

Appleton Oaksmith Papers, Duke University Library

Copies of Letters to Domingo de Goicouria.

N<sup>o</sup> 1

New York Jan'y 22<sup>d</sup> 1859

Domingo de Goicouria Esq,  
New Orleans La.

Dear Sir

As I wish this winter to close up entirely all of the old unfortunate matters connected with operations in which I embarked at your solicitation and urgent request - I so far lay aside my sense of <sup>the</sup> wrong which I have suffered at your hands as to address you in terms which will leave it optional with you either to compensate me in some respect for what I have lost and suffered, or to carry on our present foolish and unprofitable litigation.

One thing or the other must be decided at once. Let me briefly call your attention to certain facts. At the present moment there is the small sum of six thousand dollars left in the U. S. Court - the amount now due for lawyers fees, the pay of Captain Swenson and sundry confidential charges for which I am held responsible will amount to three times that sum. You have put yourself in a position by commencing the suit against me in the manner you did, to destroy the entire claims on the Government unless that suit is discontinued.

You have sworn that you owned certain goods - you know that you did not. You have sworn that you

signed my petition for the amount of twenty five hundred dollars instead of twenty five thousand dollars - you know well it was the latter sum! that our agreement was exactly twenty five thousand dollars.

You have sworn that you knew nothing about the Victory's cargo on her second voyage - who knew better than yourself - who gave the orders for that voyage? You are probably not aware of the letters of yours now in my possession, not only addressed to me but to Ramirez and Laine -

You are probably not aware that I have it in my power to prove conclusively to the World who ruined the cause of Cuba. You are probably not aware that General Pittman and I had a thorough and distinct understanding before his death and that the noble and conscientious hero disclosed to me everything and submitted all documentary evidence in his possession to my inspection.

Those papers had been prepared for publication and are now to be found among his effects in the order in which he left them - You are probably not aware what numbers of the Cuban Junta and friends of the old cause have been to me for information concerning you - As yet I have never said anything against you - I have left the way clear for you to do me justice. I have felt ever since our last interview at Mr Dykes' that you and I must come sooner or later to an amicable understanding or else to a big fight - that time has now come.

Two years of steady and unremitting toil - of a life open to the closest scrutiny - and in a position of an elevating character have retrieved in some

measure the utter ruin which you brought upon me -  
for you alone are responsible for my loss since the failure of  
Hitchcock & Co. and what of the original misfortunes I  
might have retrieved your insane suit destroyed.

I am now ready to meet you, either way you choose -  
you must decide -

I am willing to bury the hatchet, to let the past all go -  
to forget my wrongs - and once for all to overcome all  
unkind feelings - bending my best energies to recover  
from the Government (which I can do alone - no one else -)  
the damages which have been sustained, for the bene-  
fit of the proper parties as well as myself - Or if you pre-  
fer to continue your present useless and annoying  
suit you can do so and the consequences be upon  
your own head - If you come out of it with the loss of  
more money - with the loss of reputation - and with your  
character as a Cuban Patriot forever gone, you must not  
blame me! - whatever I may say or prove will be God's truth -  
and that will prevail -

I am a man who does not deal in assassinations and  
therefore, whether you and I are friends or foes, I take the  
precaution to write here - so that if it is ever necessary,  
it may come up in judgement against you - (as  
copies of our correspondence will be deposited with a gentleman  
standing high at the bar in this city) you must not expect  
to get rid of me as you did - and -

I shall only use the weapon of truth against you  
and if necessary shall divulge everything - keeping  
back nothing - and throwing myself upon the

country, as to who has acted most up to a high sense of honor and disinterestedness - in all these transactions. This latter course will have the following results; - it will ruin our claims on the Government - it will cause me a large pecuniary loss, as well as you - and will create a breach between you and myself which cannot be reconciled - and will leave me free in self defence to speak of you in a manner which my high sense of honor and generosity of nature has hitherto prevented.

All of these things I can see and calmly deliberate upon, and I assure you that at this moment I feel no anger or hostility towards you whatever - I only feel that you have wronged me and I am willing to receive your assurance that it was unintentional and to let the "dead past bury its dead";

Our case against me has been retracted time after time - and as often laid over because your counsel knows and feels it cannot be tried without sacrificing forty times the amount involved. You know there is a limit to human patience and you have driven me to that limit, and I now make to you my last and only proposition, with the calm deliberate, and determined alternative - we will have no more delays - no more negotiations - no more propositions. It must be decided between you and I - not between our counsel for they would keep us in law forever if they could. If you will write immediately to Mr Dykers instructing him to discontinue

all suits against me and A. L. and to remove the injunction on the funds in the U.S. Court and to aid me in drawing the said funds out. I will agree that one thousand dollars of it shall be left in his hands for your use and I will further agree to carry on the suits against the United States Government and out of the proceeds arising, after paying actual expenses incurred, on the claims for cargo for "Amelia" and "Magnolia" I will pay over three quarters thereof - say  $\frac{3}{4}$  - unto such person or persons as you may direct for use of whom it may concern.

I will also pay all of the lawyers fees and will compromise the unliquidated claims - including Captain Swensons and guarantee that you shall not be held responsible. This I will do to settle the whole matter, and I will not deviate from this one particle.

I think it but fair to inform you that Captain Swenson has commenced a suit against you for Five thousand dollars and that you would have been "served" when in this city last could the Sheriff succeed in finding you. I think it but fair to inform you also that in making this settlement - in giving up my personal claims on you for large amounts due me it is with expectation of recovering the same from the government.

Without this settlement is made I shall hold you personally responsible for all my losses and expenses - for cash advanced - for the charters

of the Magnolia and Amelia - and for a reasonable compensation for my services as your agent as you have sworn.

These are the alternatives with the addition that as soon as the suit is reached again it shall be tried - and I shall prove all that is set up in my answer which I shall corroborate by your own letters and by good witnesses.

As you did not pay any attention to my last letter I would simply say that if this should not be so fortunate as to reach you - I shall wait thirty days - 30 days - and at the expiration of that time - should I not hear from you - I shall send it to you through the columns of one of our leading daily papers

I have endeavored to make myself explicit - I have used plain words so that nothing could be misconstrued and that you might have no excuse for not giving an immediate and positive answer -

I await your reply - and in conclusion once more repeat that I seek only to end this matter amicably - honorably - justly and fairly and if it cannot so be done I am prepared for the other alternative -

As you choose to have me - your friend - or not - but still

Very respectfully  
- signed - Appleton Oakwith.

I shall wait no longer than the 22<sup>nd</sup> of February for a reply.