

THE SPANIARDS AT HAVANA AND THE WHIGS AT WASHINGTON.

EVERYBODY seems to be astonished at the recent insulting outrages of the present Captain General of Cuba against the American flag, in the cases of the *Cornelia* and the *Crescent City*. We are not at all surprised. The Spaniards in Cuba hate us and ours with a bitter and rankling hatred. Their characteristic arrogance and vanity make them delight in any opportunity affording a fair covert chance for a special demonstration of insolence and arbitrary tyranny against citizens of our detested nation. Whenever any petty violations of law or regulation are committed by Americans,—often where the opportunity is merely afforded by an unfounded charge or suspicion,—they delight in straining to the utmost the powers of prosecution, within the forms of procedure, furnished by arbitrary laws administered with arbitrary discretion. Wo to the poor American sailor, engineer, or obscure man of any other avocation, whose case may happen to afford one of these ever welcome opportunities. Such cases do not come within the reach of diplomatic protection,—especially when such protection is far off both in distance and time. Our Consul is only recognised as a mere commercial functionary, with jealous denial of any approach to the diplomatic character. And what can be done, when the matter is in the hands of the “regular tribunals,”—and when a haughty Captain General is ever ready to deny to our Consul any right to a word in the matter, coolly referring him to Madrid for satisfaction?—Madrid, where a Captain General of Cuba is more inflexible than all the Popes from Peter to Pius, because the very system by which Cuba is held and governed requires the support of all his acts of authority, right or wrong. The worst of it is, that at the same time that any attempt to intervene or inquire into any such case is at once bluffed off by a reference to the regular tribunals, everything before those tribunals

is in truth so arbitrary, as to be entirely dependent on the private disposition felt by the petty functionary controlling the matter, or by the higher authorities whose pleasure is the sole real law of the case. An endless and a harrowing catalogue could be made up of the petty oppressions, mortifications, and indignities, thus for years past inflicted upon Americans in Cuba, for the one single sole reason of their being Americans, and of their having been so unlucky as to afford the opportunity, to their ever ready persecutors, under a decent covering of legal appearances.

This same spirit manifests itself in a great variety of forms and modes. All the Spanish newspapers are full of it, even those published in this country, the latter being indeed a little more reserved and moderate in its expression. When an United States frigate lay at anchor at Havana on the morning of the massacre of Crittenden and his brave companions, the boats which swarmed the harbor, filled with the Spaniards of that city, (the *Spaniards*, not the *Cubans*—the distinction is both broad and bitter.) as they returned from witnessing the horrid spectacle, addressed the most violent and indecent insults, in both gestures and cries, to the “Yankee” frigate and “Yankee” flag, over which that was to them a day of devilish exultation. Every one of these obscene gestures was but an irrepressible manifestation of the same prevailing spirit, which is to be found among all classes among them. They delight to insult us as Americans whenever they can get a fair chance to do so under a good cover or a tolerable pretext; to insult our country by abusing any decent opportunity for official rigor or persecution against one of our people.

This spirit may fairly be ascribed to the natural antagonism which has now so long existed between our Democracy, sprung out of successful colonial rebellion,

and their system of continued colonial despotism and oppression, so closely adjacent to our pestilent neighborhood. Our revolution very early began to disquiet and disturb the old dead stagnation of their corrupt and cruel tyranny, throughout the whole extent of their American empire. Our example soon began to set heads a-thinking and hearts a-feeling, until finally the heads and hearts set brave hands a-working, till the result was the expulsion of the Spanish dominion from the whole of its old vast system of colonies in our hemisphere, with the single exception of Cuba, and the little island of Porto Rico,—which necessarily follows the fate of Cuba, as the stern yawl follows the frigate. And not alone did the suggestive contagion of our ideas thus early and powerfully work to the disintegration and downfall of the old Spanish power in America, but from the outset of the revolutionary struggles of those colonies, the rebels, or “patriots,” have always derived important material aid, as well as moral sympathy and encouragement from our people. Miranda’s Expedition from New York to the Spanish Main was, in 1806, the counterpart to Lopez’s in our own day. The Henderson and O’Sullivan trials recently familiar to us, had their precedents in the Smith and Ogden cases which grew out of that Expedition. If a Captain Lewis commanded the Pampero, a Captain Lewis figured, too, as the commander of the Leander. Mr. O’Sullivan’s own father bore a part in Miranda’s enterprise; and if our gallant Lieutenant Porter is now an object of particular spite and detestation to the Spaniards, his own brave and glorious father, the hero of the Essex, was not regarded by them with any kindlier feelings when he served as commodore of the fleet of the revolted colony, during the struggle of Mexico for her independence.

American Democracy and the American people have been therefore the natural enemy of Spanish power on this continent; as they must continue to be, so long as the last colony remains to Spain, within reach of the fatal pestilence which is borne on the wings of every northern breeze that rustles through the orange groves of the Queen of Antilles, or waves the tall crests of her royal palms. They feel it, they know it; generations have

grown up with the knowledge and the feeling. And as the oppressed and fettered Creoles look to us with hope and fond longing for that help which we alone can render, which we cannot but render, and without which they can ill effect, or even attempt anything, in their peculiar situation, just so does the tyrant caste which lords it over them, and sees in us its own inevitable fate, regard us with a bitterness of hate unknown to any other relations between nations. This hatred is not only doubly envenomed by its combination with fear, but when it mingles as it does with the characteristic arrogance and conceit of the nation, it naturally produces precisely this result which we behold, rendering it peculiarly grateful to the universal sentiment of every Spaniard in Cuba or out of it, to make the most of every fair opportunity they can ever find or make, to persecute an American, or—still more welcome gratification to the sentiment—to put *indignity* upon him; and through him, in a safe and petty way, upon his country and flag.

This is an unquestionable fact. Every American in Cuba knows it; and, with the exception of that small servile and degenerate class who read in their cash-book the *Whole Duty of Man*, every one of them feels it with an angry while scornful resentment, and hopes for the day when that now base and mean flag, of which it has been well said that its twin colors of red and yellow fitly symbolize the blood of Spanish cruelty and the gold of Spanish corruption, shall give place, as it needs soon must, to that brilliant banner, whose starry blazon ever suggests divine inspiration, and represents, wherever it goes, principles and truths written in such light on the skies, that while manifest to the eyes, they cannot fail, sooner or later, to command the love and worship of all the races of men on the revolving globe.

And this disposition, to insult us and ours, has received a new development within the past few years,—within the term of our present federal administration. If it has now gone to the outrageous lengths which have at last awakened a strong reaction of indignation throughout the country, we are ourselves half to blame for it, responsible as we are for the conduct and character of the administration to which

four years ago we had the folly to entrust the maintenance of the honor and integrity of our country. Gen. Taylor himself, indeed, would never have trailed our banner so low down in the dust to be trampled on as it has been by these insolent Spaniards in Cuba; never; never! With all his weaknesses and deficiencies, he had enough of Americanism in him to have saved from such shame the flag to which he had himself added a new glory on the field of Buena Vista;—and without that something which sufficiently harmonized with the sympathies, and beat time with the pulsations of the popular heart, he could never have been raised into the position of the executive representative of the nation. Fillmore is after all, only a vice-presidential accident; a mere result of caucus contrivance to satisfy politicians of a state and section, who could neither have been ever nominated, nor, still less, ever elected to the Presidency itself. Our folly, for which we are justly blameable, and of which we have had to taste bitter fruits, consisted in overlooking the possibility of the old Rough and Ready President's death, and the consequent succession of a narrow-minded, feeble, timid, and radically whig successor, in that decently third-rate Buffalo attorney, whose administration of shame is now, thank God, drawing so near its welcome close.

Under this administration, with a great, cold, anti-popular and unpopular lawyer at the head of the State Department, and an official superior above him of the same political class and school, but without the greatness, it is no wonder that these conceited and presuming Spaniards have come to fancy that there was no length of arrogance which they might not safely venture upon in dealing with us. Knowing as we do what they are, and how they feel at the bitter bottom of their hearts, we can hardly blame them; certainly we cannot be surprised.

Why, what have we not done to encourage them to any lengths of confidence in our powers of endurance—we had almost said to any lengths of scorn for our supposed pusillanimity? We will say nothing of malevolent persecutions of individual Americans within their legal jurisdiction, in which they have been permitted to indulge, with increasing inso-

lence on their part, and inexhaustible patience, or rather neglect, indifference, and poverty of spirit on ours. We will group together a few of the public acts on a larger scale, which have been permitted or committed by this present disgraced and disgraceful administration of our government, and which have been well calculated to delude those inflated Spaniards of Cuba into the belief that we were really afraid of them; that we dreaded the hazards of their traditional prowess, aided by the support they promise themselves from England and France; that the men at the head of our government, and all but the lowest scum and rabble of our people, really sympathized with the tyranny of their colonial policy, and looked with cold and hostile hearts upon all the revolutionary aspirations of the poor Creoles of Cuba. Our readers will then be at no loss to understand how it is that they have come to imagine that they may, with impunity, at once indulge their own abiding and ever rankling hatred of us, and at the same time make before the eyes of the Creoles a politic ostentation of their defiance of us; implying the idea both of that profound confidence which they always boast, in their own tremendous resources as against us, and of the little hope allowable to the Cubans, of any possible succor or support, from a government which would allow itself to be thus plucked by the beard, by the self-satisfied insolence of these petty myrmidons of Spanish despotism in Cuba. Thank God, DEMOCRACY will be the principle of the next administration that is to represent the dignity and the power of our noble republic of republics! And long, long, we are well assured, will it be, before the American people will ever again instal into the federal authority, the Counter-Principle to the genius of our whole political system, as we have now seen it embodied in those two men, who, alike in the intellectual strength of the soured Secretary, and the timid feebleness of the vice-presidential President, have exhibited perhaps the most complete representation of that Counter-Principle that could have been selected; for the unfortunate experiment of seeing how far, in the space of three short years, they could teach tyrants to look with contempt, and the oppressed with grief and despair, upon that glorious young flag which the

forgotten heroes of our own but recent revolution vainly dreamed that they had forever consecrated to freedom, humanity, and hope.

In the first place, look at the affair of the Contoy Prisoners, and the two vessels, the *Georgiana* and *Susan Lond*.

Here were a number of men who had sailed from New Orleans in these two chartered vessels, cleared for Chagres, and ostensibly at least bound thither. A few days after them starts the steamer *Creole*, from New Orleans, overtakes one of them on the high seas, and they all rendezvous at a Mexican island lying on the track of the Chagres voyage. An invitation is given to the passengers of the two vessels, who thus meet at a point of foreign jurisdiction (Mexican), to unite with General Lopez, and those with him on board the *Creole*, in a revolutionary liberating expedition to the neighboring island of Cuba. The bulk of them enthusiastically accept the proposal, which indeed they had well understood would be made to them, though all had believed that it was at Chagres that it would be made, and at Chagres that they would be free to accept it or refuse. A portion of them, however, *decline it*; withstand all the jeers and taunts of the majority; and sticking by their American deck, under the presumed sacred protection of the American flag, which made that deck American soil, they *refuse to join the expedition to Cuba*. One of the vessels being, therefore, placed at their disposal for either return to the United States or the prosecution of the unfinished voyage to Chagres, they determine on the former course; and are all transferred to that vessel, on board of which are, moreover, placed hundreds of letters written back to the United States by the members of the expedition, from General Lopez down. The *Creole* sails and leaves them; parting cries of insult and hostility being exchanged between them as they thus separate; the one party going, the other *having refused to go*, on the Cuban expedition. The next day, while they are waiting for a wind for their return voyage,—still lying in the friendly waters of Mexico, still under the flag of their own country, whose shelter they had thus refused to quit,—they are pounced upon by the Spanish war-steamer *Pizarro*; seized,

in contempt for their flag and deck, and treated with extremest personal outrage and cruelty, to the extent of driving crazy at least one of their number, including such acts as placing one of them under a yard-arm, with a halter rigged for his murder. Alike, their protestations that they were American citizens who had refused to join the expedition to which they had been invited, and that they were consequently on their way home to the United States, and, still further, the proof of the truth of these protestations, contained in the hundreds of letters back, of which they were the bearers, are disregarded and trampled upon; and they are carried, vessels and all, into Havana; fortunately for the Spaniards, unhappily for the prisoners, eluding an United States man-of-war, which, under the prompting of our gallant Consul, Campbell, made an attempt to intercept them, for the purpose of compelling the surrender of the American vessels and citizens, whose capture was equally an outrage upon the law of nations, as it was an insult to the flag of their own.

Well, what follows? Are they at once liberated and restored, with satisfactory apology and compensation? Is their capture ascribed to a venial mistake of zeal on the part of a naval officer, excusable under the exciting circumstances of the day, provided it should be promptly followed by disavowal and atonement adequate to the occasion? Was this the solution of the case? Had it been, we should have had nothing to say against it. Such was the proper course to have been pursued by the Spaniards; the only proper one to have been tolerated by our government. But no; nothing of the kind. The act is adopted, maintained, justified, persisted in. The vessels are forfeited, and one is sold, and the other sent home as a triumphant trophy to Spain. The prisoners are kept for months on board a Spanish hulk in the harbor of Havana, suffering under the burning sun of tropic midsummer above, and the more burning shame of their outraged nationality within; to say nothing of the personal indignities and sufferings to which they are subjected, and the anxiety about their fate with which their feelings are daily harrowed. They are subjected to Spanish trial. The bulk of them are acquit-

ted, and thereupon released. Three are made exceptions, are sentenced, and sent to the galleys in Spain. Finally they are *pardoned*, as an act of *clemency* on the part of the Spanish queen. As for the vessels, we hear no further of them, though we know that their owners early made application for indemnification, for this piratical robbery of it by the Spanish government, and this pusillanimous permission of it by our own.

Well then, may some readers perhaps answer, our government must have concurred with the Spaniards in their conception of their rightful authority in the case; it recognized these vessels and prisoners as lawful capture, it admitted that the Spanish courts had legitimate and proper jurisdiction over them, and that the acquittal of the bulk of the men, and the eventual merciful pardon of those who were sentenced, and whose sentence was in part executed, constituted a satisfactory conclusion of the affair. Unfortunately, no. Would that it had been so. Then the worst imputation that could result would have been that our administration had been mistaken; that it had misjudged the facts of the case; that it had not rightly understood the matter; that it did not perceive how the great principle of the sanctity of the shelter of the American flag on the high seas, or in neutral jurisdiction, had been violated; in a word, that if it had been kicked by the insolent Spaniard, it had not felt it, and did not know it. Poor as it would have been, even *this* excuse for our pusillanimous failure in national duty, dignity, and honor, would have been something a little better than the fact as it did occur. Unconsciousness of insult that is *very* manifest and palpable, *may* be genuine, though at best suspicious; but recognition of it, effort to induce its withdrawal, finally winding up with quiet and even *thankful* submission to it, is a proceeding of a somewhat different complexion. And such, unhappily, has been the sum and substance of the proceedings in this Contoy case.

Mr. Clayton and General Taylor stand clear from the disgrace we now lament and blush for. Had they remained at the head of affairs it would never have rested on our diplomacy. The outrage would never have passed unatoned; indeed, per-

sistance in it would never have been dared. They demanded peremptorily the "immediate release of all of the prisoners." They declared to the Captain General in Cuba, and also to the Spanish government at Madrid through our minister, Mr. Barringer, that our government recognized "no right on the part of the Spanish authorities to try and punish the prisoners taken at Contoy," and that their punishment would be viewed by our government as "an *outrage* upon the rights of this country." Yes, "*outrage*" was the word, and the proper word; and "*outrage*" italicized twice in the original documents.* And in regard to the vessels, they gave notice that "this government expects those vessels to be returned to their owners, with damages for their capture and detention," &c. Unfortunately the Fillmore administration succeeded to power in July. After that change, the manly bass of the voice with which our government had thus spoken out (June 29) in vindication of our outraged flag, subsides into the faintest of trebles. Spain holds on to her capture; condemns the vessels; sells one, and takes the other into the Spanish navy as a "transport of war;" tries the men; discharges by acquittal, for want of any evidence against them, the passengers who had been captured at Contoy, forty-two in number, after months of suffering and anxious imprisonment; retains the officers and crews of the vessels, the latter as witnesses; tries, condemns, and sentences the former to the galleys for ten, six, and four years, and sends them to Spain for the fulfilment of these sentences. Meanwhile, under the new inspiration from Washington, our minister at Madrid, finding the Spanish government inflexible in its resolution, soon begins, as we have before said, to "sing very small." On the 5th October he has an interview with the Spanish Minister of State, the Marquis of Pidal, in which he says that his "object was, not to revive the discussion, but simply to know the *intentions* of her Majesty's government in regard to these prisoners;" and he suggests that the men "should be released *now*," and that nothing more should be said about it, (the italicizing still his own, not ours.) Well now, what

* See Senate Document 41, 2d Sess. 31d Cong. pp. 5 and 14.

does that "now" mean? Why is it thus emphasized? The proceeding is so paltry and shuffling, that it is no wonder Mr. Barringer prefers not to write out in full plain English or American what was covered up within the italic implications of this little "now." It is simply this: on the 9th of September, Mr. Webster writes a "private note" to Mr. Calderon, "*asking, as a particular favor, that he would intercede in behalf of Mr. Graffan, mate of the Georgiana;*" which note enclosed a letter from the senators and representatives of Maine in behalf of that individual, whose "aged mother had obtained a passport from the Secretary of State, for the purpose of going to Havana with a view to saving her son, if possible.* This is the allusion of Mr. Barringer's "now," employed on the 5th October; so that the "now" means simply this—We will pocket the "outrage" about which we blustered so high under Taylor and Clayton; we will tolerate your violation of our flag in the waters of a foreign jurisdiction; your trial of our citizens thus seized by you, with acquittal of some and condemnation of others; but, on the grounds of "personal favor" and humane clemency, we have "appealed to your Excellency, extra-officially, to interest your good offices in behalf of the prisoner," that is, of one of them (see Pidal to Calderon, page 82.)

The men are accordingly pardoned, as an act of grace and clemency, placed on this express and sole ground; and the whole winds up with an infamous specimen of servile truckling on the part of our administration; which allows its official organ at Washington, the *National Intelligencer*, to announce the fact to the world, as an evidence of merciful clemency on the part of the Spanish Government, for which we could never be sufficiently thankful to Isabel and Calderon.

Oh, for General Jackson in power when such an case as that we have thus plainly related, was to be dealt with!

As for the vessels, one of them was sold by the Spanish government, the other taken into the royal navy as a transport.

* See letter of Mr. Calderon to Mr. Webster, with its enclosure of a copy of a despatch from the Marquis of Pidal, to Mr. Calderon, from which we learn all this. Senate Doc. above referred to, p. 81.

The last that we hear of them is an imitation (Feb. 5, 1851.) that their owners are making a claim for indemnification for their value. It is fairly to be presumed that this claim has fared, in these Whig hands, in a manner substantially corresponding with their treatment of the question of principle and personal right. Of course the claim has never been conceded by the Spaniards, or we should have heard enough of it long before this. And if not conceded, it can only be because it has not been properly urged. But let the parties interested wait now a little longer, till Democracy shall raise again the proud and lofty crest of the national dignity and honor; and we confidently predict that the barque *Georgiana* will not much longer remain a "transport of war" in the navy of these insolent Spaniards; nor will the parties personally injured, by this "outrage" to our flag and nationality, much longer remain uncompensated for the personal wrongs inflicted on them, which accompanied the public insult inflicted on their country.

One incident, in this shabby history of whig diplomacy, it may be worth while to allude to in passing; characteristic, though perhaps small in importance. In the interview in which Mr. Barringer, following up and referring to Mr. Webster's "entreaty" for the "personal favor" of a *pardon* to men whose *trial* he had called an "outrage," asks if they were not to be "released now," and nothing more said about it, he has the further poverty of spirit to plead Lord Palmerston's concurrence of opinion in the demand made by the United States. Hear him:—"I replied, &c. . . . The opinion of the government of the United States had undergone no change; and, as the possible judgment of other nations had been alluded to in the previous argument of the question, I must be allowed to say that I had had an opportunity to learn the opinion of *one* government very powerful in Europe. I had seen the written official opinion of Lord Palmerston on this subject, which sustained in every particular the justice and reason of the demand made by the United States." In the name of all decency! if he *must* support an American demand for respect to the cardinal national principle of the sacredness of the

American flag, by the introduction of English "official opinion" in our favor—if the minister abroad was too fully imbued with the inspiration of the administration at home, to enable him to forego the pleasing comfort of quoting English diplomatic approval, why, at least, did he introduce it with such aggravation of meanness as marked his use of it "*now?*" Why, when he was thus feebly and yieldingly abandoning the just demand before insisted on by Taylor and Clayton,—when he was in the act of truckling down into accepting as a private "personal favor" to Mr. Webster, "entreated" through the "good offices" of Mr. Calderon, a merciful pardon for men whom it was an "*outrage*" to try, as it had been an outrage to capture,—why, we ask, does he then quote such confirmatory authority, "sustaining in every particular the justice and reason of the demand made by the United States," only to make the more manifest and aggravated the pusillanimity of such disgraceful betrayal of the sacred and fundamental national principle on which rested that *abandoned* demand?

This is the Contoy Prisoners case. We submit to every reader whether it does not fully justify the remarks by which we have characterized it above. Who indeed, after such facts, can wonder at any lengths of insolence, to which these ever presuming Spaniards might go, under smooth official phrases, and with gentle social stroking-down at Washington and Madrid, to both master and man, imbued at heart as are both man and master, with the full-blooded anti-popular sympathies of complete federalism?

The second late instance of this truckling yielding to the presuming insolence of the Spanish despots of Cuba, is in reference to the Atares Massacre. This horrid butchery was of about fifty American citizens, who had been captured, unarmed, and of course unresisting, in boats on the coast of Cuba. Even granting Spain's right to put them to death eventually after a fair trial, a fair trial they were entitled to under the treaty of 1795, with opportunity for defence, communication with counsel, &c. Who can say what defences might not have been reasonably and successfully made by more or less of them, if not the whole? At any rate they were entitled to the opportunity. They were

not captured within Cuba; nor arms in hand; nor even as fugitives from a beaten force after fighting. On the contrary, in the only battle which had taken place between Gen. Lopez and the Spanish troops, the latter were the beaten fugitives, the former the victors. These prisoners had withdrawn from the expedition, without having ever gone farther than five miles into the interior, and without having taken any part in the battle. Perhaps they had repented, changed their mind, found the state of things different from what they had expected, and consequently had thrown down their arms and promptly withdrawn. In such a case, they certainly deserved, even from the Spanish government, different treatment from such summary massacre without trial. And a trial would have in that case developed the proof of these facts, as well as of various circumstances probably affecting favorably the situation of individuals. *With a trial*, there could never have taken place such a shocking horror of indiscriminate massacre, as that which those thirsty Spanish cut-throats were thus swift to perpetrate. Now, a trial they were entitled to under the treaty; a trial they ought to have had, and it was an insolent abomination on the one side to massacre them without it, and its toleration a base submission on the other. Of the subsequent treatment of the remains of the murdered young men, by the half cannibal rabble of the Catalans of Havana, we will not speak. And then, when the fury of popular resentment awakened by this intelligence at New Orleans led to street disturbances, in which the house of the Spanish Consul, the printing office of the Spanish newspaper organ, and a few other Spanish stores or houses were attacked and demolished, or injured, why, then, all is apology and atonement on our side—unmitigated condemnation of these villain outrages by a lawless city mob—appeal to Congress for indemnification—and ceremonious welcome back of the needlessly fugitive Consul to his post, with special salutation of honor to his flag and person on his arrival. An ocean of submissive regard for the Spanish side of the question, to a pennyworth of just consideration for the American! The proper reply to have been made to the Spanish complaints, respecting the mob outbreak at New Orleans, would have a stern and

indignant refusal to notice them until good atonement should be first rendered for the outrages which naturally, necessarily, justly, had provoked them. Let us imagine a Democratic President replying to such complaints. Under the smoothness of diplomatic phrases, it would have been in substance somewhat to the following purport: "You have murdered in cold-blooded massacre fifty of the citizens of the community which was thus provoked to this natural popular outbreak. You did it without trial, and therefore in violation of treaty right. They were not taken fighting, or armed, or on your soil, or even approaching it. They had left it, and were on the water, withdrawing from an enterprise which their situation proved that they repented of. They had gone to it at least under generous delusions, in the spirit in which foreign friends came to aid us in our infant revolutionary struggles. Their act may have been unlawful, and you from your point of view may call it criminal, if you please; but your conduct has been equally unlawful, and in the eye of all humanity tenfold more criminal. Your troops beaten and put to shameful flight, by those of this unhappy expedition who fought on your shores at vast odds, you have wreaked a cowardly as well as ferocious vengeance upon these unfortunate victims whom you were able to run down with your steamers, unarmed and defenceless in open boats. Wicked and bloody, as well as in violation of treaty obligation, and equally cruel and cowardly, your own public act was fittingly followed by still more revolting outrages, by your own tolerated mob, upon the dead remains of these mistaken but gallant and generous young men. It is only wonderful that the people of New Orleans, under such exasperation, visited your Consul, and your newspaper, and a few of your citizens with such comparative moderation as they did evince. Atone now first for your own abominable wrong, before you call on us for indemnification for its consequences. Dismiss your officers and functionaries guilty of this wicked horror before the eye of God and man, and this violation of your treaty obligations to us. Apologize, atone, as now you best can. Then come and ask us for indemnities to your citizens who may have been injured among us. But as for any other apologies, or atonements, or

any special demonstrations of honor to your frightened Consul, or to your bloody and disgraced flag, be well content and thankful that we do not descend upon you in just wrath, as the seasonable instruments of the divine as well as of a national vengeance, and sweep you from the neighborhood in which you are a disgrace to the continent, a nuisance to us, and a hated and hateful incubus to the fair island accursed by your evil presence." The substance of these ideas, smoothed, polished, and draped to the courteous forms of diplomacy with "high consideration," would have been the proper answer from our side. Instead of this manly and righteous tone of reply, how all-submissive, how all-indulgent to the Spanish side of the question, how all-regardless of any American side to it, was its entire treatment by this cold-blooded and cold-hearted Whig administration, which to our lasting shame and sorrow has been at the head of our national affairs! True, it removed the recreant Consul Owen, thereby, indeed, admitting a recognition of the true character of the proceeding which it was his sole crime to have witnessed without energetic interference; but what was this but a mere sop to the angry Cerberus of the public feeling, a tub to amuse the foaming and lashing whale?—while to Spain there was not addressed a syllable of the rightful American language on the subject. It was, in fact, the meanest part of the whole proceeding, for poor Owen had clearly done nothing more than act up to the spirit of the administration policy, as expressed in the President's proclamation, and in the course of all the official and most of the Whig party press; and the sacrifice of him, to make him his masters' scapegoat, or rod to carry off the lightning bolt of the just wrath of the American people, was but an act of cowardly bad faith, and personal injustice, which only added a finishing touch of meanness to the various other disgraceful aspects of the whole base business.

Our contracted limits, for the present article, only permit a brief allusion to one more of these instances of shameful truckling on the part of this now expiring administration, these cases of the sacrifice of the honor and dignity of our country, and of the personal rights of our citizens, to please the Spanish minister and government by unlimited extremes of compliance and

submission;—all tending to the result which it has been our purpose to illustrate by these instances, namely, that of encouraging the easily encouraged insolence of these Spaniards in Cuba, which was bad enough at the best before, and which has its bitter root deep down in an intense national sentiment of hatred against us and ours, till it has reached a point at which no outrage to our pusillanimous flag seems beyond either their impertinent audacity or our inexhaustible endurance. This third instance is the conduct of this Whig administration in reference to the late Cuban trials in the city of New York. To what depths of disgrace, personal and political, to what extremes in the violation of the purity of the public justice, of the obligations of professional integrity and official oaths, did it not descend, in its eager efforts to offer up to the Spanish government the homage of success in its prosecution of American citizens, guilty of the crime of having sympathized with the oppressed Cubans and the glorious Lopez! The acts of the prosecuting officers in New York, who held the United States District Court occupied day after day for an entire month in their struggle to convict Mr. O'Sullivan of a violation of the Neutrality Law, are undoubtedly the acts of the administration which inspired them, which necessarily saw and observed their progress, and which sanctioned and adopted them by its continued favor and confidence to the official instruments by whom they were perpetrated. And those acts included nothing less than the following disgraceful official abominations:

Commerce with spies and informers, to nurse along a supposed intended violation of the law till it should ripen to a head, become complete in consummation, and when arrested furnish sufficient proof to enable the government in malignant exultation to punish afterwards, instead of more wisely and kindly preventing beforehand.

Seizure of papers as means to effect convictions, by false and treacherous representations to gentlemen arrested, that they were under compulsion to surrender them, and also by unlawful opening and plundering of private valises.

Negotiations with witnesses for testimony, and its purchase by heavy bribery.

That bribery effected by means of false certificates and sham subpoenas, of nominal

date six months anterior to the truth, given for the purpose of bestowing a large bonus, bribe, or purchase-money, fraudulently drawn from the United States treasury, under the pretence that the witness thus bribed had been under subpoena, and in attendance as a witness from the period of the said false back date, so as to enable him to draw the ten shillings *per diem* allowed by law to witnesses actually under subpoena and detention.

And these official crimes, involving legal forgery, fraud upon the treasury, and violation of the official oath which covers all such official acts and proceedings,—to say nothing of a purchase of testimony; from starving witnesses, hazardously approaching to the character of subornation,—all done, permitted, sanctioned, and covered over with the broad mantle of the governmental approval and responsibility, for the purpose of compassing the sacrifice of an American citizen to the gratification of the Spanish minister and government, after the patient and even grateful reception of all the revolting outrages *from* Spain, of which but a part have been alluded to above!

It may, at the first blush, seem passing strange that outrages upon the national dignity, honor, and principles, such as we have here had to exhibit, and such as may also be found exhibited, with irrefragable proof, in another article of our present Number, respecting the late Central America diplomacy of this administration, could ever have been carried into effect; that they could have been begun, continued, and consummated, without provoking from the outset such a threatening resistance of the public sentiment as would produce the effect of arresting them, by alarming their authors, and all parties responsible for them.

The explanation of this is to be found in the evil secrecy of diplomacy. An affair of this nature begins and goes on under close cover of Executive privacy. Negotiation is reported to be on foot. A general disposition exists to presume that our men in power (especially in the case of a man of the great intellectual power of the present Secretary of State,) are making or will make the most of the elements afforded by the case on our side of the question. And a general disposition exists, moreover, to make the best of whatever may prove eventually to be the results of

such negotiation, to feel nationally committed and bound by them, and unwilling to criticise too closely the concessions or submissions they may involve, such criticism being at the cost of our own national credit and pride.

For ourselves we utterly repudiate all such restraints upon that freedom of political discussion and criticism which is indispensable to the purity and health of our government, as a restraint against the bad tendencies of secret diplomacy, and as a remedy to mischiefs done, yet often not irreparable. In reference to these late dealings with Spain, respecting cases growing out of the affairs of Cuba, the administration has had the further advantage, enabling it to go gradually to all these lengths, and to cause them to be tolerated, step by step, by the country, of that unpopularity of the Cuban cause, for a season, which was caused by its temporary disasters, and by the plausible *prima facie* case of illegality apparently existing against the course of its active friends in this country. The Union was, moreover, throughout this period, profoundly convulsed with the great sectional questions which resulted in the compromises of 1850, and in their various important party consequences. The very name of Cuba was at that period dreaded by many, who, amid the excitements and confusion of the hour, saw in the idea of her emancipation from the Spanish tyranny, only the introduction of a new and still more deeply distracting element into the already pending and doubtful questions. Hence, under cover of the plausible superficial pretexts and excuses existing in the case, and of this condition of the public feeling, and with that convenient diplomatic privacy which keeps everything in suspense, and under presumption that *all is going on right*, until irrevocable public results are reached, full scope and swing were left to the administration, to indulge to the top of its bent those anti-popular and especially anti-Cuban sympathies, which have made it so unreservedly the mere plaything and puppet of the Spanish minister; aided as the latter has been by a strong social pressure of the general European body of monarchical diplomacy at Washington.

We now ask any reader to look fairly at the conduct of this administration, in the three cases we have referred to, and then answer

whether there is any length to which these arrogant and inflated Spaniards in Havana, accustomed as they are to lord it in unrestrained military despotism over a prostrate, fettered and unarmed people, have not been encouraged to go, by the servile sympathy, the submission which could not be overtaxed, and the support which could not be too eager or too unscrupulous, which it has found that it could invariably and safely rely upon from this administration. Who then can wonder at these late outrages? And who can expect, from this administration, any efficient treatment of the cases they present? The outburst of public indignation which they caused, from the monster public meetings, 20,000 strong, in New Orleans, to zealous demonstrations by Scott and Graham clubs in New York, may have indeed compelled them to some show of attention to these startling occurrences, so far as to send an agent to report on the subject; but who can expect any further result than some smoothing and submissive course on our side, harmonious with all the past in white-liver complexion, nor warmed in hue even by that blush of national shame which flushes the cheeks of all true Americanism?

Lawyer-like ingenuity is not wanting, at the head of the administration, to find adequate pretexts in the facts of the case to serve as foundation enough for some solution or other to these cases, which shall be satisfactory to Mr. Calderon, flattering to the arrogance, and christianly submissive to the insolence of the Spanish tyrants of Cuba. What it may be, we are indeed at some loss to conceive; but that some mean course or other of this character will be found, by which this administration will crawl humbly out of the position in which these further recent outrages have placed our country,—dragging with them and after them the flag of our nationality, now unhappily in the custody of their unworthy hands,—we have no manner of doubt. With a smooth-tongued cunning which keeps even pace with their conceited haughtiness, these Spaniards always, as we have remarked above, appreciate rightly those with whom they deal, and advance or hold back, frown or smile, talk big or sing small, according to the character, temper and habit of their adversary; with dexterous use of elastic official forms and pretexts. Every case of

real, essential outrage, which in very truth springs out of the bad heart of national hatred and systematic policy of covered insult and indignity, is sure to be accompanied with some points or incidents sufficient to furnish available occasion for acquiescence, at least, and affected contentment, on the part of an administration ever so eager to acquiesce, and so happy to be content, with anything which the Captain General and Mr. Calderon may think necessary or useful to the tranquil maintenance of the Spanish dominion in Cuba. The rifling of the letter bag, and even of the Captain's private desk, of an American vessel regularly cleared, and in the act of issuing from the mouth of the harbor of Havana, can no doubt be made to appear to a vice-presidential President, and a congenial Cabinet, such as the present, as not only lawful and justifiable, but as a signal proof of national respect and "high consideration." The ordering away, without landing of mails or passengers, of an United States mail steamer, of a semi-public character, and commanded by an United States naval officer, on the insignificant and absurd grounds taken in reference to her obnoxious purser, may probably enough be made acceptable to Mr. Fillmore, as a delicate attention of the most refined nature, to the dignity of the American flag, the greatness of the American power, the spirit of the American people, and the importance of the American commerce. It is very certain that, bad as these cases are, they are no worse than the former ones which have encouraged, nay, almost invited them on to the further lengths of these later ones. If you bore those so well, why not these?—may Mr. Calderon very reasonably say. The case of the *Cornelia* is surely no worse than that of the *Georgiana* and *Susan Loud*. And when the massacre of the fifty unarmed prisoners taken on the water, was perpetrated within full view of an American frigate, (which ought now, *we* say, to be burned for the disgrace of having remained there to witness it without an attempt at resistance, or even protest!) why, what can there be in this Crescent City business to disturb your well tried equanimity, under the extremest circumstances? If you could bribe and buy witnesses, and find means to do so by going to the lengths

of defrauding your treasury, and violating law with sham legal processes and false official certificates, all for the purpose of sacrificing one of your citizens, who first sympathized with our oppressed and revolution-conspiring Cubans, and who then, with a pride which resisted alike your threats and your enticements, refused to humble himself before me and you with any attitude of submission and retraction,—if, I say, you could do all this, you whose whole official course of action and style of language have tended directly to blacken with the obloquy of "piracy" so many of the brightest glories of your own revolutionary history, why, what objection can possibly lie in *your* mouth, at least, to make against our far less indefensible treatment of others of your citizens?

Such, we say, may very reasonably be Mr. Calderon's (private and unofficial) language to this administration; which he would certainly have an indisputable right to charge with flagrant inconsistency if it should now, by the slightest exhibition of a proper national spirit, reverse the unbroken line of all its past precedents, precedents on which the Spaniards in Cuba had acquired a just right to rely.

A very short period will show the direction which is now to be given to these questions at Washington, where the wires which work all management of the affairs of Cuba are in effect controlled by foreign influence dexterously playing upon the known character and sympathies of this administration. We say freely and confidently in advance, that we expect nothing good, nothing spirited, nothing American, nothing truly patriotic, from the men, the principles, or the sentiments now holding an expiring dominion (thank God and the people!) at our deeply disgraced seat of the federal government. But if we think with sorrow and shame upon the men and the ideas now at the head of the affair, we can at least turn with comfort to the reflection that a George Law is also deeply concerned in it, and a worthy scion of Porter of the *Essex*; and above all, that the revolving season is fast bringing round the dawn of that more auspicious day, for America and the world, when an American President, worthy of his Country, Party, and Age, will preside at Washington over an American Cabinet, and an American policy.