mr. Calderon. Report represents a difference of opinion as to the propriety of yielding to your demand of a surrender of the prisoners as existing among the principal officers of this Government, and it is presumed no positive action will be had upon the demand until positive instructions are received from Madrid, unless the demand is backed by a strong naval force.

The Germantown was in Port for three days, and since yesterday morning is cruising near the harbor. No other American man-of-war has arrived.

Mr. Girau, of whose arrest you were informed by me, has regained his liberty, and is now in Havana. As you will receive full accounts from Mr. M^rLean, it is unnecessary for me to trouble you with them.

I yesterday received a letter from a highly respectable merchant at Cardenas, dated 24th instant, stating that Mr Edmund Doyle, native of New York, and Mr Gustavus Rolando, native of Charleston, S.C., had been taken from their beds at 11 P.M. of the preceding night, tied and carried off, the former to the house of the Captain of the Partido, and the latter to prison. The arrest was caused, the writer states, by Mr Rolando bursting a cap while preparing his gun for an intended shooting excursion to the country on the next day.

The Consul at Matanzas will undoubtedly do all in his power to have the parties released, and will inform you of all particulars.

Is it not the duty of our Government to demand and exact full indemnity to American citizens when arrested and imprisoned by a foreign Government without cause, or on frivolous prettexts.

The Government here appoints a Censor of the Press. I therefore take the liberty of drawing your attention to two paragraphs which are marked in the papers herewith enclosed.

I have the honor to be, Sir,
With great respect & esteem
Yr. mt. obt. servt.

Robert B. Campbell

R. B. Campbell to Secretary of State

Consulate of the United States
Havana July 3d 1850

Honble. John M. Clayton
Secretary of State
Washington City
Sir,

By my communication of the 27th ulto. you were informed of the arrest of Messrs. Doyle, and Rolando at Cardenas. Mr. Doyle sent a special messenger from Cardenas on the first instant enquiring of me whether I had received a copy of his protest, and a letter sent by mail to my address. I have received neither-- whether they have miscarried, or been intercepted I am not informed. The messenger under Mr. Doyle's instructions represented the cause of arrest as previously stated, and that Mr Doyle is suffering serious losses in his business. Rolando is represented as confined and incommunicated in a cell of a prison, with a stone floor, and a twelve iron grated window, and that grated window the only means of ventilation. Two other persons are confined in the same cell. There is nothing new in relation to the prisoners that are here.

The Congress, and Germantown are both in port.

Much anxiety has existed for some time in the minds of Americans here, and this has been greatly increased by an Editorial in the Diario de la Marina of yesterday, which is here-with enclosed.

I am convinced in my own mind that no American in Havana has been in any way concerned with the late expedition, but they having so long enjoyed the liberty of speech at home, it is possible, nay, probable, that *expressions* unacceptable to this Government may have been used; others may be correspondents of newspapers in the States, and their letters may not always have been unobjectionable to this Government. All who have committed the one or the other imprudence may be liable to arrest.

I have the honor to be, Sir,
With great respect & esteem,
Yr. mt. obt servt

Robert B. Campbell

Logan Hunton to Secretary of State

Office of U.S. Attorney
Eastern District Louisiana
New Orleans July 8th 1850

Sir:

I have the honor to acknowledge the receipt of yours of the 25th inst. transmitting copy of a note from the Spanish Minister to the Department of State; dated 4th June last, together with a Abstract; of a communication to the Minister from the Spanish Consul here, concerning a supposed renewed attempt to invade the Island of Cuba.

I shall observe your instructions in relation to any further attempts in this District to fit out a military expedition against that Island.

I do not believe that such attempt will be renewed within any short time, yet I am quite sure that those who were engaged in setting on foot the late expedition have not abandoned their lawless designs upon the Island. They will find it now difficult however to fit out a second expeditions.

I addressed a communication to the Attorney General on the 28th instant, requestion [sic] his advice as to future proceedings on the Indictments against Governor Quitman and Judge Smith of Miss: and shall wait for his advice. I learn that the Governor is indignant; that the Grand Jury in the discharge of their duties should have deemed it incumbent on them to prefer an Indictment against him.

I regret the necessity of the course adopted, but am ready to sustain their action in the premises.

I am Sir, with high regard
Yo. Mo. Obt. Servant

Logan Hunton

Hon. John M. Clayton
Secretary of State
Washington

Mr. Calderon to Mr. Webster
Translation

August 2, 1850

Legation of Spain
in Washington

The rapidity with which the idea is gaining ground in some of the States of the Union, of seizing upon the Island of Cuba, in spite of all law, and without any other reasons than the promptings of self-interest;--and the facility, also, with which, in some of those States, armed expeditions have been set on foot, for the purpose of carrying this contemplated act of usurpation into effect, have kept that Spanish province in a perpetual state of uneasiness which affects her prosperity to a considerable extent, and compels the Spanish Government to preserve an attitude there, involving great expense, and more embarrassing even, than an absolute state of war.

The Government of her Majesty is desirous of putting an end to the evils arising from this condition of things, and to avoid those dangerous entanglements in which the two governments might become involved, if it were to continue any longer. With this object in view, and trusting that the frankness with which its demands and complaints will be urged, may contribute to dispel all doubts, as to the relative position of the two countries, and to draw closer, at the same time, the ties of friendship which unite them, it has lately instructed the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, to bring these matters before the consideration of the government of the Union, which he does accordingly, submitting the whole to the upright and enlightened judgment of the Honble. Secretary of State for the United States.

In the year 1845, a proposition for annexing the Island of Cuba to the United States, was brought for the first time before the Senate, by Senator Levy, (Yulee).-- In the same year, the Honble. Mr. Dallas, who was then Vice President of the Republic, made the incorporation of the aforesaid Island, the subject of a toast at a public entertainment; and later still, in 1849, he published a letter in which he declared himself in favor of its annexation, as the crowning act in the scheme of National prosperity, and national aggrandizement. Sentiments like these, uttered publicly, and by persons occupying elevated stations in life, could not fail to give a character of durability to those daily controversies, which, from that time, have been carried on upon this subject, and to those alarming rumors, which although absurd in themselves, were yet put in circulation.

One of these rumors held forth the danger of Spain ceding away the Island of Cuba to England. But, not having been able to produce the desired effect through this miserable pretext, the enemies of Spain determined to get possession of the Island by means of conquest, and, accordingly they commenced organizing armed expeditions. The exalted rectitude and loyalty of the illustrious General Taylor, the late lamented President of the Republic, were the means of breaking up the expedition which had assembled on "Round Island" in 1849, for the purpose of invading the Spanish Dominions. Before a year had elapsed, another expedition, organized on a much larger scale than the first, invaded the city of Cardenas, causing serious and deplorable disasters, notwithstanding that the invaders had to contend against the loyalty of its inhabitants.

These acts, rendered still more aggravating by circumstances which will be mentioned in the sequel, have very naturally given a great deal of concern to the government of Spain.

In addressing a Statesman of such universal celebrity as the Honble. Daniel Webster, it were almost an offensive presumption to remind him of the principles of the law of Nations, which pronounce, in such positive terms, all acts of hostility perpetrated by the subjects of one nation against another, in the midst of peace, to be acts of piracy. The undersigned cannot abstain, however, from referring to the existing treaties between Spain and the United States, as constituting an unalterable rule for managing the relations between the two countries. The first article of the treaty of 1795, provides that there shall be permanent and lasting peace and friendship between the two governments and their respective subjects and citizens without exception of persons or places.

By the 5th article the two powers bind themselves expressly, to suppress by force, all kinds of hostile demonstrations on the part of those Indian tribes residing within the line of their respective boundaries.

And by the 14th article, it is provided that no citizen or inhabitant of the United States, shall either ask or accept, employment or commission to fit out vessels for the purpose of molesting the subjects of Her Catholic Majesty, or with a view of taking possession of their property. If any individual, belonging to either nation, should accept of such employment or commission, he shall be punished as a pirate.

In this treaty, therefore, the United States solemnly established peace; promising to use force in order to suppress those Indians who might attempt to disturb it, and proclaiming as pirates all those American citizens who should accept employment for the purpose of making any hostile demonstrations against the subjects of Her Majesty.

Such are the obligations which the United States have contracted in regard to Spain;-- Obligations rendered the more sacred, because the Spanish government has always fulfilled them, on its own part, with religious fidelity, and on an occasion not far distant, in a very remarkable manner.

It has not been thus with the United States! Scarcely a year has elapsed, since there was organized on the soil of the Republic, in the face of the whole world, and amidst the congratulations of that portion of the press which is inimical to Spain, the first expedition against the Island of Cuba. It is true that the sailing of the expedition was prevented by the illustrious and loyal General Taylor, whose noble sentiments were well-known to, and appreciated by Her Majesty's government; but those composing the aforesaid expedition were allowed to go free, with their arms and ammunition, without being subjected to the punishment which the laws of the Republic provide in all such cases. This impunity has produced results which it was easy to have anticipated. In the undertaking of last year, it was only sought to prevent those connected with this seditious conspiracy from sailing from any

ports of the Union with arms; consequently, in the attempt made this year, the final point of meeting and departure was fixed out of the limits of the United States.

It is clear and evident, that if the parties concerned in getting up the first expedition, had been punished with all the severity they deserved, in pursuance of the provisions of the treaty of 1795, that salutary warning would have prevented the second expedition from being set on foot. But in as much as they were allowed to escape with impunity, the United States have presented the scandalous anomaly of a portion of the nation being at open war with Spain, while the Federal government, continued officially in a state of perfect peace with her.

While the Supreme Government of the Republic was giving to the Undersigned repeated assurances of its determination to cause the existing treaties to be respected,--which assurances the Undersigned always forwarded to his government,-- there were enlistments going on, and collections of arms being made, some of which had been received from the public arsenals, both in New York and in New Orleans, and at other points of the country. The Invaders, with the greatest possible effrontery, displayed the cockade and the colors of the Republic, they said, they were about to establish in Cuba. The Newspapers, in their turn, were not satisfied with giving utterance to their opinions on the subject, about which Spain would never think of preferring any complaint, but went so far as to publish the announcements and proclamations of an insurrectionary committee, which finally came to establish its headquarters in Washington, where it remained for several weeks, and from whence it absolutely issued a kind of script upon the public revenues of the Island of Cuba. Finally, what is called the Cuban flag was seen hoisted from the office of the "Sun" in the city of New York, the editors of that paper arraying themselves in active and open hostility against Spain.

The Undersigned protested against the existence of a revolutionary committee in the city of Washington, to the Honble. Daniel Webster's predecessor, who said to him, that there were no reasonable grounds of action in the premises. Her Majesty's consuls, at the request of the undersigned, also denounced the movements of the Conspirators to the local authorities, but their complaints not only passed unheeded, but a claim for damages and injuries was actually set up against her Majesty's consul in New Orleans, for having caused the departure of the ship "Heroine" to be delayed for a few hours, because she was, with good reasons, suspected of having munitions of war on board, for the use of the invaders; thus embarrassing him in the exercise of his functions, and paralyzing his energies, with the prospect of a Judicial prosecution and an expensive litigation, every time he happened to give some information in relation to the matter.

The Federal government having finally issued the instructions of the 22d of last January, and others which have followed since, directing the arrest and prosecution of the Conspirators, it was found that these orders could not be executed, because the District Attorneys everywhere required proofs of overt acts, and the conspirators continued to carry on their preparations for invading the Island without disturbance or fear. It did not belong either to Her Majesty's Legation nor to the Consuls, to produce proofs and to become thereby public accusers,--setting up personal claims. It was incumbent upon the government of the Union to have proceeded in the matter officially, because the existing treaties do not impose upon Spain the task of prosecuting her enemies legally before the Courts of the Confederacy, but on the contrary, the Federal Government has pledged itself, in them of its own accord, to treat such as pirates.

The results are known to all the world. A second expedition, armed and equipped in the United States, was landed on the coasts of Cuba, for the purpose of spilling blood of her loyal

inhabitants, to plunder the public funds, to burn down her edifices and to commit every species of atrocity. Having returned to the United States, these pirates,--so styled in the very treaty of 1795,--are now following the example of their confederates of last year, boasting of their criminal designs, if not absolutely concerting plans for a third expedition, which, according to information received by the Undersigned, and forwarded by him to the Hon Daniel Webster by date of the 26th inst [ult.], they are now hatching without disguise.

The government of Her Catholic Majesty has been extremely surprised to find, that the Traitor Lopez was instantly set free at Savannah, in consequence of some legal quibbling, which is a mockery of the law itself, in as much as it was a question of a man who had just returned from a criminal expedition, and who, not only, did not deny the act, but actually boasted of it publicly; and with a perfect contempt for law and treaties, had harangued the people, promising them never to desist from his nefarious designs, but to consecrate all his life to the object he had in view. He made a similar speech afterwards in New Orleans on leaving the Court where he had been compelled to appear at the instance of Her Majesty's Consul. How striking is the contrast between this and the course pursued by Spain four years ago! The Spanish Government had scarcely been informed that there was cause to apprehend a rupture between the Mexican Republic and the United States, that it hastened to issue instructions, under date of April 30th 1845, to the effect that the strictest neutrality was to be observed throughout the Spanish Dominions, and by all Spanish subjects, so that when Mr Washington Irving, who was then Minister of the United States at Madrid, made known the actual state of war to Her Majesty's government, in a note dated July 17th 1846, and requested that Spanish subjects should not be allowed to take Mexican letters of marque, Her Majesty's government had the satisfaction of being able to assure him that all the necessary precautions had long since been taken to prevent such an occurrence.

In order to show how faithful Spain has been to her pledges, in this instance, it is enough to say, that during the entire war, there was but a single case in which the principle of non-intervention was violated, notwithstanding the facilities afforded, by the identity of language, of customs, and even of names, as existing between Spaniards and Mexicans, for baffling the vigilance of the Government. There was but a solitary Spanish vessel, called the "Unico" that went out to sea under Mexican letters of Marque, of which her owners availed themselves, to effect false sales, to obtain certificates of Mexican citizenship, and to perform other strategic maneuvers, calculated to conceal their crime; and yet in spite of all this, she was subjected to criminal prosecution, without the necessity of any United States' agent appearing in person, but by the simple action of the Spanish Government whose duty it really was to see the laws of the country executed, among which is the treaty of 1795. By the sentence of the court, the "Unico" was condemned; those composing her crew, and even now undergoing the measure of their punishment, while the United States Bark, "Carmelita" was declared to be entitled to indemnification from the owners of the "Unico" for any damages or losses she might have sustained, in consequence of her brief detention in the port of Barcelona.

On this point, the Spanish government can refer to the repeated declarations of gratitude which it received from Mr. Saunders, the American Minister at Madrid, and from Mr. Campbell, the Consul of the Republic at Havannah, as testimonials of its loyalty in the strict execution of treaties. In spite of this acknowledgement, the United States government continued to evince the most earnest anxiety on the subject; nor would the American legation in Madrid have even then remained satisfied, if copies of the instructions sent to the provincial authorities by Her Majesty's Minister of State, had

not been forwarded to it. The Government of the United States not being yet satisfied with these manifestations of a desire to uphold its rights, went so far as to wound the honor of Spain, in a certain manner, by sending Commodore Mackenzie to the Island of Cuba, with instructions to exercise the utmost vigilance, and to have a proper understanding with the Captain General on the subject.

Hence the astonishment and grief felt by Her Majesty's government, on seeing a people so jealous of their rights and privileges, and so prompt in vindicating them, yet appearing so lukewarm and neglectful when the rights and privileges of a friendly nation, are in question. Spain sees with sorrow, that after having fulfilled all her obligations in regard to the United States, with such unswerving integrity of purpose, this country should now present the appearance of a great focus of insurrectionary elements,--an arsenal where all kinds of weapons are forged for the purpose of making war upon her provinces.

It will probably be alleged that the government of the United States has done for Spain all that the laws of the country would allow, and that if it did not accomplish more, it is because it would have been inconsistent with the Spirit of those laws; The government of Her Majesty is aware that this allegation has been made, but it does not believe in the plausibility of the argument, as such acknowledgement, would be equivalent to declaring that the execution of laws and the fulfillment of treaties, is a contradiction. Besides, such an excuse would be unacceptable to Spain, as it is not her business to remove the difficulty. All that she asks is, an exact observance of treaty stipulations and whatever else may be incumbent upon the government of the Union to perform. The treaty of 1795 constitutes a portion of the civil law of the United States, as it does of the civil law of Spain; consequently, as the Spanish Government has caused this law to be executed within its own territory, it behooves the government of the United States to maintain its efficacy wherever its jurisdiction extends. The result of any other course of proceeding would be, that all treaties negotiated between the two countries would confer privileges upon the United States, without imposing any obligations in return, while Spain on the contrary would incur all the Responsibility of the latter, without enjoying any of the former.

But her Majesty's government, to whom the provisions of the act of Congress of April 10th 1818, are well known, does not believe that this difficulty has its origin in any peculiarity of the civil laws of the confederacy. The 6th 10th and 11th articles of the act referred to, authorize the Judicial Courts of the Republic to impose fines as high as \$3000, and imprisonment for as much as 3 years, upon all such persons as shall set on foot, contrive, or project any military expedition or enterprise with a view of directing the same against any foreign colony. This same law imposes certain obligations, and exacts certain securities from all ship-masters sailing from any of the ports of the Union with arms on board their vessels; and yet in spite of such positive legal enactments, two military expeditions have been fitted and equipped in the United States for the purpose of invading the Island of Cuba without its having ever reached the ear of the Spanish Government that a solitary shilling of fine had been imposed upon the well known contrivers of those expeditions, or that they had ever been subjected to a single day of imprisonment.

The lukewarmness of the United States's government has occasioned so much the more wonder to the government of her Majesty, because, besides confiding in the efficacy of its own legitimate rights and in the fulfillment of treaty obligations, the latter had relied upon the repeated assurances, and friendly offers of the government of the Union. Ever since 1826, when the United States Government protested against the schemes of the Government of Venezuela, declaring, that

it would uphold the rights of Spain over the Island of Cuba and Puerto Rico, with all its power,--until this day, many have been the occasions when the same language has been held by every successive administration; even the Undersigned has received assurances, which he has hastened to communicate to his government, that Lopez and his accomplices should be prosecuted and the laws vindicated. But, in as much as, notwithstanding these assurances, the invasion of Cuba has actually taken place, her Majesty's government finds itself in a position which it considers much more embarrassing than a positive state of war;--because it is a war *de facto*, in the midst of official peace. In this position, that government can no longer remain; and, consequently, it desires to know, what it has to expect, in order that it may adopt such measures, as prudence shall dictate. It desires to know whether the United States are able, legally to suppress, these military expeditions, which are fitting out in their own territory, for the purpose of invading the colonies of Spain?--What is the opinion of the American Government in regard to the neutrality stipulated for, in existing treaties, and to what extent they are willing to act, in order to enforce its observance?--In short, it desires to know, whether these violations of treaty obligations can be suppressed on American soil, and those concerned in them punished? The opportunity for deciding in the affirmative is now at hand: let the projectors of this criminal attempt which has just been made against the Island of Cuba, be severely dealt with. Her Majesty's government solemnly demands, and has instructed the Undersigned to demand, this just reparation.

The undersigned has done so accordingly: At the same time, however, he deems it to be his duty to add, that, notwithstanding the intelligence which her Majesty's government had received when it addressed him these instructions, it flattered itself nevertheless with the hope and belief, that the Government of the Union had by that time adopted the necessary means for punishing the projectors of the expedition against Cuba and their accomplices with all the severity required by treaty obligations.

Finally;--The Undersigned, faithful to his duty in obeying the mandates of truth, has forwarded to his government all those assurances, both written and verbal, which he received from time to time from the last administration. Of the elevation to the Supreme Magistracy of his Excellency the actual President, and of the acceptance, by the Honble Daniel Webster, of the post of Secretary of State, Her Majesty's government could not as yet have had any knowledge. When that information shall reach the government of the Undersigned, instead of diminishing, it will rather increase the hope previously expressed in regard to obtaining the reparation it asks; and the adoption, by this government of proper means to secure it.--putting thus an end to a state of uncertainty, which is as much to be lamented as it is injurious to the interests of both countries.

The undersigned renews to the Hon: Daniel Webster, the assurances of his most distinguished consideration.

A. Calderon de la Barca

Washington, August 2d 1850
Hon. Daniel Webster, Secretary
of State for the United States etc.

Secretary of State to Mr. Hamilton U.S. Dist. Atty, Mobile

Department of State
Washington, Aug. 22, 1850

P. Hamilton, Esq

U.S. District Attorney
Mobile, Ala.

Sir,

I have to acknowledge the receipt of your letters of the 7th and 9th inst, with enclosures.
The course pursued by you in the case of the late Contoy prisoners, is fully approved by me.

I am Sir, respectfully, Your obt. servant
Daniel Webster

P. Hamilton to Secty. of State

Office of the U. States Attorney
Mobile, August 9th 1850

Sir:

I now report that this morning I had the Contoy prisoners, or Such of them, as seemed to me likely to prove material witnesses in the trial of the indictments now pending in Louisiana against Narcisso Lopez, brought before his Honor Judge Gayle, U.S. Judge for this District, and they were recognized to appear at the next term of the U.S. Circuit Court for Louisiana to testify in those cases.

Judge Gayle Saw fit to demand only their individual recognizances, without Security.

Many of these men, I am satisfied can prove facts more or less material, if they can be made to testify at all. Some of them will decline to answer on the ground they may criminate themselves.--

Judge Gayle announced that he could listen to no charges against these men, they having already been examined and released by the Spanish Authorities.

To this moment, I have received no instructions from the Government, in relation to these men, but hope, the course I have persued, of which you are now fully advised, meets the approbation of yourself and the President.

Very Respectfully
Your Most Obt. Servant
P. Hamilton
U.S. Attorney

Hon: Daniel Webster
Secretary of State

Hon. J. Harris to Secty. of State

Vicksburg, Missi.
September 21st 1850

Sir:

Your Circular of the 3rd instant, calling attention to the proclamation of the late President, of the 11th August, 1849, and renewing the orders and instructions therein contained, was forwarded to me by the former Attorney of this District, and was received to-day.

I am in possession of no information that would, in any manner, warrant me in saying, that another military movement, against the Island of Cuba, was in process of organization; though I have heard of declarations, coming from officers of the late expedition residing in this State, to the effect, that a new one was in contemplation. What importance should be attached to them I cannot say.

Any facts coming to my knowledge, with respect to the matter, will be promptly communicated.

Very Respectfully

Your obedient Servant
Horatio J. Harris
U.S. District Attorney
Southern District Mississippi

Hon: Daniel Webster
Secretary of State
Washington D.C.

Secretary of State to J. Prescott Hall, U.S. Dist. Atty. N. York

Department of State
Washington 2 Oct. 1850

J. Prescott Hall, Esq.
U.S. Dist. Atty. New York
Sir,

I transmit herewith a translation of a note received yesterday from the Spanish Minister in relation to the Steamers Creole and Fanny, now at auction in the port of New York, and destined as is alleged for an immediate invasion of the Island of Cuba.

Rumors have reached here from time to time in regard to these vessels and their probable destination, but the Dept. remains without any official intelligence from you upon the subject.

I am, Sir respy
Your obt. servt

Daniel Webster

P. Hamilton to Secty. of State

Office of U.S. Atto:
Mobile Octo: 2d 1850.

Sir

I duly received your Circular of 3d Sep, in relation to a renewal of the attempt to invade the Island of Cuba.

Although I am without any positive information on the subject, circumstances appear to favor the notion that a scheme of that kind is in contemplation, & that this neighborhood, is proposed as the point of Rendezvous. The Spanish Consul informs me, he is advised by the Spanish Minister, that Mobile is to be the point of departure. I am not informed, of the grounds of this statement. Within the last ten days however, I have observed an unusual number of strange faces, in our streets, without apparently any object of business or regular employment, & among them, are of the Contoy prisoners, (Moore by name) that I believe was deeply implicated in the former attempt. I have also been told that several persons notoriously, connected with the former expedition have recently spent several days in Mobile, apparently engaged in an examination of the neighborhood, and the shore of a portion of the Bay. There seem also rumors of an intention; tho' I can obtain but little information beyond the general rumor. Enclosed I send copy of a Tribune Newspaper published here, that asserts these rumors to be founded on fact. It has also been stated to me, as a matter of belief that a company of sixty men has been enlisted in the City.

From this you will observe that I am not positively advised of any one fact, going to show any breach of our laws, yet the rumors are of such a character, that I deem it my duty, to make you acquainted with them.

I learn from the papers that Government vessels are to be dispatched to the Gulf, it is said with a view to a projected expedition-- and it has occurred to me, that if the Government is in possession of facts, to any degree confirmatory of the rumors so prevalent, it would be worthy of consideration, whether one or two, light draft armed vessels should not be placed, so as to keep a good espionage, over the waters of the Bay of Mobile, and the numerous inlets, and bayous, between Mobile Point and the mouth of the Mississippi. For such a purpose Steamers would probably be preferable. Genl Lopez was here about a week ago.

Very Respectfully
Your Obt Svt

P. Hamilton
U.S. Attorney

To the Hon. Daniel Webster
Secretary of State

J. Prescott Hall to Secretary of State

Southern District of N.Y.
U.S. District Attys Office
October 9th 1850

Sir,

I have the honor to enclose a Copy of a Communication addressed to me by the Collector of this Port--on the subject of the Cuban Expedition.

I am, with high respect
I am obt. sevt.
J. Prescott Hall
U.S. Attorney

Hon. Daniel Webster
Secretary of State

Custom House N. York
Collectors Office, 4 Oct. 1850

Sir,

I have read the note addressed to you by the Secretary of State, dated 2nd Inst and the translations of two documents signed by the Spanish Minister.

The subject of these papers has received my earnest attention, and I shall not fail to exercise all the vigilance prescribed by the President's proclamation of 11th Aug. 1849 and the circular from the Department of State dated 3d ultimo.

In respect to the Steamer Creole, you are aware that she was recently visited by one of my officers, accompanied by yourself, and that no circumstances appeared to justify the suspicions which have been expressed in regard to her.

A Partner in the very respectable firm of E. D. Hurlbut & Co, has since called at this office, and stated that they have the control of the vessel, have advertised her for sale under orders of the owners, and have no knowledge nor belief that she is connected with any enterprize involving the rights of any nation with which the United States are at peace, nor any other enterprize of a questionable character.

He also promised to give me immediate notice of any change in the ownership.

In regard to the Steamer Fanny, I understand that she is undergoing extensive repairs which will prevent her sailing for ten days or more.

I have given orders to have both these vessels strictly watched, and will, upon the slightest intimation that there is danger of their violating the neutral obligations of the United States, give immediate notice to you.

Your obt. servt.
H. Maxwell
Collector

J. Prescott Hall

U.S. Dist. Attorney

Secretary of State to Logan Hunton, U.S. Dist. Atty. New Orleans

Department of State
Washington Nov. 29, 1850

Logan Hunton, Esq.

U.S. Dist. Atty. for the
Eastern District of Louisiana
New Orleans

Sir,

I have the honor to communicate to you, herewith, a copy of a note from Don Calderon de la Barca the Spanish Minister, dated the 28th Inst. with an enclosure giving information of an alleged new attempt to Invade the Island of Cuba.

I am Sir, respectfully
Your obedt. servt
Daniel Webster

H. Maxwell to Secretary of State

Custom House, New York
Collectors Office, 14 Dec. 1850

Sir,

Since the 8th of Oct. last, the Steamers Creole and Fanny have been under the observation of Officers who made daily reports of all proceedings in regard to them.

I have now the honor to report to You, that the Creole has left this port, through the sound, after clearing for Portland, Maine.

No suspicious circumstances in connection with the Fanny have been reported to me, and I should be pleased to be relieved from further superintendence, being persuaded that there is no just ground for suspecting that her owners entertain any design of violating the neutrality of the United States.

Your obt. servt.
H. Maxwell
Collector

Hon. Daniel Webster

Secretary of State

Copy

Secretary of State to U.S. Dist. Attorney at New Orleans
Sent by Telegraph

Logan Hunton, Esq.
U.S. District Attorney,
New Orleans, La.

Look out for the Steamer, concerning which I wrote to you on the 21st inst. -- According to information just imported by the Spanish Minister, she has on board a large quantity of rifles, concealed in a double bottom, intended to serve the objects of the newly contemplated invasion of Cuba.

Danl. Webster
Dept. of State, Washington, 28th Jany. 1851

Logan Hunton to Secty. of State

Office U.S. Attorney
New Orleans Jan. 29, 1851

Hon. Daniel Webster
Secretary of State
Washington City

Sir,

Yours of 21st inst with accompanying communications made to the Department of State by the Minister of Spain relative to the suspicious circumstances under which the Steamer "Fanny" recently sailed from New York for this Port, has been received.

Be assured, Sir, that I fully appreciate the importance of preventing unlawful aggressions from the United States, upon the territories of friendly States, and that I shall exercise a special vigilance in reference to the Steamer Fanny, as well as to any other movements in this quarter indicating unlawful designs of the character referred to in your communication.

I am Sir very Respectfully
Your obt Servant
Logan Hunton
U.S. Attorney

William Freret to Secretary of State

Custom House New Orleans
Collectors office Jany. 29, 1851

Sir,

I have the honor to acknowledge the receipt of your Communication of the 21st inst informing me that the department has received reliable information that another movement has been set on foot to invade the Island of Cuba.

Be assured Sir, that I shall not fail to exercise all due vigilance in seeing that the laws of the U.S. are not violated within my district, and that I will immediately report to the proper officer any information I may obtain in relation to this proposed movement.

I have the honor to be
Sir
With great Respect
Yr obt st

William Freret
Collector

Hon. D. Webster
Secty of State, Washington

Copy
William Freret to Secretary of State

Custom House, New Orleans
Collector's Office Feby. 1, 1851

Sir,

I had the honor to inform you yesterday by telegraph of the arrival of the Steamer Fanny from New York.

In order that her every movement may be watched, I have placed special officers on duty, day & night, in such positions that she cannot elude their vigilance.

I find on an examination of the Manifest that she reports having on board Four cases of Guns, consigned to respectable houses, the balance of her small cargo consists of merchandise.

I have the honor to be, Sir, with great respect

Your ob. svnt.
Wm. Freret
Collector

Hon. Dnl. Webster
Secty. of State,
Washington

Copy

Logan Hunton Esq U.S. Dist. Atty. N.O. to Mr. Webster

Office U.S. Attorney
New Orleans, Feb. 8th 1851

Hon. Danl. Webster
Secretary of State

Sir,

Yours of the 29th ulto. with an accompanying note addressed by the Spanish Minister to the Department of State has just been received.

Immediately after the receipt of your telegraphic despatch of the 28th ult. I requested the Collector to have Constant Watch on the Fanny, during day and night, while in this Port.

He has reported to me that four boxes marked "Guns were entered on the manifest of the Fanny, were discharged in the day time on the Levee, and were delivered to the Consignees--respectable merchants of this City.--

He further assures me, that the Fanny has been closely watched since her arrival in this Port, but nothing has been discovered about the vessel, as yet, to justify the suspicion that she is to be connected with the anticipated invasion of the Island of Cuba.

I am Sir, very respectfully
Your obt. servant

Logan Hunton
U.S. Attorney

Copy

Wm. Freret, Collector of the Port of N.O. to Mr. Webster

Custom House
New Orleans
Collectors Office Feb. 8th 1851

Sir,

I have the honor to enclose a Report from the Inspector placed on duty to watch the movements of the Steam Ship Fanny.

The District Attorney submitted to me this morning your communication to him of the 29th ult. As you will perceive by the report of the Inspector there appears to have been no desire to conceal the fact that there were Guns on board the Steamer, they were reported on the manifest, and landed here in open day and shipped to their destination.

In regard to the "double bottom," the Inspector as yet has been unable to make the examination she having in her hold about 50 Tons Coal.

My own impression is, no ground for suspicion exists in this case, altho' I shall continue all the necessary precautions to obtain positive information on the subject.

I have the honor to be
Sir, with great respect
Your obt. servt.

Wm. Freret
Collector

Hon. Daniel Webster
Secretary of State
Washington City

According to the Order of William Freret Esqr. Collector of the Port of New Orleans, I repaired on Friday Jan. 31st 1851 to the Landing place of the Steamship Fanny on the foot of the Girard St. Municipality No. II and made during my stay the following observation.

Friday Jan. 31st The boat commenced about 11 o'clock A.M. to discharge her freight, consisting mostly of light goods; was visited during the day by a great number of persons apparently merchants looking for their consignments.

Saturday, Feb. 1st Discharged balance of freight, consisting of a few cases of light goods-- Was visited in the morning about 10 O'clock by 4 men (Spaniards) which (who) examined the vessel very closely and remained about 15 minutes on board. Hatches were closed about 11 o'clock A.M. and remained so.

Sunday, Feb. 2d Visited the vessel three times during the day could not discover anything unusual.

Monday, Feb. 3d About 11 o'clock A.M. the same persons mentioned above came on board, examined the vessel very closely and left again after having been there for few minutes; came back about 11 o'clock A.M. remained on board but few minutes; left the vessel, went to the "Rainbow Coffeehouse" (Corner of Levee and Notre Dame sts.) kept by a Spaniard, looked over the "Daily Crescent" particularly that part where Steamboats are generally advertised and (probably not finding what they were looking for they proceeded to the corner of Commerce and Lafayette sts. to the store

of Messrs. A. Willoz and J. Bourdette, Flour dealers, took up a Commercial paper, either the "Bulletin or Bee" looked over the advertisements of Steamboats and then left, returned on board about 2 o'clock P.M. commenced a most rigid examination throughout the whole vessel remained on board about 2 hours and then left.

Tuesday Feb. 4th

At 10 o'clock A.M. the crew brought 4 Boxes on shore marked "Guns"

- 1 Box, cons. to Jas. Weldon, Carrolton, La.
- 1 " " " Richardson & Robertson, Jackson, Miss.
- 1 " " " L. R. Betts, Charleston, Miss.
- 1 " " " Consignee not known

these boxes were taken away by dray No. 4179 and delivered at the following places:

- 1 Box at A. L. Addison & Co. No. 31 Natchez st.--
- 1 Box at Vaully & Hawkins No. 90 Gravier street.
- 1 " " George Wingfield & Co. No. 95 Gravier street
- 1 " " at the New Orleans & Carrollton R.R. Depot.

Several small packages of Merchandize were also taken away by the same dray and delivered at different places.

Wednesday Feb. 5th

Nobody on board but the crew, hatches closed, nothing of any interest occurred during the whole day.--

Thursday, Feb 6th

Found every thing as left on the previous evening. In the course of the day had a conversation with the mate, in which he amongst others asked me, whether I was watching the "Fanny" or not. I told him, that I was not and asked him, what induced him to think so, when he replied, that my movements in the immediate vicinity of the vessel for nearly a whole week.-- as well as certain rumors about the port of destination of the steamer had aroused his suspicion; continuing he expressed his doubt as to whether he or the 2d mate would stay on board for her next trip and also said that even the Captain might be very apt to give up the Command of her.-- said further, he found it very strange that the Boat was laid up so long after having just undergone very extensive repairs, and it was his opinion, that there was some trouble about the future destination of the vessel, he also said that she had about 50 tons of Coal on board.

In the afternoon about 3 o'clock a flat boat loaded with Coal came alongside to provide her with more fuel.

John F. Gruber

New Orleans
Feb. 7th 1851

(Copy)

Private

British Legation
March 10, 1851

Hon. Daniel Webster

My dear Sir,

Knowing the good faith with which your Government would desire to repress any aggression

proceeding from this Country against the territory of a friendly power, I feel confident that I shall be doing what is agreeable to you as well as what accords with my own duty and Instructions in laying before you some information which I have received.

I have reason then to believe that General Lopez acting in concert with certain parties in Cuba, has for some time past meditated another desperate enterprize against that Island; and that if he cannot mature a more promising scheme of invasion, he intends proceeding with but a very few followers, partly Americans, within a month or two from this time to attempt a landing and thereby effect a rising in the Island in question.

I learn that a schooner engaged with this view is not waiting his orders in the Gulf of Florida; but if my information be correct, General Lopez, before resorting to this last chance, is endeavoring to organize a plan of a much more extensive and formidable kind.

I understand that about a thousand young men are now engaged and waiting in the States of South Carolina, Georgia, and Alabama ready to proceed to carry out this plan if the resources which General Lopez expects are placed at his disposal. I hear also that the use of two Steamers is in part contracted for; as well as the purchase of arms and munitions of war of all descriptions, together with ten light pieces of artillery. This first force of a thousand men is to be followed by one of two thousand more, a portion of whom have been enrolled in Texas.

The Steamers would probably proceed to some part of Mexico, an island adjacent thereto, and thence make for the northwest coast of the Island of Cuba, whence the invaders can easily, if necessary gain the mountains.

A sum of money I am told has already been raised, or promised to be forthcoming in the Southern States of this Union, provided twenty thousand dollars be subscribed by the Cubans themselves.

For this sum General Lopez, if the details furnished to me are correct, is now waiting.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

H. L. Bulwer

Copy

Department of State
Washington, 23rd April 1851

J. Prescott Hall, Esq.
U.S. Attorney for the
Southern District of N.Y.
New York City

Sir,

I have the honor to acknowledge the receipt of your letter of yesterday's date, containing information of a projected expedition, of several hundred men to take part in a meditated invasion of Cuba, about to depart by ship or vessel from the port of New York for a general rendezvous on our Souther Coast; and suggesting precautionary means to defeat the enterprize.

I have duly submitted your letter to the President, and am by him directed to authorize and empower you, and you are accordingly hereby authorized and empowered, in virtue of the VIII Section of the Act of 20 April, 1818, to take all proper measures, and employ such parts of the land or naval forces of the United States, or of the Militia thereof, as may be necessary for the purpose of preventing the carrying on of any such expedition or enterprize from the territories or jurisdiction of

the United States against the territories or dominions of any foreign power or State, or of any colony, district or people with whom the United States are at peace.

I am, Sir, respectfully,
Your obedient servant,

Wm. S. Derrick

Acting Secretary

Copy

Department of State
Washington, 25th April, 1851

Henry T. Tallmadge, Esq.
United States Marshal,
New York

Sir,

In consequence of the sickness of Mr. Hall, the power conferred on him, by the President, in a letter from this Department, of the 23rd inst., is revoked; and I am directed, by the President, to authorize and empower you, and you are, accordingly, hereby, authorized and empowered, in virtue of the VIII Section of the Act of 20 April 1818, to take all proper measures, and employ such part of the land or naval forces of the United States, or of the Militia thereof, as may be necessary for the purpose of preventing the carrying on of any such expedition or enterprize from the territories or jurisdiction of the U.S. against territories or dominions or any foreign prince or State, or of any colony, district or people with whom the U.S. are at peace.

I am, Sir, respectfully,
Your obvt servt

W. S. Derrick
Acting Secretary

Copy
Telegraphic

To Henry T. Tallmadge, Esq.
U.S. Marshal, New York City.

Department of State
Washington, 25th April 1851

In consequence of the sickness of J. Prescott Hall, the power conferred on him in virtue of the 8th Section of the Act of 20th April, 1818, by a letter from this Department, sent on the 23rd inst, is revoked; and is now vested in you.

W. S. Derrick
Acting Secretary

Copy
Telegraphic

J. Prescott Hall, Esq.
U.S. Dist. Attorney,
New York City

Department of State
Washington, 25th April, 1851

In consequence of your sickness, the power conferred on you by the President in virtue of the 8th Section of the Art. of 20th April, 1818, is revoked; and is now vested in the United States Marshal.

W. S. Derrick,
Acting Secretary

Translation

4 July 1851

In the City of Puerto Principe, on the 4th of July, 1851, the provisional Junta of Representatives of the Island of Cuba, having assembled at the house of the President, Dn. Agustin Aguero, it was determined:--that, in consideration of the calamities and hard oppressions, which all natives of the country are suffering,--the taxes and forced contributions, to which they are daily more and more subjected, for the maintenance of an oppressive army, and the support of a countless multitude of public officers, besides all the peninsular salaries which are paid for in this Island; and, in view, moreover, of the vexations and degradations which are daily experienced from the government, which treacherously usurps our rights, by depriving us of representation,-- said degraded Spanish Government, which is controlled by two disreputable women, to the scandal of all civilized nations, denouncing us, as base colonists;-- and, out of regard for the general wish of all the people of the Island, besides other considerations of much weight,-- the Island of Cuba is unanimously declared to be independent of the Government and Peninsula of Spain, in order that she may be recognized, in the face of the world, as an independent nation, which has spontaneously placed itself under the protection and auspices of the Republic of the United States, whose form of Government we have adopted.--

Given in the City of Puerto Principe, on the 4th of July, 1851-- Agustin Aguero y Aguero, Representative for Puerto Principe.= A. M. Fajardo, ditto for Havana.= S.C. for Villa Clara.= T.E. for Cuba.= F. M. for Baracoa.= H. C. S. for Bayamo.= C.F. for Matanzas.= F.D. for Remedios.= C.Z.M. for Guanajay y Mariel.= F.P. for Bahia Honda y San Diego.= Y.A. for Pinar de Rio y Colonia.= M.M. for Mantua.= The above is a true copy of the original, which is preserved in the Archives of Puerto Principe.

Jn. Ml. Aguero, Secretary

En la Ciudad de Puerto Principe en cuatro de Julio de mil ochocientos cincuenta y uno reunida la junta provisional de los representantes de la Isla de Cuba en la casa del presidente Dn. Agustin Aguero acordaron que en virtud de las calamidades y dura opresion que sufren todos los naturales del pais y que cada dia se les recarga mas con impuestos y esacciones forzosas para la mantension del ejercito opresor y del innumerable cumulo de empleados ademas de todos los sueldos de la peninsula que se pagan en esta Isla y por otra parte en vista de las vejaciones y degradaciones que cada dia se esperimentan por el gobierno que alevosamente usurpa nuestros derechos privandonos de representacion y declarandonos viles colonos del degradado gobierno español regidos por dos mujeres deshorradas con escandalo de todas las naciones civilisadas y atendiendo al Voto general de todos los pueblos de la Ysla despues de otras consideraciones de mucho peso han venido unanimemente en declarar independiente la Ysla de Cuba del gobierno y peninsula española para que a la faz del universo se le reconozca como nacion independiente que espontaneamente se pone bajo la proteccion y amparo de la Republica de los Estados Unidos cuya forma de gobierno hemos adoptado. Dado en la Ciudad de Puerto Principe a cuatro de Julio de mil ochocientos cincuenta y

uno.= Agustin Agüero y Agüero representante por Puerto Principe= A. M. Fajardo por la Habana= S. C. por Villa Clara= J. E. por Cuba= F. M. por Baracoa= H. C. S. por Bayamo= C. F. por Matanzas= F. D. por Remedios= C.Z.M. por Guanajay y Mariel= F. P. por Bahía honda y San Diego= Y. A. por Pinar de Río y Coloma= M. M. por Mantua= Es copia fiel del original que se conserva en el archivo de Puerto Principe.

Jn. Ml. Agüero, Secretario

Copy

Department of State
Washington, 17th July, 1851

J. Prescott Hall, Esq.
U.S. District Attorney for
the Southern District of
New York

Sir,

Mr. Calderon, the Minister of Her Catholic Majesty, has again brought to the notice of this Department certain suspicious movements of some persons in the State of New York, who, disregarding existing laws, and the late Proclamations of the Executive, are still intent upon invading the Island of Cuba.

The enclosed translation of Mr. Calderon's note, of yesterday's date, will make you acquainted with the alleged designs of the individuals interested in the new movement, so far as they are known to this Department.

I am directed by the President to invite your early attention to this subject, with a view to the adoption, should these representations upon inquiry prove to be well founded, of such measures as will promptly and effectually vindicate our laws and frustrate any attempt to violate the neutral obligations of the United States.

I am, Sir, respectfully,
Your obedient servant,

William S. Derrick
Acting Secretary of State

Translation

Confidential

Aug. 6, 1851

Knowing that all the information and notices, which have been communicated by the Spanish government, are entirely false, I, as an ocular witness of passing events, beg to state to the government of the United States, and to each State of the Union, in particular, the solemn truth, in regard to what has taken place.

After the victory of *Las Posas*, achieved by the liberating general, which was bloody and glorious, the latter proposed to the Spanish General Ena, an exchange of forty Spanish prisoners, for an equal number of Americans, out of the fifty which the last mentioned chieftain had in his power; the proposition having been accepted, the valiant Lopez sent over the forty Spaniards, in the expectation that forty Americans would be sent to him in return, as General Ena had promised to do; Lopez, however, learnt with much grief that the cheat Ena, after receiving his own men, had put all

the americans to the sword. Fifty Americans having been dispersed, on the 15th, they were captured by general Bustillos of the Marines, as they were returning to their own country in four boats; they surrendered without the least resistance, confident of having abandoned the expedition of their own free will: these men on reaching Havana the morning of the 16th were immediately shot, without the formality of any judicial proceedings or the taking of any depositions: after the perpetration of this horrible massacre, which gave scandal to the whole population, their bodies were stripped, and hacked into pieces by the Spaniards, who cut off the noses and ears from the greatest portion of them, which they afterwards carried in procession upon sticks throughout the whole frightened city. There is a Spaniard who preserves both the ears of Crittenden in a glass; and another who dipped his handkerchief in the blood of this martyr and used it as a flag tied to a cane; all the bodies, mutilated and hacked, were maltreated in the most savage manner; those who could not obtain any portion of the bodies, seized a shoe, or a hat, or a piece of garment, which they fastened on their sticks, and thus this mob of cannibals paraded about the city, accompanied by a regiment, to the sound of music, frightening all the neighborhood, the inhabitants of which remained trembling in their houses. Oh! day of horror, and of eternal execration for Havana! whose patricians were shut up in their houses weeping and expecting every moment that those unbridled troops would come to sack their dwellings.

On the 17th General Lopez being obliged to abandon his positions, left twenty wounded men, in company of twenty five Spaniards, who had been wounded like wise, whose wants he had administered to, in person, in common with his own men; it had been promised to the latter that they should be respected; but Lopez and his party had scarcely left, when they fell in the power of Ena and his troops, and in spite of the supplications of the twenty five wounded Spaniards, they were basely murdered with the point of the bayonet. Ena himself, subsequently forfeiting his own life, in payment of so horrible a crime; for General Lopez, having been informed of the outrages, charged upon him, defeated him, and Ena, with a shot in his belly, had to betake himself to shameful flight, only to die afterwards. More than three hundred unhappy men, who, having been dispersed, had surrendered without making any defense, were cruelly murdered. The people of the Island of Cuba, oppressed and in fetters, implore the government of the United States, and the American National Congress, with tears in their eyes, to save them from the fury of the Spaniards, by adding this beautiful lonely star to their brilliant constellation.

No patriot was able to join General Lopez, because all the roads were guarded by the Spanish army, and nobody was allowed egress out of the city.

Havana, August 6, 1851

Antonio Maria Fajardo

Sabiendo que todos los partes e informes que ha dado el gobierno español son enteramente falsos, yo como testigo ocular de los acontecimientos declaro al gobierno de los Estados Unidos y a cada uno de sus estados en particular la verda solamente de lo que ha pasado. Despues de la victoria de las pozas ganada por el general libertador que fue muy sangrienta y gloriosa, propuso este al general espanol Enna el cambio de cuarenta prisioneros espanoles por otros tantos americanos, de los cincuenta que tenia este y aceptada la proposicion el valiente Lopez le remitio los cuarenta espanoles esperando le remitiese cuarenta americanos como habia ofrecido; pero supo con el mayor dolor que el acesino [sic] Enna despues de tener los suyos paso por las armas a los americanos. Habiendose dispersado el dia quince cincuenta americanos que se volvieran en cuatro lanchas para su pais fueron apresados por el general de marina Bustillos entregandose sin la menor resistencia

confiados en que se separaban de la expedicion voluntariamente los cuales llegados a la Habana el diez y seis por la manana fueron inmediatamente fusilados sin formarseles causa ni formarles declarasion; despues de perpetrado este horrible acsesinato que lleno de escandalo a toda la poblacion sus cuerpos fueron despojados y despedazados por los espanoles cortandoles a la mayor parte de ellos las narices y las orejas que en las puntas de los bastones fueron paseados en procesion por toda la Ciudad amedrentada. Hay espanol que conserva en un pomo las dos orejas de Critemden y otro que empapo su panuelo en la sangre de esta victima y lo puso de bandera en su baston; todos sus cuerpos mutilados y desnudos fueron vejados con el mayor furioso escandalo; el que no tenia algun miembro tomaba un zapato o un sombrero o un pedazo del vestido para ponerlo en su baston y esta tropa de canibales paseo toda la Ciudad acompanada de un rejimiento a son de musica amedrentando a todo el vecindario que se hallaba intimidado en sus casas. Dia horroroso y de eterna ecsecracion para la Habana! cuyos patricios lloraban encerrados en sus casas esperando por momentos que aquella tropa desmandada entrase a saco en sus habitaciones. El dia diez y siete teniendo el general Lopez que abandonar sus posiciones dejo veinte heridos junto con veinte y cinco espanoles tambien heridos a quien el mismo habia estado curando con los suyos, lo ofrecieron estos que serian respetados mas apenas se retiraron cuando Enna con sus tropas se apoderaron de ellos y a pesar de las suplicas de los veinte y cinco espanoles heridos los asesino vilmente a bayonetazos, pagando despues tan horrible crimen con la vida pues el general Lopez sabedor del atentado cargo sobre el, lo derroto y con un balazo en el vientre huyo vergonzosamente para morir despues. Mas de trecientos infelices que hallandose dispersos se entregaban sin defenderse fueron acsesinados cruelmente. El pueblo de la Ysla de Cuba oprimido y encadenado suplica llorando al gobierno de los Estados Unidos y a su congreso nasional los libre del furor espanol uniendo esta hermosa estrella solitaria a su brillante costelasion.

Ningun patriota pudo unirse al general Lopez por que todas las avenidas estaban tomadas por el ejercito espanol y a nadie se le permitia salir fuera de la Ciudad. Habana 6 de Agosto de 1851=

Antonio Maria Fajardo

Copy

Department of State,
Washington, August 30, 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, E.E. & M.C. of her Catholic Majesty near this Government, addressed to him on the 26th and 29th inst, 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," & many peaceable Spaniards, in New Orleans, had reached this Department, and asking for efficient protection of the persons & 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 meantime, 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, & to present 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.

William S. Derrick
Acting Secretary

Copy

Department of State
Washington, August 30, 1851

Hon. Thomas Corwin,
Secretary of the Treasury

Sir,

I have the honor to communicate to you, herewith, a copy of a note, just received, from Don A. Calderon de la Barca, the Minister of Spain, dated at New York, the 28th inst; on the subject of some alleged new expeditions against Cuba.

I am, Sir, very respectfully, Your obedient servant,

W. S. Derrick
Acting Secretary

Copy

Executive Chamber,
August 30, 1851

Henry T. Tallmadge, Esq.
U.S. Marshal,
New York

Sir,

On the 25th of April, last, you were duly authorized to arrest any expedition that might be fitting out in New York for the invasion of Cuba, or any other country, at peace with the United States.

Recent information induces me to believe and to apprehend that new efforts will be made to fit out such armed expeditions from New York or its vicinity in violation of the laws of the United States and of our obligations to a friendly power.

Every such attempt must, if possible be arrested, and having full confidence in your discretion & ability to execute the high powers which I confer, you are hereby authorized, in virtue of the VIII. Section of the Act of Congress, of the 20th of April, 1818, to take all proper measures, and employ such part of the land & naval forces of the United States, or of the militia thereof, as may be necessary for the purpose of preventing the carrying on of any such expedition or enterprize from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince, or state, or of any colony, district or people with whom the United States are at peace.

Instructions have already been given to the officer commanding the land & naval forces of the United States in the vicinity of New York to render you such aid as may be necessary in the execution of this power.

You will in cases of doubt act under the legal advice of the District Attorney for your District.

Very respectfully, &c
Millard Fillmore
P. of the U.S.

By the President:

W. S. Derrick,
Acting Secretary of State

Copy

Department of State
Washington, 30 August 1851

Henry Williams, Esq.
U.S. District Attorney
Savannah, Ga.

Sir,

The Minister of Spain, near this Government, has informed this Department in a note, dated New York, the 28th inst., that

"two steamers with about 250 men each are to sail from Savannah on Sunday morning next."

Permit me to request you, to inquire, without delay, into the truth of this statement, and, should you find it to be true, to use all means in your power, to enforce the laws against all persons connected in this criminal enterprize.

I am, Sir, respectfully,

Your obedient servant,
William S. Derrick,
Acting Secretary

Circular to 10 District Attorneys of the U.S.

Department of State
Washington, September 1, 1851

Sir,

Recent information received here, from various sources, induces an apprehension that measures are in progress in different parts of the United States to fit out another armed expedition for the invasion of the Island of Cuba, in violation of our laws and of the neutral obligations of this government towards Spain. I am therefore directed by the President, to call your attention to his Proclamation, of the 25th of April last, and to exhort you to avail yourself of all proper means at your command, to enforce, without fear or favor; the laws of the country against all those who may be found, within your district, to be engaged in setting on foot or fitting out expeditions against the possessions of a friendly power.

I am, Sir, respectfully,

Your obedient servant,
W. S. Derrick,
Acting Secretary

Wm. P. Ballinger,	Atty. of the U.S.	Galveston
Peter Hamilton	do	Mobile
Henry Williams	do	Savannah
Wm. R. Hackley	do	Key West
Logan Hunton	do	New Orleans
Geo. W. Call	do	Marianna

J. L. Petigru	do	Charleston
Z. Collins Lee	do	Baltimore
Jno. W. Ashmead	do	Philadelphia
Jas. M. Clarke	do	Providence, R.I.

Copy

Department of State
Washington, September 2nd, 1851

George J. Kane, Esq.
Collector of the Customs,
Baltimore.

Sir,

I have the honor to transmit to you, enclosed, a translation of a note from the Spanish Minister, near this Government, dated the 30th ult., with its enclosure, on the subject of certain alleged hostile movements of the Steamer "Monmouth," now in your port, against the tranquility of the Spanish Dominions.

I am directed by the President to invite your prompt attention to this subject, with a view to the adoption, should these representations upon inquiry prove to be well founded, of such measures as will frustrate any attempts to violate the neutral obligations of this Government.

I am, Sir, very respectfully, Your obedient servant,

W. S. Derrick,
Acting Secretary

Copy

Executive Chamber
September 2d 1851

Sir,

Recent information induces me to believe and to apprehend, that efforts are making, or will be made, to fit out, for the invasion of Cuba, armed expeditions from or its vicinity, in violation of the laws of the United States and of our obligations to a friendly power.

Every such attempt must, if possible, be arrested, and having full confidence in your discretion and ability to execute the high powers which I confer, you are hereby authorized and empowered in virtue of the 8th Section of the Act of Congress, of the 20th April, 1818, to take all proper measures, and employ such part of the land and Naval Forces of the United States, or of the militia thereof, as may be necessary for the purpose of preventing the carrying on of any such expedition or enterprise from any part or place within the limits of your District against the territories or dominions of any foreign prince or State, or of any colony, district or people, with whom the United States are at peace.

Instructions have been given to the officers commanding the land and Naval forces of the United States, in the vicinity of [blank space] to render you such aid as may be necessary in the execution of this power.

You will, in case of doubt, act under the legal advice of the District Attorney of the United States for your district.

I am, Sir, very respectfully,
Millard Fillmore

P.U.S.

By the President,
W. S. Derrick,
Acting Secretary of State

William D. Lewis, Collector of Customs,		Philadelphia
George P. Kane,	do	Baltimore
Wm. J. Grayson,	do	Charleston, S.C.
Jno. M. Hanson,	do	St. Augustine, Fla.
Samuel J. Douglas,	do	Key West
Jno. Postell,	Acting Collector of Customs	Savannah
Chas. Bingham,	Marshal of the U.S.	Mobile
Wm. S. Scott	Marshal of the U.S. or in his absence to Chas. A Labuzan, Dep'y Mars.	New Orleans
Joseph Bates	Marshal of the U.S.	Galveston, Texas

(Circular)

To the Respective Attorneys and Marshals of the United States on the Coast of the Atlantic and the Gulf of Mexico:

Department of State
Washington, 2 Sept., 1851

In consequence of the present feverish and unsettled state of the public mind, arising principally from circumstances connected with the recent armed expeditions against the Island of Cuba, it is deemed highly important that the District Attorneys and Marshals of the United States should be severally at their posts to prevent, as far as within their power, any violation of the law of 20th April, 1818. The President consequently directs, that, during the existing excitement and whilst there is reason to apprehend infractions of that statute, those functionaries should remain within their respective Districts prepared to execute their official duties promptly; and that those of them who are now absent should forthwith repair to their posts.

I am, Sir, respectfully,
Your obedient servant,
W. S. Derrick,
Acting Secretary

Copy

Department of State
Washington, 4th September, 1851

J. Prescott Hall, Esq.
U.S. Attorney for the
Southern District of
New York
New York City
Sir,

The letter, which you addressed to the Secretary of the Interior, on the 2nd inst.,

relative to a current report that another armed expedition is preparing to leave New York for Cuba, having been referred to this Department, I am directed by the President to inform you, in reply to that portion of your communication relating to the difficulties under which certain Federal officers of your city labor from the want of some active steam power that can move with celerity,-- that he regards with favor the suggestions you make relative thereto, and accordingly authorizes, in case of necessity, the employment, by the Marshal of the United States, of one of the Ferry Boats of the Messrs. Stevens, if a fair arrangement with them can be effected.

I am, Sir, respectfully,

your obedient servant,

W. S. Derrick,

Acting Secretary

Copy

Department of State
Washington, 4th September, 1851

E. Wm. Lawton, Esq.
Collector of the Customs,
Newport, R.I.

Sir,

The U.S. District Attorney of the Southern District of New York, in a letter dated the 2nd inst., informed the Secretary of the Interior, that

"there is a report current here [in New York] that an armed expedition is preparing to leave this port [New York] for Cuba, by the way of Newport: that is to say, it is said that two vessels are to touch there on Thursday next, and take on board men, who are to leave New York by various conveyances to join these vessels at Newport on their way to Cuba."

He further says: "Should the rumors prove to be true, I will proceed to Newport to give such information as we may in the meantime obtain, and such assistance as I may be able to afford."

It is the wish of the President, by whose order I transmit this information to you, that you should use the greatest vigilance in endeavoring to deter and prevent any attempt, which may be made within your District, to violate the neutral obligations of this Government.

I am, Sir, respectfully,

Your obedient servant,

Wm. S. Derrick,

Acting Secretary

Copy

Department of State
Washington, 16th September, 1851

Peter Hamilton, Esq.
U.S. District Attorney
for the Southern District of Alabama,
Mobile, Alabama

Sir,

I have the honor to transmit, herewith, an extract from a communication from the Minister of Spain, near this Government, dated the 13th inst., with an enclosure, inviting the attention

of this Department to certain hostile demonstrations against a number of shipwrecked Spanish sailors then at Mobile.

Permit me to request you to inquire into the truth of this statement, & to report the facts of the case to this Department.

I am, Sir, very respectfully,

Your obedient servant,

W. S. Derrick,

Acting Secretary

Copy

Department of State
Washington, 23d September, 1851

George W. Call, Jr. Esq.
U.S. District Attorney
Northern District Florida
Jacksonville, Florida

Sir:

Your letter of the 12th instant, stating that you would proceed immediately to Jacksonville to institute legal process against the Steamer Pampero, was received at this Department yesterday and submitted to the President.

The President is pleased with your zeal in this matter, and has directed me to send you a copy of certain letters addressed to the Secretary of the Treasury by Mr. Hart, the Collector for the District of St. John's, and other papers referred to in them, relating to the capture and condition of the Pampero, and to instruct you to make a careful and thorough inquiry into the case, and upon a full understanding of all the facts and circumstances connected therewith to take such legal steps as may in your opinion be proper to bring the vessel to trial and to vindicate the laws of the United States: and your attention is particularly directed to the 3d Section of the Act of 1818 (3 Statutes at Large p. 448) which subjects a vessel fitted out and armed contrary to that section, to forfeiture with all its arms and equipments.

I am, Sir, respectfully,

Your obedient servant,

Wm. S. Derrick,

Acting Secretary

In Vol. 13, Notes fr. Spanish Legation
Translation

A. Calderon de la Barca presents his respects to the Honble. J. J. Crittenden, and has the honor of enclosing to him, as he had promised to do, a copy of the Judicial proceedings which took place, previous to the execution of the fifty individuals mentioned therein, who had been among the invaders of Bahia Honda.

This copy is a literal transcript of one which was sent to him, a short since, bearing the date of 17th September last, by the Most Excellent Captain General of the Island of Cuba; who did so for the purpose, as he stated, of demonstrating in a clear and official manner, the unfounded calumnies, so maliciously propagated by certain newspapers, in the United States.

Washington, October 20th, 1851.

Translation

Political Department. D. Pedro Pablo Cruces, Brevet Lieutenant Colonel, and Commander of Cavalry, and Judge advocate [Fiscal] of the Military Commission &c &c.

I certify that on the morning of this day, I received verbal instructions from the Most Excellent Captain General, to proceed to make a brief and summary examination of the prisoners captured on the shores of this Island by the Spanish Steamer Habanero, who are at present on board the war frigate "Esperanza," and, in order to carry out the instructions aforesaid, I appointed as Secretary, Lieutenant D. Francisco Gregorio de Valderrama, who accepted the appointment, pledging his word of honor, to proceed legally in whatever he should undertake or do; in evidence of which, he signed the paper providing for said appointment, in my presence, in the City of Havana, on the sixteenth day of August, one thousand eight hundred and fifty one.

Pedro P. Cruces
Francisco Gregorio de Valderrama

In further prosecution of those superior instructions, D. Ramon Arrastia, interpreter of the Government, who was appointed to exercise the functions of his office, during these proceedings, presented himself before the Judge Advocate, and was sworn according to law, promising to translate faithfully and strictly, all those questions which might be put to the prisoners about to be examined, and their replies, likewise: in proof thereof he signed his name in the presence of that gentleman to which I testify

Pedro P. Cruces
Ramon de Arrastia
Francisco Gregorio Valderrama

In continuation of the above, the Judge Advocate, with myself and the Secretary, went on board of the frigate "Esperanza" and caused to appear in the cabin of said ship one of the prisoners named D. Anselmo Torres Hernandez, a native of Managua, in this Island, who was sworn in the ordinary form, promising to tell the truth, in answer to all questions put to him; and, being asked by whom he had been arrested, where, and at what time, and in whose company, he said that about 12 o'clock yesterday, he was with several Americans, fifty one in number, on the shore near the Morillo, who were making arrangements to return to the United States, regretting they had come over with Lopez, in whose company he had sailed from New Orleans, on the 5th on board the American Steamer "Pampero," together with five or six hundred men, who as it was stated, were coming to assist the revolutionists on the Island, having landed between 9 and 10 o'clock at night; from the landing place he followed Lopez alive to the mountain, but towards midnight, the day before yesterday, he met with the other prisoners, and was arrested for having put up a white handkerchief as a signal to the steamer Habanero, with a view of delivering himself up in time, as the boats of that vessel were approaching.

On being asked, how many vessels had sailed from New Orleans, if more people were expected to come, who commanded the expedition, and what other leaders were amongst them, he said-- that the steamer Pampero alone had come over, that he had heard it stated that more people were coming, that the expedition was commanded by Lopez, and that there was another General named Laena, who seemed to be a Hungarian, together with some Staff officers, besides a company composed of men from both hemispheres, commanded by Capt. D. Ildefonso Obert, that witness had been two days on shore -- that the above is the truth, stated under oath, that he is 40 years of age;

all of which he signed in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Anselmo Torres Hernandez

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Mr. W. L. Crittenden, a native of Kentucky, lately (two years ago) an officer of the United States Army, with the rank of Lieutenant of Infantry, which position he has since resigned, who promised to answer truthfully all questions put to him; and on being asked, who arrested him, where & at what time, said that he was arrested yesterday morning, on one of the coast of this Island, as he was proceeding along said coast, toward Cape St. Antonio, to see whether there were any Chagres vessels there, which might take him on board; that he was proceeding in their boats, which contained 50 men under his command, forming part of the division under Lopez, in which he held the rank of Colonel; but that having been informed by several peasants that the *pronunciamiento* which had been issued as to the state of the country was false, he had separated from the command in order to re-embark and had given themselves up to the Steamer "Habanero"-- that he had sailed from New Orleans on the 3d instant, with about 500 men, that while a struggle is going on, his inclinations prompt him to favor those who are in the right, and that he had been induced to believe, that this Island was in a state of revolution, and that he had come here to assist in the cause; but that he had separated from the command since the first encounter they had with the Spanish troops-- that he has nothing more to say, that the above statement made under oath, is true, which is being read over to him, he confirmed and ratified with his signature, saying that he was twenty years of age, in the presence of the Judge Advocate, and the attending Secretary.

Pedro P. Cruces

W. L. Crittenden

Before me, Francisco Gregorio de Valderrama

In continuation of the above there appeared Mr T. B. Veasy of Maryland, a catholic and a lawyer, who promised to tell the truth in answer to any enquiries which might be put to him: on being questioned to the many particulars relating to this process, he said that he sailed from New Orleans, either on the 3d or 4th in the Steamer Pampero, with 475 men, commanded by General Lopez, in consequence of having been told by the latter as well as by the newspapers of that place, that this Island was in a state of revolution, and as he belongs to a free country, he was coming to assist in the cause of liberty-- that he landed, he forgets at what time, and was taken in one of the boats which they found on the beach, that while proceeding along the coast, in her, they saw the steamer "Habanero" when they hoisted a white flag and surrendered themselves to that vessel-- that during the action which took place, he became separated and wandered about the country for three days and learnt that no such insurrection existed in the Island-- that for this reason, he had endeavored to re-embark again and that he had been offered the post of Captain. Here the examination closed, which was read over to him, and confirming its contents, he said he was 26 years of age, and signed the same in presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Thos. B. Veasy

Before me, Francisco Gregorio de Valderrama

In continuation, then appeared Napoleon Collins, a native of Philadelphia, and a protestant, and of no profession whatever; he promised to tell the truth in answer to any question which might

be put to him, and said, that he had sailed from New Orleans, in company with about 400 or 500 men, under the command of Lopez, that they were about 9 days at sea, and about 3 days on shore-- that having separated from the rest, since the encounter with the Spanish troops, for the purpose of re-embarking, he was captured as he was proceeding in boats along the shore, by the steamer "Habanero"-- that at Key West he had been informed, that there were 14 villages, in a state of insurrection on the Island, and that the revolutionists had been successful in various actions, and that he had come to assist in the cause-- that he has nothing more to say-- that the above statement is true-- that he is 23 years of age-- all of which he signed in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces
Napoleon N. Collins

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared James Brandt, a native of New Orleans, a protestant, and without profession; he promised to tell the truth in answer to any interrogatories which might be put to him; and, being questioned in regards to the matters concerning this process, he said that he sailed from New Orleans, on the 2d of this month, in the American Steamer "Pampero," in company with about 500 or 600 men, commanded by General Lopez, for the purpose of aiding the revolution, which, he had been informed, existed on this Island. that they had landed about the 12th and after the action which they had with the troops, having learnt that the *pronunciamiento* in regard to the condition of the inhabitants, was false, he had separated from the command, together with the rest of those who have been captured, with the view of re-embarking; and that as they were proceeding in boats along the shore, they saw the Steamer "Habanero," and gave themselves up; their object in going in that direction, being to proceed to Key West. The above being read to him, which being in accordance with what he had said, he ratified with his signature, saying he was 25 years of age, in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces
James Brandt

Francisco Gregorio de Valderrama

Subsequently there appeared N. H. Fisher, a native of Kentucky, a protestant, and a carpenter by trade-- he offered to tell the truth in answer to the questions which might be put to him, and said that he sailed from New Orleans on the 3d in company of 500 men, under the command of Lopez, and with a view of assisting the revolutionists on the Island, and it had been stated, that said Island was in a state of revolution in favor of liberty, that they landed, and after the encounter with the troops, they wished to return to their country and were captured yesterday by the steamer "Habanero." the above being read over to him, he pronounced it to be correct, saying that he was 33 years of age, all of which he signed in the presence of the Judge Advocate and attending Secretary.

Pedro P. Cruces
Newton H. Fisher

Before me, Francisco Gregorio de Valderrama

Subsequently then appeared John O'Brien, a native of Virginia, a catholic in religion, and a clerk in a mercantile house. He offered to speak the truth and said that he sailed from New Orleans in the Steamer Pampero, on the 2d in company with 500 men, commanded by General Lopez, for the purpose of aiding in the Cuban revolution with the rank of Lieutenant, that after the first action, in

which he did not participate, although his company did, in consequence of his having been left in charge of the baggage, he separated from the command, with the rest of those who had been captured, with a view of returning to his country. That as they were proceeding in boats they were captured by the "Habanero." That he has nothing more to say. he confirmed the above, saying that he was 22 years of age. Signing the whole with the Judge Advocate and attending Secretary.

Pedro P. Cruces
Thomas O'Brien

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Wm. Shilling, a native of Hamburg, a protestant in religion, and a Smith by trade, he offered to tell the truth in answer to any question which might be put to him, and said-- that he sailed from New Orleans in the Steamer Pampero under the command of General Lopez, with 500 men, for the purpose of aiding in the revolution of Cuba, and having landed, they had an encounter with the Spanish troops and that he separated from the command with the rest of those who were taken prisoners, for the purpose of returning to his country, being arrested by the Steamer "Habanero;" the above being read over to him, he pronounced it to be correct, that he was 21 years of age, and in consequence of his not being able to write, the act of signing was performed by the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared G. A. Cook, a native of New Hampshire, United States, a protestant in religion, and a merchant in New Orleans. he promised to tell the truth in answer to any question which might be put to him, and said-- that on hearing that this Island was in a state of revolution, in favor of liberty, he embarked in New Orleans with 500 more men, under the command of General Lopez, as a volunteer, with the promise that he should be appointed commissary, they landed, fought, and perceiving that the natives of the Island, did not come forward, he saw the deceit, and returned for the purpose of re-embarking-- that as he was proceeding in a boat, he was arrested yesterday by the Steamer "Habanero," the above was read to him, and he pronounced it to be correct, saying that he was 29 years of age, and he affixed his signature in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces
Gilman A. Cook

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared C. N. Smith, a native of New Orleans, a catholic in religion, and a merchant, who offered to speak the truth, and said that he embarked at New Orleans, along with 500 more men, under the command of General Lopez, that they were deceived, in as much as they had been told, that it was a proper business to engage in, and that on board he learnt the real object of the expedition but that he could not return, that he had come over attached to the artillery but that they had provided him with a rifle, that in the action which took place, he did not fire, and that being undeceived afterwards he abandoned the enterprise with the rest of those who had been taken prisoners by the steamer "Habanero," that he has nothing more to say; the above was read over to him, which he pronounced to be correct saying that he was 21 years of age, and he signed with the Judge Advocate to which I testify.

Pedro P. Cruces

Charles N. Smith

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Alfred Koss, a native of New York, a catholic in religion, a mechanic by trade, who said, that he embarked in New Orleans with General Lopez, on board the Steamer Pampero, landing in this Island with about 500 men, that he did not fight, in consequence of being at a distance of two miles from the spot, where the others did fight, and that he went to the coast with the other prisoners, where they were captured by the steamer "Habanero"-- that he is 19 years of age, he confirmed the above, and not being able to write, the act of signing was performed by the Judge Advocate and Secretary to which I certify

Pedro P. Cruces

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Robert Caldwell, a native of Scotland, a protestant, and a mechanic by trade-- he promised to speak the truth, and said, that he sailed from New Orleans in the steamer Pampero, with 500 more men, under the command of General Lopez, as a volunteer, and with the view of aiding the revolution of Cuba. That they landed, and had a short engagement with a detachment of troops and finding that the country was against them, he abandoned the expedition together with those who had been captured on the coast by the Steamer "Habanero." The above was read over to him-- he said he was 20 years of age, all of which he confirmed and signed with the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Robert Caldwell

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Thomas Fischer, a native of Germany, a protestant, and a surgeon by profession, who offered to relate the truth, and said he embarked at New Orleans on board the Steamer Pampero, with 400 or 500 more men, under the command of General Lopez, in the capacity of a surgeon, that they landed, and after the engagement with the troops, he left the expedition in company of those who had been arrested, with a view of returning to the United States, to undeceive those who entertained the idea that liberty can be achieved for the inhabitants of this Island-- and that they were captured on the coast by the Steamer "Habanero"-- the above was read over to him, which he pronounced to be correct, he said that he was 26 years of age, and entered his signature with the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Thomas Fischer, M.D.

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared William H. Horner, a native of Ohio, a protestant, and a painter by profession, who said that he embarked at New Orleans while he was intoxicated, and when on board he learnt that there were 500 more men, coming over with him, under the command of General Lopez, that they landed, but in consequence of his having been left, with another in the rear of the division, he took no part in the fight-- after that went, he joined those who have likewise been arrested, and went down to the coast for the purpose of re-embarking, and that they were captured by the Steamer Habanero, the above was read over to him, which he found to be correct, and said he was 22 years of age, all of which he signed with the Judge Advocate and attending Secretary.

Pedro P. Cruces

William H. Horner

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Samuel Mills a native of Boston, a protestant, and a cooper by trade, he offered to relate the truth and said, that he had embarked at New Orleans in the Steamer Pampero, in a confused state of mind, and when on board, he learnt that he was coming over as member of a division, commanded by General Lopez, that they landed on this island-- that he took no part in the fight, and that as soon as he was able, he left the expedition, with the rest of those who had been taken, with a view of returning to his own country, and that while they were on the shore, they were captured by the steamer "Habanero"-- the above was read over to him, which he found to be correct. Said he was 23 years of age, and entered his signature with the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Samuel Mills

Before me, Francisco Gregorio de Valderrama

Subsequently appeared Fracis Harnet a native of Ireland, a catholic in religion, and a saddler by trade, who promised to tell the truth and said that having been imposed upon in regard to this Island being in a state of revolution, in favor of liberty, he embarked at New Orleans in the Steamer "Pampero," with 500 men commanded by General Lopez, that they landed, and seeing that the country was not favorably disposed towards them, he abandoned the expedition, and went up in the hill, where he joined the rest of those who had been taken, in endeavoring to return to the North. That they were captured on the shore as they were skirting along in boats, by the steamer "Habanero"-- the above was read over to him, which he confirmed, and said that he was 25 years of age, and appended his signature with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Thos. Hartnett, saddler

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared William B. Little, a native of Ireland, a catholic, and in mercantile business-- he promised to tell the truth and said,-- that he had embarked in New Orleans in the Steamer Pampero, under General Lopez, as a volunteer, to aid in the cause of the Cuban revolution-- that they landed, and said Lopez proceeded to the interior of the country, a portion of the expedition was left behind near the coast, witness among the rest, and that the latter had an encounter with the Spanish troops in which they were defeated, and that the prisoners returning to the shore they were captured by the Steamer "Habanero"-- the above was read over to him, which he found to be correct, and said he was 24 years of age, all of which he signed in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces

Wm. B. Little

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared T. Whitcome, a native of Vermont, a protestant, and of mercantile pursuits, who promised to speak the truth-- and said, that he embarked at New Orleans, under wrong impressions, under the command of General Lopez, for the purpose of aiding the cause of liberty on this Island-- that they landed, and after the action which took place, in which he did not participate in consequence of having been left with others in the rear: being undeceived they were

desirous to re-embark, and were captured on the coast by the steamer "Habanero"-- that he had been made to believe 14 villages on the island were in a state of insurrection, and that the greatest portion of the island had gone over to the revolutionists-- the above was read over to him, which he found to be correct-- said he was 35 years of age, and signed in the presence of the Judge Advocate and attending Secretary.

Pedro P. Cruces
T. Whitcome

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Alexander M. Crotchet, a native of Charleston, a protestant, and in mercantile business-- he promised to speak the truth, and stated, that he embarked at New Orleans in the Steamer Pampero, with 500 men, commanded by General Lopez, to assist in giving liberty to Cuba. Acting in the capacity of Sergeant, that they landed, and Lopez pushed into the interior, leaving witness with upwards of 100 men to take care of the baggage and the supplies-- that they heard firing, thought of joining Lopez, but were cut off, and then they dispersed toward the coast, after they had taken the boats, they were captured by the Steamer "Habanero"-- the above was read to him which he found to be correct, and said he was 22 years of age, signing the deposition in the presence of the Judge Advocate and attending Secretary.

Pedro P. Cruces
Alex: M. Crotchet

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared H. T. Vienne, a native of New Orleans, a catholic, and in mercantile business, who being sworn offered to tell the truth, that about 500 men embarked at New Orleans under the command of General Lopez-- that they landed, and said Lopez left upwards of a hundred men in the rear, witness among the rest, he being a sergeant. They were desirous to join the main body, but they were met by troops who fired upon them, which fire they returned, but being dispersed on the second attack, those who were taken fell back on the coast, where the steamer "Habanero" captured them, the above was read to him, which he found to be correct, said he was 30 years of age, and signed the deposition with the Judge Advocate and attending Secretary.

Pedro P. Cruces
S. T. Prate Vienne

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared James Salmon a native of Ireland, a catholic and a practitimer by profession, who offered to speak the truth, and said-- that he embarked at New Orleans with 500 men, commanded by General Lopez, to assist in the cause of Cuban liberty, which place it was stated, and positively asserted by the newspapers, was in a state of revolution, that they landed, that upwards of 100 men were left in the rear, that they saw from the looks of the peasantry that circumstances were not as they had been represented; and that they tried to effect a junction with Lopez, and were attacked and put to flight-- that they took to the boats which were on the shore, in which they were captured by the Steamer Habanero. The above was read over to him, which he pronounced correct; said he was 19 years of age, and signed the deposition in the presence of the Judge Advocate and the attending Secretary.

Pedro P. Cruces
Jas: Salmon

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Robert Canky, a native of Ireland, a universalist in religion, and a cooper by trade. he promised to speak the truth, and said-- that he embarked at New Orleans, with 500 men commanded by General Lopez, for the purpose of effecting the liberation of Cuba, that they landed, and that he was left behind with upward of 100 men, and in the endeavor to join the main body, they were dispersed, and that putting back on the coast they were captured by the Steamer Habanero-- that he was a volunteer, and was half tipsy when he embarked, but that in as much as he was on board he could not return-- the above was read over to him, which he pronounced correct, saying that he was 29 years of age, and signing the deposition with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Robert Canky

Before me, Francisco Gregorio de Valderrama

Subsequently appeared Patrick O'Rourke, a native of Ireland, a catholic, and a tailor by trade, who promised to speak the truth, and said-- that he embarked from New Orleans with 500 men, commanded by General Lopez, in the capacity of a volunteer, that they landed on this Island, and the General having gone into the interior, witness was left behind with a portion of the command, that they tried to effect a junction with the main body, but that they were met by troops and were dispersed-- that they reached the shore, and had already taken to the boats, when they were captured by the steamer "Habanero." The above was read to him, which he found correct, saying that he was 22 years of age, and signing the deposition, with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Patrick O'Rourke

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Michael Phillips a native of New Orleans, a catholic and of no profession, he promised to speak the truth, and said-- that he sailed from New Orleans as a volunteer, under the command of Lopez-- that they landed on this Island-- that he was left behind with a small detachment-- that they met with troops, and were by them dispersed. that they returned to the coast and after they had taken to the boats they were captured by the steamer "Habanero"-- The above was read over to him which he pronounced correct, saying that he was 23 years of age, and signing the deposition with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Michael Phillips

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Patrick Dillon, a native of Ireland, a catholic, and a painter by profession, who offered to tell the truth, and said-- that he sailed from New Orleans with 500 men, commanded by General Lopez-- being himself a volunteer-- that he landed on this Island, and was left with 50 others in charge of the baggage, but that they were presently dispersed, and having returned to the shore for the purpose of re-embarking they were captured by the Steamer Habanero-- that he has not been in any of the actions in consequence of having remained with the baggage. The above was read over to him and being correct he said he was 32 years of age, and signed the deposition with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Patrick Dillon

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared M. P. Bent, a native of Alabama, a universalist in religion, and of no profession, who being questioned, replied and declared that he embarked at New Orleans with a division under the command of General Lopez, with a view of aiding the revolutionists in the Island of Cuba, where they landed, and, after being some days on shore, they returned to the coast, where they were captured by the steamer "Habanero"-- that he is 19 years of age, and not being in a condition to be able to sign, I did so for him, to which I testify.

Pedro P. Cruces

Before me, Francisco Gregorio de Valderrama

In continuation of these proceedings, there appeared Moses Green, a native of New Orleans, a universalist in religion, and a carpenter by trade, who said that he embarked at New Orleans with 500 men, under the command of General Lopez, being himself a sergeant-- that they landed on this Island, and being dispersed in a few days by the troops, they sought the shore again, and were captured in boats by the Steamer "Habanero"-- The above was read over to him, which he pronounced correct, saying that he was 25 years of age, and signed his name with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Moses Green

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared James Ellis, a native of Massachusetts, N.E. a catholic, and a carpenter by trade, who said, that he belonged to the expedition, that he sailed from New Orleans, under the command of General Lopez-- that he landed on this Island and that at the end of a few days they were dispersed-- that they returned to the coast, and were already in boats when the steamer "Habanero" captured them. that he is 18 years of age, and he signed his name, to which I testify.

Pedro P. Cruces

James Ellis

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Thomas B. James, a native of Wilmington, North Carolina, a protestant and without profession, who said-- that he sailed from New Orleans under the command of General Lopez in the capacity of Lieutenant, in order to aid the revolutionary cause in the Island of Cuba, that they landed on said Island, had a fight with the troops and being dispersed, they repaired to the coast where they were captured by the Steamer "Habanero," after they had taken to the boats-- that he was in two engagements, being successful in the first and ousted in the second-- the above was read over to him, which he found to be correct: said he was 29 years of age, and signed his name in the presence of the Judge Advocate and acting Secretary.

Pedro P. Cruces

Thomas C. James

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared C. A. Robinson, a native of Connecticut, a catholic and in the agency business, who said, that he sailed from New Orleans with General Lopez who promised to give him the rank of Lieutenant for the purpose of aiding the cause of liberty on this Island, which was represented to be in a state of revolution; that they landed on said Island, and after being worn

out, in carrying the baggage, finding that they had been deceived they made for the coast trying to save themselves and were captured by the Steamer "Habanero" on the shore, that he is 27 years of age; he signed his name with the Judge Advocate and the attending Secretary.

Pedro P. Cruces

C. A. Robinson

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared William Hogan, a native of Ireland, a catholic, and without business, who said that he embarked at New Orleans as a volunteer with General Lopez and 500 men, to aid the cause of Cuban liberty, as he had been given to understand-- that he landed-- and was left in charge of the baggage with others-- that they had an engagement with the troops which resulted in their being dispersed and compelled to fall back to the coast, and while they were on the beach in boats they were captured by the Steamer "Habanero"-- having read the above he found it to be correct; said he was 22 years of age, and not being able to write his deposition was signed by the Judge Advocate and attending Secretary.

Peter P. Cruces

Before me, Francisco Gregorio de Valderrama

In continuation of the same, there appeared Thomas Christi of Kentucky, a catholic, and mechanic by trade, who said-- that he sailed from New Orleans with General Lopez as a volunteer, for the purpose of aiding the cause of liberty in Cuba, that they landed, and although they had a fight with the troops, he did not fire off his gun, and having been dispersed, and being already in boats with a view to save themselves, they were captured by the Steamer Habanero on the beach, that he is 20 years of age-- he signed his name with the Judge Advocate and attending Secretary.

Pedro P. Cruces

Thos: Christi

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared Henry A. Torniquet, a native of New York, a protestant, and a sergeant in the American Army, who said, that he embarked at New Orleans with 500 men under the command of General Lopez in the capacity of Sergeant Major (let it be understood that he was a surgeon) and Surgeon General, for the purpose of aiding the cause of liberty on this Island, which was reported to be in a state of revolution, that they landed, and after one engagement they were dispersed, and that they went to the coast and getting into boats they were captured by a Spanish Steamer, that he is 36 years of age, he signed his name with the Judge Advocate and attending Secretary.

Pedro P. Cruces

H. de Torniquet, Sur: Genl.

Before me, Francisco Gregorio de Valderrama

Subsequently there appeared John G. Sank, a native of Indiana, a methodist in religion and a carpenter by trade, who said that he sailed from New Orleans with the division commanded by General Lopez-- that they landed on the Island and having been routed they fell back in the shore and put off in boats, when they were captured by the Steamer Habanero. He said that he was 22 years of age and signed his name with the Judge Advocate and attending Secretary.

Pedro P. Cruces

John G. Sank

Before me, Francisco Gregorio de Valderrama

Subsequently and in conclusion of these depositions, the interpreter Don Ramon de Arrastia stated, that he had scrupulously translated what the prisoners said in the foregoing examinations, in proof of which he again made oath and signed his name with the aforesaid gentlemen, to which I testify.

Pedro P. Cruces

Ramon de Arrastia

Francisco Gregorio de Valderrama

Subsequently and upon the conclusion of the investigating process, the Judge Advocate went with me [and] the Secretary to place the whole into the hands of the Most Excellent Captain General, & in evidence of the act having been performed, I have made a record of this fact which he signed with me.

Cruces

Francisco Gregorio de Valderrama

Don Luis de la Guardia

Captain of Infantry and Judge Advocate (Fiscal) of the Military Commission &c &c I certify that on the morning of this day, I received a verbal order from the Most Excellent Captain General to make a summary examination of the prisoners, taken in the coast of this Island by the steamer Habanero, which prisoners are now on board the frigate "Esperanza," and having to appoint a Secretary I selected Don Jose Fernandez Cata, who acts in that capacity in my office, and who pledged his word of honor, that he would proceed according to law, signed his name in my presence in the City of Havana, August 16, 1851.

Luis de la Guardia

Jose Fernandez Cata

In continuation of the proceeding on board the war frigate "Esperanza," being all assembled in her cabin, one of the -- prisoners on board was summoned, who said his name was J. Sandford, a native of New Orleans, he was sworn accordingly to his belief, and having promised to tell the truth, in answer to any questions which might be put to him, and being asked who captured him, where and at what hour and in whose house, said-- that on yesterday about 11 O'clock in the morning he was captured by the steamer Habanero, as he was proceeding in a launch with fifty of his comrades, at some distance from the coast, in the direction of the United States, repenting that they had followed Lopez, with whom they had sailed from the point already mentioned, with 500 men, in the American Steamer Pampero, with a view of coming over to this Island, as they actually did, to assist the patriots who had risen up in arms; landing in the neighborhood of Las Pozas, either on Sunday or Tuesday during the night-- that about three days ago they had an engagement with the Spanish troops, which resulted in his being wounded in one leg by a musket ball-- that after the aforesaid action, witness with some others who had joined him went away with a view of ascertaining whether it was possible to return to their country, taking the direction of the beach, where they found a launch, the owner of which they did not know, and embarked in her, that previous to putting off to sea, he heard his companions say. that Lopez had gone off with 300 men without knowing where, or for what object. On being asked, how many vessels had sailed from New Orleans, whether more people were coming, who commanded the expedition, and what other leaders purported to come on, he said that the steamer "Pampero" alone had come, and that the leaders of the expedition were General Lopez

and General Pragay, Coln. Downman, and Colonel Crittenden-- that this is all he has to say in pursuance of the oath he has taken-- that he is 30 years of age-- all of which he certified with his signature, in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia

R. C. Stanford

Before me, Jose Fernandez Cata

Subsequently the aforesaid Judge Advocate, caused to appear before him, and the attending Secretary, B. W. Wragg, who said he was a native of the State of Kentucky, 31 years of age, of no religion, and a journeyman-- that he sailed from New Orleans on the 2d or 3d inst. in the Steamer Pampero, with 400 or 500 men, commanded by General Lopez and other leaders, whose names he does not remember, that they landed either on Sunday or Monday at Las Pozas, and that he fought against the Spanish troops 3 days ago, and that after the action, he went off with his companions, about fifty in number towards the shore, and that they embarked in a long boat which they found there, and was captured yesterday by the Steamer "Habanero"-- that his object in coming over to this Island was to assist those who had declared themselves in favor of Independence, as a common soldier = that he belonged to the expedition commanded by Lopez -- that he heard it stated before he embarked, that more persons were coming for the same purpose, but that he did not know the numbers-- that he has nothing more to say-- that the above is the truth, in pursuance of the oath which he has taken, which he confirmed and ratified with his signature in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia

B. J. Wragg

Before me, Jose Fernandez Cata

and presently there appeared before the Judge Advocate and attending Secretary, T. W. Arnold, who said, he was a native of the state of Connecticut, of no religion, 18 years of age and a student-- that he sailed on Sunday the 2d in the morning, from New Orleans, in the steamer Pampero, with 400 men more, under the command of General Lopez and other leaders whose names he does not remember, having landed at Las Pozas on this Island-- and that 3 days ago they had an engagement with the troops; after which he and his companions, about 50 in number fled towards the shore, where they embarked in la long boat, and that as they were proceeding towards their own country, he and his companions were captured yesterday by the steamer Habanero-- that his object in coming over to this Island was to assist those who had declared themselves in favor of Independence-- that when he sailed from New Orleans, he heard it stated that more people were coming, without knowing the number-- but that they were coming with the same intentions-- that no other steamer left except the one in which they came-- that he has nothing more to say-- that the above is the truth in pursuance of the oath he has taken, and he signed his name in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia

T. W. Arnold

Before me, Jose Fernandez Cata

Subsequently there appeared before said Judge Advocate and attending Secretary William Niesman, who represented himself as a native of Pennsylvania, a presbyterian in religion, 20 years of age, and a sailor by profession-- that he sailed from New Orleans on the 2d inst, in the Steamer

Pampero, with 500 men, commanded by General Lopez and other leaders, whose names he does not remember-- that on the 12th they landed at Las Pozas on this Island, and that 3 days ago they had a fight with the troops of this place-- after which he fled together with several of his companions, and embarked in a boat which they found there, and that they were captured yesterday by the Steamer "Habanero," that they came over to this Island for the purpose of assisting those who had risen in favor of Independence, that no other vessels had sailed except the one which brought them here-- that more people intended to start for this Island with the same object-- that this is all he has to say in pursuance of the oath he has taken, whereupon he signed his name with the Judge Advocate and attending Secretary.

Luis de la Guardia
Wm. Niesman
Before me, Jose Fernandez Cata

Forthwith there appeared before the Judge Advocate and attending Secretary, Frederick S. Sewer, who represented himself to be a native of Kentucky of no religion, 22 years of age and a druggist by trade-- that he embarked at New Orleans on the 2d in the Steamer "Pampero," with 500 men under the command of General Lopez and other leaders whom he did not know, and that they landed on the 12th at Las Pozas on this Island, for the purpose of aiding the revolutionists in the cause of Independence-- that three days ago they had a fight with the Spanish troops, after which he fled along with several others for the purpose of returning to his own country, having embarked in a boat which they found on the beach, and that yesterday they were captured by the Steamer "Habanero"-- that according to what he had heard, there were more people to come with the same object-- that Lopez fled with a number of men after the engagement, but does not know his whereabouts-- that this is all he has to say in pursuance of the oath he has taken, all of which he confirmed and ratified with his signature in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia
Fred: S. Sewer
Before me, Jose Fernandez Cata

Immediately after there appeared before the aforesaid gentlemen, E. F. Collins, who said, he was a native of the State of Tennessee-- that he was 21 years of age, of no religion, and that he had been at work in a factory-- that he sailed from New Orleans on the 2 inst in the Steamer "Pampero" with 500 men besides under the command of General Lopez and other leaders whose names he does not remember, that they landed at Las Pozas on the 12th instant, and that 3 days ago they had a fight with the Spanish troops, and that after this occurrence, several of them fled and put to sea in a boat which they found on the beach, and that while they were steering their course for their own country they were taken prisoners by the Steamer "Habanero"-- that when he sailed from the above mentioned port, he heard it stated that more people were coming, with the object of assisting those who had declared themselves in favor of liberty in this country-- that this is all he has to say-- that the above is the truth, which being read over to him he found to be correct, and signed his name with the Judge Advocate and attending Secretary.

Luis de la Guardia
E. F. Collins
Before me, Jose Fernandez Cata

There appeared in continuation L. C. Jones who represented himself a native of the State of Kentucky, 26 years of age, and an episcopalian in religion-- having promised under oath to tell the truth in answer to any question which might be put to him, he stated that he sailed from New Orleans on the 2d in the Steamer "Pampero" with 500 men besides, commanded by Genl. Lopez and other leaders, whose names he does not remember, that they landed on the 12th on the shore of this Island, were they have remained until now-- that 3 days ago they had an engagement with the Spanish troops which resulted in his running away together with several of his companions, and putting off to sea in a boat which they found on the beach, and that while they were steering for their own Country, they were captured by the Steamer "Habanero"-- that Lopez went off with 300 men but does not know whether-- that when he sailed from New Orleans, it was stated, that more people were coming with the object likewise of assisting the revolutionists who had risen in favor of liberty on this Island-- that he had nothing more to say, and the above having been read over to him, he pronounced it to be correct and signed his name with the Judge Advocate and attending Secretary.

Luis de la Guardia

L. C. Jones

Before me, Jose Fernandez Cata

There appeared in continuation James Staunton who promised under oath to tell the truth in answer to any questions which might be put to him, and being interrogated as to the particulars of the case under examination, said, that he embarked of his own free will, in the steamer Pampero, with 500 men besides, commanded by General Lopez and other leaders-- that they landed on the shores of this Island on the 12th inst and that 3 days ago, they had an engagement with the Spanish troops after which, himself and many others went off in a boat which they found on the beach, and as they were proceeding in her, they were captured by the Steamer "Habanero"-- that he has nothing more to say, and that the above is the truth in pursuance of the oath he has taken, all of which being read over to him he confirmed and ratified, saying that he was 25 years of age, a protestant in religion, and a native of the State of Ohio-- the above deposition was not signed by him in consequence of his not being able to write, but signed by the Judge Advocate and attending Secretary.

Luis de la Guardia

Jose F. Cata

Subsequently there appeared before the Judge Advocate and attending Secretary Alexander McAlly, who made oath, that he would tell the truth in answer to any questions which might be put to him, and being interrogated as to his name, place of nativity, calling and religion, he said that his name was as above stated, that he was a native of Ireland, a working man of vocation, and 18 years of age-- that he embarked at New Orleans with 500 men in the Steamer "Pampero," under the command of General Lopez as a volunteer, for the purpose of assisting the revolutionists on this Island, who had risen in favor of Independence-- that they reached and landed at Las Pozas and 3 days ago had an engagement with the troops, the result of which was, that witness and several other took to flight and got into a boat, when they were captured by the Steamer "Habanero," that he has nothing further to say-- that the above is the truth according to the oath he has taken, which being read over to him, he found it to be correct, and signed his name to it, with the Judge Advocate and attending Secretary.

Luis de la Guardia

Alexander McAlly

Before me, Jose F. Cata

Subsequently there appeared before the Judge Advocate and attending Secretary, Thos: Hearsay, who made oath, that he would tell the truth, in answer to any questions which might be put to him; and being interrogated as to his name, age, country, religion and calling, said that his name was as above stated, that he was a native of New Orleans, 22 years of age, a presbyterian in religion, and a carpenter by trade = that he embarked in the Steamer Pampero on the 2d instant on his way to this Island, with 500 men besides, under the command of General Lopez, and landed at Las Pozas where he had an encounter with the Spanish troops the result of which was that he fled with several others, and got into a boat with a view of returning to his own country; having been made a prisoner yesterday by the Steamer Habanero-- that he has nothing more to say, and the above being read over to him, he found it to be correct, and signed his name to it in the presence of the Judge Advocate and Secretary.

Luis de la Guardia
Thos: H. Hearsay
J. F. Cata

At the same time there appeared James Bulet who being sworn promised to tell the truth and said, that he was a native of Italy, a protestant in religion, 36 years of age and a carpenter by trade-- that he embarked of his own free will at New Orleans with 500 men in the Steamer "Pampero," under the command of General Lopez, landing on these shores on the 12th, that 3 days ago they had an encounter with the troops, which resulted in their being dispersed, and getting off in a boat, in which they were captured by the Steamer "Habanero"-- that he has nothing more to say, and the above being read over to him, he found it to be correct and signed his name to it, in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia
James Bulet
Before me, Jose F. Cata

In continuation there appeared J. Bulman, who promised under oath, to tell the truth in reply to any question which might be put to him, and stated that he belonged to Louisiana, was 20 years of age, a catholic in religion and a cook by vocation, that he came over in the Pampero, with 500 others, under the command of General Lopez, to assist in the emancipation of this Island-- that they landed on these shores, and three days ago had a fight with the Spanish troops, which resulted in their being dispersed. Some of them getting off in a boat, in which they were captured by the Steamer "Habanero"-- that he has nothing more to say-- that the above is the truth, which being read over to him, he found it to be correct, and signed his name to it with the Judge Advocate and attending Secretary.

Luis de la Guardia
Edward Bulman
Before me, Jose F. Cata

Immediately after, there appeared John Stubbs, who being duly sworn, promised to tell the truth, and said that he was a native of Pennsylvania, of no religion, 26 years of age, and a butcher by trade-- that he embarked at New Orleans with 500 men besides, under the command of General Lopez in the Steamer Pampero-- that he landed on these shores and 3 days ago had an engagement with the Spanish troops, which resulted in their being dispersed, and getting off in a boat which they

found on the beach-- and that they were captured yesterday by the Steamer "Habanero"-- that he has nothing more to say-- that the above is the truth agreeable to the oath he has taken, and he signed his name to it, with the Judge Advocate and attending Secretary.

Luis de la Guardia
John Stubbs

Before me, Jose Fernandez Cata

At the same time, there appeared Samuel Reed, who being sworn promised to tell the truth, and said, he was a native of the State of Ohio, was 27 years of age, and a journey man by vocation-- that he embarked as a volunteer in the steamer Pampero with 500 men, commanded by General Lopez-- that they landed on this Island, and 3 days ago, had an engagement with the Spanish troops, the result of which was that they dispersed, and put off in a boat in which they were captured by the Steamer "Habanero," that he had nothing more to say-- that the above is the truth, which being read over to him proving to be correct, he signed his name to it, in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia
Samuel Reed

Before me, Jose F. Cata

In continuation there appeared before the Judge Advocate and Secretary James L. Manville, who said he was a native of New York, 30 years of age, a methodist in religion, and a cook by vocation, on being asked if he had enlisted of his own free will in the expedition commanded by D. Narciso Lopez-- he said that he had not enlisted-- that he was the cook of the Steamer "Pampero" and that when the troops landed they made him go on shore, and that three days ago they had a fight with the Spanish forces, in consequence of an imposition practiced upon the witness and many others-- that they were dispersed, and got into a boat which they found on the beach, and that shortly after they had started, they were captured by the Steamer "Habanero." that he has nothing more to say-- that the above is true agreeably to his oath, to which he signed his name in the presence of the Judge Advocate and attending Secretary.

Luis de la Guardia
James L. Manville

Before me, Jose Fernandez Cata

Forthwith, there appeared William Charmes, a native of Hamburg, a protestant in religion, and a smith by trade, aged 21 years, who being sworn, promised to tell the truth, in answer to any questions which might be put to him, and said, that he embarked of his own free will at New Orleans, in the Steamer "Pampero" with 500 more, under the command of General Lopez, and that they landed on the shores of this Island, and that three days ago, they had an engagement with the Spanish troops, which resulted in this being dispersed, and putting off to sea in a boat which they found on the beach, and after they had been underway a short while, they were captured by the Steamer "Habanero"-- that he has nothing more to say-- that the above is truth, agreeably to his oath, which as soon as it was read to him, he confirmed and ratified with his mark, in the shape of a cross, not being able to write, the deposition being signed by the Judge Advocate and attending Secretary.

Luis de la Guardia
William Charmes

Before me, Jose Fernandez Cata

In continuation the Judge Advocate caused to be recorded in these proceedings that Don Fabian Villanueva, Lieutenant of Infantry, had discharged the functions of interpreter to the government in these examinations, he having presented himself as authorized by the government in case he might be wanted, and promised under oath, to translate faithfully and honestly all the questions and answers of those under examination; in proof thereof he signed his name in the presence of the Judge Advocate, and attending Secretary.

Luis de la Guardia
Fabian Villanueva

Before me, Jose Fernandez Cata

As soon as these proceedings were concluded, the Judge Advocate went with me, the Secretary, to the palace of the Most Excellent Captain General and we deposited the above in the hands of His Excellency. The aforesaid Judge Advocate and myself signing our names in evidence of the fact.

Luis de la Guardia
Jose Fernandez Cata

Havana, August 16, 1851

It having been determined in the general order of the 20th of April last, which has been reissued, what would be the fate of such pirates as should dare to profane the soil of this Island, and having seen the depositions of the fifty individuals, who have been arrested by the Most Excellent Commandant General of this station, and who are placed at my disposal, the identity of the persons having been fully established as belonging to the horde commanded by the traitor Lopez, I have resolved, agreeably to the provisions contained in the Royal ordinances, the common law of this kingdom, and most especially in the royal ordinance of the 12th of June 1850, issued in regard to this particular case, that the aforesaid individuals included in these writs of process, shall, on this day, suffer the penalty of death by shooting, the execution being committed to the charge of the officer on duty at this place.

Jose de la Concha
General headquarters of Marine
of the Havana Station

Most Excellent Sir:

At break of day this morning I sailed from Bahia Honda with the Steamer Pampero [Habano] for the purpose of making *surveillance* of the coast of Las Playitas and of the *Morillo*, partly with a view of withdrawing all vessels which might be found thereabouts, and which might afford the means of flight to the pirates, and partly to prevent any new expeditions which might make for those points, in future, from finding any such facilities for landing, at 7 o'clock in the morning I placed myself in communication with the cottages of the *Morillo*, and was informed by the peasant owners of the same, that at 10 o'clock on the preceding night, a large portion of the rabble which had landed under the leadership of the traitor Lopez, had embarked in four of the boats, which were lying on the beach, with a view of directing their course towards New Orleans, and to intercept the first vessel they might meet. Taking into consideration the hour when they sailed, and calculating the distance which they might probably have performed during the ten intervening hours, and taking it for granted that they had steered a N. Westerly course, that being the point at which the cottages had lost sight of them, I proceeded in that direction for eighteen miles under a full head of steam; but

inasmuch as after having performed that distance none of the boats I was looking for was in sight, I concluded the course they had followed lay inside of the bar, and from that moment, I directed my own towards the pass of Alacranes, in order to effect an entrance among the reefs and use every means in my power to overtake the fugitive pirates. At 10 o'clock in the morning I was in the neighborhood of the pass aforesaid, when the four boats I was in pursuit of, here in sight, and were seen sailing along the coast, but so close to the land that I almost despaired of being able to capture them, and in order to accomplish my purpose, I ordered as much steam to be put on as was practicable. I believe I am not exaggerating in the least when I assure Your Excellency that my ship was going at the rate of more than thirteen miles. Yet even this was not sufficient to overtake all the boats while afloat, and only one was captured in this way. Two of the boats got among the mangle bushes on the Island, and a fourth among the bushes at Key Lebisa, so that when I had picked up those who were in the first I manned the boats of the vessel for the purpose of giving pursuit to the second and third, which had become entangled among the aforesaid mangle bushes, and both the naval officers who went with them as well as the soldiers and sailors that accompanied them, the supercargo of the ship D. Ignacio de Arellano, and the Captain of the Steamer Cardenas D. Francisco Escot, who stimulated by an honorable patriotism has taken an active part, in all the services which this vessel has rendered since my flag has been hoisted on board of her, pushed out to sea in pursuit of the pirates, of whom only two succeeded in making their escape, although they both left their arms behind. I did not accompany the pursuing party, so that I might devote my exclusive attention to the boat which I had grounded at Key Lebisa, that being one of the largest and containing by far the greatest number of people. In fact as soon as the boats had been launched I proceeded in the direction of the aforesaid Key, and having anchored in its vicinity, I maned the boats again, and went with them to reconnoiter the neighboring creeks until I came in view of the boat I was in search of, my object being to jump on shore and chase the fugitive pirates until I should over reach them. The latter 24 in number were hidden in a creek, with their boat entangled among the mangle bushes, in which position they were captured, making the total number of persons arrested 50, and among them one leader and five officers and all in arms. The important information received from them was to this effect, that the faction is very much disheartened and that the greatest portion had determined to seek their own safety in flight, being all astounded at the valor of our soldiers, and convinced that their revolutionary sentiments met with no response in the country. At half past two in the afternoon, I again placed myself in communication with the people in the Morillo, and having learnt from those peasants who had informed me of the departure of the captured pirates, that there was a great number of fugitive pirates wandering in small bands about the neighborhood, and that Her Majesties troops were not very far from that point. I addressed through the instrumentality of a very trustworthy peasant, a communication to the Commander of said troops, apprising him of this circumstance, and informing him also of the fact relative to the arrest of the captured individuals, who remain at the disposal of Your Excellency, on board of the frigate "Esperanza," being myself obliged to go to sea again, in order to continue the necessary operations. I have only further to inform Your Excellency that at 6 o'clock in the evening I was in the port of Bahia Honda where I met the Steamer Pizarro afloat with a considerable quantity of the fuel she required for the performance of this service already on board. So that tomorrow she will be able to enter upon the discharge on any duties, which may be required of her. I remained in said port with steam up, only time enough to send a requisition to the Major General, asking him to order the launch of the brig "Valdes," and the first boat of the "Pizarro" to be

maned immediately, and provided with 3 days rations, with a view of their being sent to that portion of the coast between the *Playitas* and the *Mulitas*, so as to preserve, henceforth a strict blockade of the same; and to direct the officer in command of these forces, to compel every coasting vessel which may be found at these points to set sail, without the loss of a single moment, in order to prevent the flight of the pirates. All of which I have the honor of submitting to your Excellency, for your own information.

God &c

Havana August the 15th 1851

The Most Excellent Jose M. Bustillo

The Most Excellent, the Governor, the Captain General of the Island of Cuba.

The Commandant General of the Havana Station.

Most Excellent Sir:

I have received from the Most Excellent Captain General of this Station the following communication.

Most Excellent Sir:

I have this moment arrived at this port, bringing with me on board of the steamer *Habanero*, the 50 captured individuals belonging to the piratical expedition, respecting which, I have already spoken to Your Excellency in a separate communication, the same, that Your Excellency will place at the disposal of the Most Excellent Governor, Captain General as I had agreed with Your Excellency on the occasion of our verbal conference. Agreeably to the above, I place at the disposal of Your Excellency the captured individuals belonging to the piratical expedition, whose respective names, calling & birth place are stated in the subjoined depositions taken before the commanding officer, *ad interim*, of this station. Said individuals being properly secured on board of Her Majesties frigate "*Esperanza*" lying in this port. An account being likewise given of all the circumstances concerning their capture in the communication which has been forwarded to Your Excellency on this day, by the Most Excellent Commandant General, of which he gave me a copy at the same time.

May God &c

Havana, August 16, 1851

To the Most Excellent Captain General of this Island.

Havana, August 16, 1851

Let the orders be issued.

General Headquarters

Depositions of the individuals belonging to the piratical expedition brought by the Steamer "*Habanero*," which I have signed by order of the Most Excellent Commanding General *ad interim* of this station.

Crown. W. L. Crittenden, Kentucky, U.S. Capt.; Fred: Sewer, Kentucky, Captn.; Victor Kerr, New Orleans, Lieutenant; James Brandt, New Orleans, Lieutenant; T. O. Bryce, Virginia, U.S. Lieutenant; Thos. C. James, Wilmington, Del., Surgeon John Fischer, Germany, Captain Veas, Md. U.S. Surgeon Tourniquet, New York, Sergeant T. Whitcome, Vermont, A. M. Cotchess, Charleston, Adjutant Stanford, Md. Private N. H. Fisher, Kentucky, William Chilling, Hamburgh; T. A. Cook, Wakefield, U.S., L. O. Jones, Kentucky, Wm. H. Ball, Germany; James Bulet, Italy; Sergeant N. Collins, Philadelphia; Robert Caldwell, Glasgow, Scotland; Sergeant J. M. Green, New Orleans; Sergeant T. Salmon, New York; C. W. Smith, New Orleans; N. Ross, New York; P. Rourke,

Natchez, Miss.; John Childes, Kentucky; Wm. H. Holmes, Ohio; Sam: Mills, Boston; E. Butman, La.; N. B. Little, Ireland; G. W. Arnold, Connct.; B. J. Wregg, France; R. Cantby, Ireland; T. G. Sank, Indiana; Wm. Wiseman, Penn.; E. F. Collins, Tenn.; J. Staunton, Ohio; T. Hartnall, Ireland; A. Torres Hernandez, Havana; Pat Dillon Kit Karney (Ireland); A. M. Fleen, Ireland; Thos: H. Hearsay, New Orleans; T. Reed, Ohio; T. Stubbs, Penn.; E. Ellis, Mass.; H. Vierne, N. Orleans; Wm. Hogan, Ireland; M. Phillips, New Orleans; C. A. Robinson, Conn.; T. L. Manville, Conn.

Havana, August 16, 1851
The General Commandant *ad interim*
Jacobo Regio

Always faithful Island of Cuba
Government House and Office of the Captain General.
Military Department.

I send you the accompanying summary process, instituted by my order, against the 50 individuals who have been captured, and belong to the gang of pirates, under the command of the traitor Lopez, who have invaded this Island, in order that you may adopt such measures as may be necessary to carry out the provisions of my decree, of this date, which brings these proceedings to a conclusion; notifying the criminals of this resolution, in order that they may prepare themselves to die like Christians, and affording them such facilities, for obtaining spiritual and corporal assistance as they may desire, with the understanding that at 12 o'clock this very day, the execution is to take place in the field situated under the brow of the Castle of Atares, where the troops which are to attend the consummation of this Act, shall be formed in a square, the command of said troops to be assumed by yourself, who, after every thing shall have been consummated, will give me an account of the transaction aforesaid, to serve as evidence of the fact, and such other purposes as may be necessary.

God &c

Jose de la Concha

Havana August 16, 1851
The Commanding officer of the day
J. D. Francisco de Velasco

Brigadier of Infantry and Officer of the day &c. do certify that in pursuance of the instructions of the Most Excellent Captain General, contained in the foregoing despatch, being accompanied on the occasion by Don Pedro Pablo Cruces, Lieutenant General and Judge Advocate, D. Francisco Gregorio de Valderrama, as well as by D. Ramon de Arrastia, interpreter of the Government, I repaired on board of her Majesty's frigate "Esperanza," where the individuals comprised in these proceedings lay confined, and having notified them through the interpreter of the supreme decision of the aforesaid Most Excellent Governor and Captain General, so that they perfectly understood its impute; in consequence of which some asked to be allowed the rights of confession, others to write to their families, and others again to be baptized. I made all proper arrangements, to the end, that they should be supplied with writing materials, as well as waited upon by various priests, in order they might receive all the aid they needed, all of which was accordingly done, as will be seen in the separate account of the proceedings, which took place to that effect. In testimony of which the individuals named above, as well as myself, have signed these present.

Havana, August 16, 1851

Francisco de Velasco
Ramon de Arrastia
Pedro P. Cruces
Francisco Gregorio de Valderrama

Proceedings of the Execution.

In continuation of the above, it is being now 11 1/2 O'clock in the morning, D. Francisco de Velasco, the Brigadier in Command, directed, that the 50 criminals, condemned to death, should be taken from the ship of War in which they were confined, and conveyed on board one of the steamers, which ply in this Bay: in which they were accordingly conducted to the mole, which is situated at the foot of the Castle of Atares, at which point the troops were always formed in a square, preparatory to the execution, and being led in four groups, composed of twelve and thirteen men each, the penalty of death was inflicted by shooting them in the back with all the formalities that the law in such cases requires; the corpses were subsequently placed in hearses, which had been stationed at a short distance outside of the square, and were conveyed in them, to the general cemetery, where they were buried in consecrated ground; the aforesaid supreme decision being carried out in every particular. he said D. Francisco de Velasco, accompanied by the Judge Advocate and Secretary, went in person to deliver the record of these proceedings into the hands of His Excellency signing the same in testimony of the fact; date as above.

Francisco de Velasco
Pedro P. Cruces
Francisco Gregorio de Valderrama

A true copy, Martin Galeano.

True Copy.

A. Calderon de la Barca.

Copy

Department of State
Washington, 13 Nov. 1851

Senor Don A. Calderon de la Barca
&c &c

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Senor 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 N. Orleans induced the Govt. of the U.S. to take immediate steps to become acquainted with the particulars. It was regarded as a case in wh. the honor of the country was involved; & as Mr. Calderon has already been informed by this Dept., 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 to report the same to this Department. The report of the Dist. Atty has been received, and a copy of it is now communicated to Mr. C. 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 every thing which took place. From these authentic sources of information, it appears, that on the morning of the 21st. of 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 entrusted, 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 or 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 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 50 persons at Havana; as 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 anyone. Afterwards, attacks were made upon coffee houses and cigar shops, kept by Spaniards. Between five and six O'clock the same afternoon, J. 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 & 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 burned. 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 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 wh. 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 it 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 acknowledgement is due to Her Catholic Majesty's Govt.

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 Govt. 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 U.S., 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 violences occasionally break out, every where, 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 & them should be punished, wherever 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, & 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 waived so often, over fields of acknowledged and distinguished valor; and which has floated, also, without stain, over all seas and especially, in early days, on those seas which washed 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 & 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, -- 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 H. Cath. Majesty's Consul for injury & loss of property, but that reparation is due also from the Govt. of the U.S. to those Spaniards residing in N. Orleans, whose property was injured or destroyed by the mob; and intimates that such reparation had been verbally promised to him. The

Undersigned sincerely regrets that any misapprehension should have grown up out of any conversation between Mr. Calderon & officers of this Govt. on this unfortunate & unpleasant affair; but while this Govt. 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 U.S. Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens, & 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 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 law, & the same administration of law as native born citizens of the 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 become citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the U.S. 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 Prest., 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, understanding that it is not the intention of Mr. Laborde, now absent from this country, to return to his station; if another Consul should be appointed, at N. Orleans, by Her Cath. Majesty's Govt., he will of course immediately receive a regular exequatur & the officers of this government, resident in that City, will be instructed to receive and treat him with courtesy & with such demonstrations of respect, as may signify to him & to his Government the sense entertained by the Govt. of the U. States, of the gross injustice done to his predecessor by a lawless mob, as well as the indignity, & insult offered by it to a Foreign State, with which the U. States are, & wish ever remain, on terms of the most respectful & pacific intercourse.

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

D. Webster

Translation

On the 16th of August, the inhabitants of Havana witnessed a horrible spectacle which filled the heart of the natives of this soil with bitterness, spread terror and indignation among all foreigners, and which, posterity will look upon as fabulous, when impartial history shall allude to them. Fifty of those who formed part of the expedition of General Lopez, were sacrificed without pity, after having been subjected to the greatest possible outrages, the Spaniards of the Peninsula manifesting a savage and a frantic joy, while the spot, where the generous martyrs of Cuban liberty perished was selected by more than five thousand men for celebrating thereon, the barbarous festival of cannibalism.

The invading expedition commanded by Lopez, according to Dn. Alexander Laine's statement, which was published in the Gazette by order of the government, and subsequently inserted in the

columns of the "Faro," of the 1st instant, amounted to 480 men, out of which number, less than two hundred remained in the creek with Colonel Crittenden, the remnant took the line of march in the direction of Las Posas, where they obtained a victory over the troops of the Queen; they were obliged to abandon that village, to which, the afterwards returned; those who had been left behind, in the creek, believing themselves abandoned, some of them dispersed in small groups, wandering among places unbeknown to them, and were successively shot. The remainder of the party amounting to fifty men took to the boats with a view of quitting the island, were captured by the steamer Habanero, when seven miles off the coast, and brought to Havana; but before we dwell upon the hardships and outrages which they suffered, it is proper to demonstrate the acts of barbarity which were perpetrated at Las Posas and its vicinities.

Lopez administered to the wants of the wounded Spaniards in person; two of them, who were able to leave their beds, were sent back to General Ena, under the escort of an American officer, and this officer received his death by order of the barbarous Chief of the Queen's troops. Several Americans had been left wounded at *Las Posas*, together with some soldiers belonging to the Cuban Army; and when the Spaniards took possession of this place, all the Americans were murdered in their beds, without being tendered the aids of religion, or asked if they desired to receive the rites of baptism. It was in vain, that the Queen's soldiers implored for mercy, from their beds, in behalf of those unhappy men;-- In vain did they mention that fact that they had been picked up in the field of battle and generously treated by the invaders, when the Spanish troops fled leaving their comrades stretched upon the field; their clamors were unheeded and an officer murdered the wounded foreigners in their beds.

On the 16th of August, those fifty men who had been captured by the Habanero experienced the same fate on reaching the front of the Castle of Atares, they were dragged from the prow of the ship to the shore with their hands tied behind their backs, by means of blows, which the Spanish spectators applauded with savage and stupid delight. An escort conducted them to the spot, where a square had been formed, and, on their way thither, they had to endure the greatest outrages; an insolent person slapped the face of the defenseless Colonel Crittenden, with his hand, whom, another scoundrel wounded on the knee with his bayonet; and the body of that martyr like those of many more of his companions, was afterwards profaned by the Spaniards. There was one of the spectators, who tried to pull the hair of the unhappy man, who was about to suffer death; the noble American turned his eyes with dignity towards his insulter, spat upon him with contempt, and calmly pursued his way towards the place of execution. The frantic multitude threw themselves upon the corpses, and these excesses were tolerated by the chiefs and public functionaries. Three soldiers, possessed of those feelings of humanity, which their chief wanted, endeavored to prevent such barbarous excesses, but the officer who commanded them, checked the generous impulse, saying to them, that the people must be allowed to satiate their thirst for vengeance. To some negroes, who, at first were conveying the bodies to the carts with decorum, the officer said,-- "those dogs should be dragged to the ground, not carried" and after many of them had dipped their handkerchiefs in American blood, and others had broken the skulls of several of the victims with sticks and stones, and after some of the bodies had been mutilated, they were dragged along accordingly.

When intelligence was received of the indignation, which these excesses had excited in the United States, the Editors of the "Diario de la Marina" and of the "Gazeta," came to the determination to deny facts which had become sufficiently notorious. Insolent and overbearing

towards the helpless Cubans, and frightened at the contemplation of the results, which might follow the commission of such barbarous acts, they thought of nothing but to justify themselves; but it is already too late. To a supplement of the "Prensa" of the 16th of August, after alluding to the occurrences of that day in an incorrect manner, the following words are to be found, "The hurrahs for the Queen and for the country were repeated with more force, the troops marched off in files, and *then the people rushed upon the spot of the execution where some vestiges of the criminals remained.*" There is no person, that is not aware of the fact, that the "Press" and the other Newspapers published on the Island are the echoes of the government and that nothing appears in their columns without having previously been subjected to Supervision, and the words copied above, will convince the world, that the Spaniards on the 16th of August, and when the first transports of their rage had already blown over, still made a boast of those acts of barbarity, which today, they have the impudence to deny;-- acts of barbarity which can be testified to by all Cubans and foreigners, and which have very justly roused the indignation of the inhabitants of New Orleans and of New York.

Mixed up with the troops, as the latter were marching off, were the peninsulars, and a large number of colored boys, all of whom carried either the caps or the bloody boots and some of them the limbs of the martyrs. A young man of the name of D. H. Acosta, censured this conduct, remarking that throughout the world the dead were treated with respect; and he is now suffering in a prison. He was tried by a military tribunal, incendiary language was attributed to him; he was looked upon as a traitor, and he will undoubtedly be sent to the galleys to expiate the crime of having pitied the unfortunate.

A Drum Major, had the cap of one of the dead Americans perched on the pommel of his cane; a tailor who lives opposite to the Dominica, and under the government house, mixed a piece of skull, which he had picked up on the spot of the execution, with his drink; a carpenter, a native of Biscay, Don Jose Zalazar, who resides in the street "De La Diaria," carried the brains of an American while those of another were exhibited in a cellar to the public; D. Agustin paraded the ears of an American in the street "del Consulado;" a fellow called D. Jose Salomon, who is the proprietor of the tavern and slaughterhouse "de las Californias," in the market situated in the suburb *de Colon*, thrust his hand into the wound of one of the corpses, dipped his shirt in the blood of the same, took possession of a fragment of the hat which had belonged to the latter, and gave vent to the most offensive language and horrible imprecations against the American Republic. D. Evaristo Vega, an Asturian, who resides in the suburb *de Colon*, and holds the office of tobacco inspector, broke the skull of an American, which he carried in his hand, while in the other he flourished a hat which had belonged to the victim, uttering expressions of an outrageous character against the Cubans, and the citizens of the United States.

A person in the employ of the confectioner "de la Dominica" exhibited to everyone who happened to visit that establishment, the finger of one of the victims, with the ring on; Dn. N. Costa, the owner of the confectioner shop aforesaid has the testicles of another preserved in brandy. On the spot, where the execution took place, a soldier raised one of the bodies with his bayonet saying "Such should be the death of all the Yankees." A Spaniard, on passing by the house of the Misses Zalazares, who reside on the street "de Villegas," came close to the building and bespattered one of the young ladies with the brains he carried in his hand, saying to her that, since she was a Creole, he wished her to taste the brain of an American. D. Alonso de la Campa, the owner of a store, situated at the corner of the streets "del Prado" and "de Neptuno," cut off the ears of an American and put them up to

auction. A clerk in a shoe store got hold of a piece of skull, which he kept throwing up by the hair attached to it, uttering the most horrible yells for the patriotism of the Spaniards. D. Luis Sucini dipped his handkerchief in blood which he presented to everybody that happened to frequent the "Dominica." A barber, who lives in the street "de la Muralla," beneath the house of D. Ramon Arso y Vega, was biting a piece of skull on the steps of his house, which he afterwards threw into the street. In front of the house of Da. Barbara Parra, which is situated on the street of Amargura, between Habana and Compostela Streets, some Spaniards paraded about, the ears of an American. A dependent of Don Fransco. Alvarez was showing to everybody the testicles of another martyr; and in the street of Villegas, at the corner of the Lamparilla, a cap covered with blood was hung up to view. Dn. Fransco. Hermosilla, a letter carrier of the post office, entered the coffee house *de las Ninfas (Nymphs)* in the *plaza del vapor*, asked for brandy, and before drinking it, he dipped a human ear into the liquor, which he drew out again, for the purpose of repeating the same thing in other public places. Dn. Fransco., known by the nickname Guagua, owner of the shop *de la Carlota*, in the causeway *del Monte*, at the corner of the Indian, was carrying brains in a handkerchief, with a bit of skull, which, he said, he would make a ring of, as soon as it was dry. D. Juan, who lives in the Chandler's shop, La Perica, in the street *de la Gloria*, threw himself upon the dead bodies, and having stained himself with their blood, went about the street boasting of his barbarous conduct. A young man of the name Boorques, saw with horror several Spaniards drinking sherry wine at the *Dominica*, mixed up with the brains of Americans. A silversmith in the street *de la Muralla* preserved the testicles and an ear of one of the victims for several days. *Lambeí*, the Galician, who does not belong to the rabble and is a public writer was walking about, and showing to everybody a piece of the flesh of one of the Americans.

In the country the followers of General Lopez were not treated with more humanity. The number of men who landed with him amounted only to 480; it is not known in what way many of them perished, but judging only from the official accounts published in the *Gaceta de Gobierno* for the month of August, the following results are obtained. 106 were killed in action; 136 were shot in the country and 50 more met with the same fate in Atares; 176 were taken prisoners, so that the whole number amounts to 505; only 480 landed on the island, the remaining twenty five with many others who were murdered on the roads by the officers, by the chiefs, by the heads of patrolling parties, and even by private individuals, are young men who were going to join Lopez, and who were captured on the way. The Cubans were without arms; the roads were covered with troops; and it was impossible to travel on them without danger, and those few who showed contempt for such danger, became the victims of their boldness.

A communication appears in the *Diario de la Marina* of the 19th of August, in which Dn. Manuel Urtado, Deputy Bailiff, informs the Most Excellent Captain General that on the 14th at half past eleven o'clock, he took possession of the village of St. Diego de Nunez, that he had beaten a party of 20 men who had charge of a similar quantity of wounded and that he had caused them to be shot. These forty Americans were all wounded; twenty of them who were able to leave their beds, waited upon their comrades as well as upon some Spanish soldiers; and the former among these were all put to the sword without delay and without any of the aids of religion, which some of them might have wished to be obtained.

At Las Pozas, and other points, the invaders achieved some brilliant victories over a numerous army, but being few in number, and unable to pursue the retreating Spaniards, and improve their

successes, their force began to diminish; they wandered about rugged hills without food or means of any kind, as rain & storms having damaged whatever amount of powder they still had in their possession and their balls given out, when reduced to small groups, and lost among mountain ridges with which they were unacquainted, they must have been successfully captured.

The Spaniards ordered the peasants to pursue them with ferocious dogs and the government committed the very great indiscretion of allowing this act of inhumanity to be published in the Gazette of the 27th of August.

The "Diario de la Marina" tries to conceal these facts, and a writer in the Gazette thought he could lessen the impression produced by the excesses of the 17th of August by saying that the corpses were conveyed in costly funeral cars. The Hospital of 24 St. Juan de Dios of Havana, has only two of these cars: these were not sufficient to accommodate so many bodies; and, not wishing to delay the execution, the master undertakers were threatened with a fine of one hundred dollars, if they did not send on their own cars respectively. Anamon, a Spaniard, who lives in the street *de Villegas*, between the streets *Del Sol* and *La Muralla*, complained that some of his own cars had been broken, in consequence of the disorderly scenes of that day.

On the day, when notice of the capture of Lopez was brought to Havana, several effigies, dressed up like American Generals, were suspended in the *Plaza Vieja* corner of the street *del Inquisidor*, and fired upon; similar outrages were perpetrated at other points, the effigies being surmounted with inscriptions, offensive alike to the inhabitants of the United States and to Cubans. The latter were not allowed to keep arms, and Dn. Juan Valdes Castillo, an attorney, was arrested in consequence of two pistols being found in his house. When the capture of Lopez was made known, the Spaniards fired off their guns in every part of the city and its suburbs, uttering the most horrible cries, and nobody interfered with them.

Further intelligence

On the 16th of August, the Most Excellent Captain General determined that lots should be drawn among the prisoners, with a view of putting to death one out of every five only; but his Excellency who has no will of his own, and no independence of character, yielded to the representations of those who told him that it was necessary to satisfy the wants of the Spaniards, and General Concha, revoking the instructions which he had sent to the officer of the day (*Teniente de Rey*) ordered them all to be shot. Messrs. Abrisqueta, Costa, Bentosa, Fontanil, merchants, and others, distributed small pieces of money among the negroes and the boys, in order to induce them to commit outrages upon the prisoners, and the multitudes, while shouting for the Queen cried death to the Yankees, and some of them even uttered similar cries against the Creoles. A certain individual called Llano, who keeps a shop [bodega] at a point called *Angel*, shook one of the prisoners by the beard.

In the Gazette of the 27th of August, there is a communication by D. Ramon Lago, stating that the Americans had been hunted by dogs on the hill tops. It is asserted that the Spaniards had armed a party of Negro slaves, for the purpose of going in pursuit of the invaders, and an official communication of the 26th of August, signed by the Deputy Governor of Bahia Honda, says that some Americans had been arrested by Negroes belonging to Don Manuel Quinones. Many of the prisoners were beaten and dragged about previous to their being put to death. When only few remained, it was proposed to give them quarters, and even to send those who would deliver Lopez

up, back to their own country; and, there is no one, who is not aware of the reasons which suggested, at a very late hour, the adoption of these measures. The Brigadier Rosales, who succeeded General Ena, to the command, has been stigmatized as a coward, and, as it is said, was tried by a court martial; he alleges in defence, that ten or twelve of his officers concealed themselves, and that the troops being terrified refused to fight and, in order to avoid punishing Spanish officers and Spanish soldiers, and the shame of the public knowing the panic which had been occasioned by a handful of men, who were still believed to be in a position to fire their unerring shots, the resolution was adopted to spare life, with a view of avoiding fresh encounters. They did not dare to meet Lopez, face to face, they wished that he might be given up by his comrades, and there was not one among them so vile as to betray his chief, or who wished to purchase his restoration to his kindred by such unworthy means. Now, they are moaning in the galleys, loaded with ignominious chains; two of them were allowed their liberty, and presented with ten ounces each, in the hope, that, on their return to their country, they would conceal the horrors and crimes of which their comrades were the victims.

Translation

The generous warriors who attempted to achieve the liberation of Cuba, and who covered with laurels and with glory, have perished in battle or been executed, or are now dragging their chains, with noble resignation, in a penal settlement (Presidio), are well entitled that those who have witnessed their heroic struggle, shall pity and admire them, and that history shall transmit to posterity both their exploits and their illustrious names. All the world has seen with amazement a legion, which at Las Posas, and in Frias, did not number three hundred men, conquer and put to flight the numerous hosts of the enemy, and spread terror in an army of five thousand infantry and eight hundred cavalry, and compel the government authorities to exact, by violent means, the co-operation of the peasantry and the assistance of dogs; and when the invaders, already considerably reduced in numbers, without means to obtain food in a rugged and uncultivated country, their powder and balls exhausted, wandered about in small groups among the fields, there was not a virgin or a matron in this Island, who did not invoke the favor of heaven in behalf of its deliverers, nor any Cuban, who did not contemplate with grief and indignation, the insurmountable obstacles, which prevented him from flying to their relief.

The fatal results of that sublime drama in which the martyrs of Cuban liberty, enacted so glorious a part, can have been a matter of astonishment to no one; but there are very few of those who reside at a distance from the spot, where the bloody scenes occurred, that can speak with precision as to the causes, which prevented the natives of the Island from uniting their efforts, to those of their generous protectors. Those who do not know the condition of the former and the circumstances which preceded and attended the invasion, may consider them as cowards, or as being reconciled to the fetters they wear, and as unworthy on both accounts of the protection they invoke: but the heroic manner in which several of our fellow countrymen fought, both at Las Pozas and in Frias, has shown that the Cubans are a valiant and intrepid people, when they have a chance to fight; and the blood which has just been shed by some of them, on the scaffold, both at Puerto Principe, and at Trinidad = the large number of proscribed persons who are wandering about in foreign countries, -- the frequency with which decrees of imprisonment and exile are pronounced, and the existence of various cases of prosecution against conspirators, which have been made known to the public, through the press, -- will convince all those who visit the Island, that the inaction of the Creoles, at so critical a period, owes its origin to very different causes, than that indolent apathy which has been

unjustly attributed to them. = The government, which guards the sea with its ships of war, has at its disposition, all the rail-roads and a numerous garrison, which it can transfer to any point, in few hours. The Peninsular Spaniards can, without danger, purchase arms, for objects of oppression, the Cubans cannot obtain any, without being denounced as criminals. They are watched on every side; the municipal police follows constantly in their footsteps, during the day; the night watch, keeps a vigilant lookout about their houses at night: a slight suspicion is enough for the military commission to condemn them: an anonymous accusation suffices to cause them to be confined in some Peninsular village, or banished to a penal settlement, without a hearing: and the despots of Cuba, who prevent her children from stirring, represent this forced inaction to the world as proof of their adherence to Spain. The voice of those martyrs who dare to conspire, is drowned upon the scaffold: = the lamentations of those who are groaning within the walls of a dungeon, die away among their prison vaults, without a chance that their feeble echoes, will be heard in foreign lands; the press, subject to the government, only serves to mislead those who may read the papers published in the Island, from a distance, and Cuba, oppressed and trampled under foot by her tyrants, has the bitter mortification of seeing some of her sons compelled to eulogize in their writings, the insolent despotism which is crushing them.

Such were the deplorable circumstances of the Island, when, after some years of vain attempts and fruitless endeavors, the 29th of last June, was fixed upon, for the *pronunciamiento* which was to be issued from various points, at once. Some unforeseen obstacles rendered it necessary that it should be delayed, before those obstacles could be removed and another day selected, the conspiracy of Puerto Principe was discovered; it was necessary to precipitate matters there, by an isolated movement; and this was the favorable opportunity to assist those patriots, who were badly armed and pursued by more than three thousand men. The expedition of General Lopez came very late; it landed far from the place where they were expected, and was composed of too small a number of men; the insurrectionists of Puerto Principe, and those who had risen on the 24th of July, in Trinidad, had already been defeated; their leaders had been arrested and condemned to death; the espionage and watchfulness of the government had increased, terror had spread on every side and the invaders could not then find the assistance which they expected.

On the 12th of August there was no exact intelligence in Havana, in regard to the place of landing and the number of expeditionists; the government asserted that the latter did not exceed three hundred, nor did even all of these reach Las Posas, because, unfortunately, their companions had been left on the beach, (*Morillo*) and before anybody had any fixed ideas of their whereabouts, they were already pursued by an army of 5000 men, and 800 cavalry. The peninsulars came to the support of the queen's troops; the Deputy Governors and inferior officers threatened the Creole peasants who would not follow them with instant death; those few who succeeded in getting out of reach of these scenes of violence, were in want of firearms; all the roads were occupied by Spaniards; the immediate and total defeat of the Americans seemed inevitable from the beginning; and when there was not the remotest possibility of their being saved, and all those who sought to assist them, had a scaffold in reservation, it would have required a degree of heroism which is not very common in any part of the world, to rush to certain death, when the sacrifice could not have ameliorated the condition of the country.

There was no lack of intrepid young men, who came forward to sacrifice themselves for the good of their country, but they were quickly arrested, and shot on the roads. These facts are

concealed by the government, but their own official despatches have made them public. He who reads those despatches, and counts the number of liberators who have died or been taken prisoners, and compares it with those who have landed on our shores, he will find that the former exceed the latter in number, and there is no necessity for any other data, to know that many of the sons of Cuba have died for their country without the glory of fighting by the side of the generous foreigners who came to liberate them.

The inhabitants of villages had no impartial paper to inform them of the battle of Las Pozas, and received no letters that could free them from the state of uncertainty in which they were placed. Amongst us, the press is the organ and the tool of the authorities; nobody dares to communicate events of importance to their friends by letter, because the functionaries of the government open all the letters at the post office; the inhabitants of the country who wished to come to the capital, were detained and registered; the notices published in the Gazette and in the *Diario de la Marina* represented the invaders as defeated and dispersed; on the night of the 15th of August, a steamer brought over 50 of them, who were murdered on the following day, amidst clamorous huzzahs; the Journals asserted that many others had met with a similar fate at different points; and this mournful intelligence rendered it still more impossible for any one to think of joining an expedition which everybody believed to have been completely destroyed. A ray of hope shone out, once more, when the action of Frias was heard of, and a rumor went round that another expedition had landed: but it was very soon ascertained, that no new liberators had arrived; that the troops of Elizarde had surprised and put to flight the few valiant companions of General Lopez; that the latter having become lost among rugged mountain passes, could not get together again; that they were in a languishing condition and without powder; and that in the mountain ridges, which were destined to become their graves, they were hemmed in by an army which allowed nobody to approach, and that they were pursued by peasants & dogs.

An expedition of greater magnitude and strength, would undoubtedly have found valorous champions among the very men whom the government compelled, by violent means, to go in pursuit of the invaders; because, the possibility of success more than anything else is that which gives encouragement; and, because, the Army, being occupied either in attacking or in resisting the Americans, would not have been able to form a military cordon on the roads or to check those among the rural population who were anxious to cross the distance which separated them from the expeditionists. The latter obtained brilliant successes both at Las Posas and in Frias, but owing to their small number, they could not avail themselves of those successes, by pursuing their adversaries, and the public saw that their victories were the means of exhausting their strength, because it was impossible for them to replace those who had been killed. The prodigies of valor performed by less than 300 men, are sufficient to justify the conclusion that an expedition of 2000 men driving the Spaniards before them, compelling them to traverse the country in shameful flight, and picking up among the villages through which they passed large numbers of patriots that are to be found there, they would in very few days, have reached the Capital in triumph, and considerably increased in numbers.

The enthusiasm with which the Spanish troops started from the Capital was considerably abated after the action of Las Posas, where they abandoned the field, leaving a large number of men on it, one chief and several officers: The defeat which they experienced at Frias, filled them with dismay; the wounded, in the hospitals, spoke with consternation of the valor and the prowess of the

invaders; there was not one of them who did not turn pale in alluding to the fact: the remainder of the army already shunned coming into action and it was found necessary to employ the peasantry and their dogs in the pursuit of those who had been dispersed, who, from the fact of their being such expert marksmen, had intimidated the troops. Brigadier Rosales, who succeeded in command, to General Enna, killed in the action of Frias, did not face his enemies once even. General Concha is going to send him to Spain, with the stigma of cowardice upon him; and that leader has replied, that he did not get into action, because seventeen of his officers had concealed themselves and the soldiers had refused to fight. He could find no other excuse for his cowardice, than by alleging, that his subordinates were more pusillanimous than himself, and judging from the wounds, which many of them carried in their shoulders, and in the back part of their legs, leave no room to doubt but that Rosales was correct in his statement of facts. An officer had the sole of his foot penetrated by a ball, and unless this ball was fired by an inhabitant of the antipodes, we must necessarily arrive at the conclusion and belief that the champion of the government was running when he was wounded, and that a small number of men, badly armed, have put a large division of troops, to flight.

Sad has been the fate of the martyrs in the cause of Cuban liberty, but their sacrifice cannot prove otherwise than productive of immense good. The army has lost its prestige, with the valor which imparted to it a mistaken consciousness of superiority; the public that has witnessed what three hundred men have achieved, -- that has learnt, with amazement, that a handful of brave men have caused a loss of more than three hundred and forty men killed, six hundred and twenty two wounded, and one hundred and seventeen horses disabled to the Spanish Army. Knows already that a more numerous expedition would prove irresistible; and our ignorant peasants, who had never heard a ball whistle from among their tranquil hearths, and who feared the Spanish soldiers, because they had been wont to consider them invincible, are now convinced that they are stronger, more agile, more enduring and braver than them. The government to which they are indebted for this apprenticeship, and which is already praising them, through the medium of its newspaper press, will very soon have cause to repent, having given them the opportunity to understand the advantages which they possess over the regular troops in camp. On this occasion, they have given the government their services, because they could not effect a junction with a reduced body of men who were hemmed in by the army, and, per adventure, the day is not very far when they will avail themselves of the lessons they have received, against this very same army.

The disasters, which all have lamented, so far from cooling down enthusiasm in the Island of Cuba, that enthusiasm has been increased in consequence of the cruelty of the Spaniards towards Americans; while the profanation to which the bodies of the latter have been subjected, has produced the greatest indignation: the death which General Lopez met upon a scaffold, has made the angry passions rise to the highest pitch; and the hope which they entertain of protection from the United States encourages the people of Cuba to collect funds and men, for the purpose of contending with their tyrants.

The unfortunate results of the last expedition have not discouraged them. The history of popular revolutions is always the history of useless attempts and of unfortunate efforts: the art of conspiring with success, is not to be learned in Universities, nor to be acquired amidst assemblages of wise men, but in the school of experience; triumphs are preceded by defeats; and the cause of liberty, throughout the world, has always numbered many martyrs and illustrious victims. England shed much blood, before she could obtain the boon, Juan Padillo atoned on the scaffold, for the

raising of the mob of Castille, three centuries before a constitution was sworn to in Cadiz, which lasted but little; Poland, Italy, and Hungary, are not yet free; the United States, whose democratic elements, facilitated their independence had to experience all the vicissitudes of a protracted struggle, and it was not without great efforts, that the immortal Washington, who, sometimes saw himself abandoned on the field of battle, succeeded in liberating his country.

Cuba enters now the career of revolution: but she begins with the example and protection of Americans: she has learnt much in few days; she is suffering under a dreadful load of oppression, and her emancipation cannot be long delayed.

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