

Microcopy No. T-20

DESPATCHES FROM UNITED STATES CONSULS IN HAVANA, 1783-1906

Roll 22

Volume 22

June 19, 1848 - December 21, 1849

---



THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

Washington: 1961

Washington. April 28. 1848.

Hon<sup>ble</sup> James Buchanan  
Secretary of State.

Sir: -

I have the honor to inform you that a man claiming to be a free-born American is now, or was recently, held as a slave in the Island of Cuba.

His account of himself, as it has reached me in a reliable manner, is this: - That he was shipwrecked some seven or eight years ago on the African coast, at no great distance from a slave station; - That he made his way, with the rest of the crew, to that station, where they were kindly received, and he was promised a passage to Havana in an early vessel, a port from which he could easily reach the United States; - That on his arrival at Havana, he found himself sold as a slave, with the rest of the cargo of the vessel in which he was brought over, and that in that capacity he was carried into the interior of the Island, where he has ever since been forcibly detained as a slave; - And finally that his name was John Lytle (so, at least, pronounced), and that he was born in Philadelphia.

He is a dark negro, apparently under thirty years of age, intelligent in appearance, and speaking English perfectly well, without any tinge of Southern accent. He answered readily, and with an air of truth, such questions as could be put to him under the circumstances which attended the conversation referred to; and gave the names of the vessel in which he was wrecked, of her captain, and of the street in Philadelphia where he was born or had lived, though I am not able to give these particulars.

Some further inquiries having been made respecting him, the following facts were learned: - That he was

at first bought by his present owner (Don Gaspar Hern  
whose estate is about 16 or 20 miles from Matanzas), at the  
full price of a slave, but afterwards returned to the slave  
merchants in consequence of the defect of title growing out  
of his claim to be a freeman; — but that this difficulty  
was got over by a re-sale at a quarter-price, namely  
\$125, if I remember the sum correctly.

This, if true, constitutes a heavy aggravation, both of  
wrong done to the man himself, and of the offence com-  
mitted against his government, in making and keeping  
a slave; proving, as it does, that the parties to the trans-  
action either knew him to be free, or had strong reasons  
to believe so, whatever pretenses may have been trumped up  
between them to justify their conduct.

I respectfully submit the case to you, as one  
warranting the interposition of the government. I do so  
with the full assurance that you will be animated with not  
less earnest a zeal in extending the protection of the  
American flag over the humblest individual entitled to stand  
beneath it, than if it were in behalf of one of the high  
and mighty of the land that it was invoked.

The measure of satisfaction for the grievous wrong  
of so many years, which should accompany his liberation,  
it is not for me to point out. Wages, at the highest rate  
with interest, for the period of his servitude, occur  
naturally as the first item of his just claim. And I  
be permitted to suggest that the payment of at least an  
equal amount by the master who bought him, and  
same by the merchants who sold him, by way of  
penalty, would constitute but a small penalty for a  
villainy, and a small compensation to a freeman  
having been for so many years held as a slave.

Suitable instructions from your Department to  
the Consul at Havana would, I have no doubt, suffice  
to obtain, from the authorities of the Island, both the

liberation of the man, and the redress and compensation  
to which he is entitled. During the investigation into the  
facts of the case which would be necessary before final  
decision and action upon it, I respectfully submit that it  
would be requisite, for the man's own safety; that he should  
be first secured under the protection of the Consulate, or of  
one of the public vessels.

I have the honor to be,

Very Respectfully,

Your obedient servant,

J. L. O'Sullivan

Consulate of the United States

Harana May 18<sup>th</sup> 1848

Hon. James Buchanan  
Secretary of State  
Washington City

In the New York copy of the 25<sup>th</sup> ult. recently received I observe the following paragraph headed "Revolution in Cuba." The publication of the Anglo-Spanish paper La Verdad was suspended until Thursday in order to give in addition to this news by the Oceania, the details of some exciting movements in Cuba, and in particular the daring proclamation of the Revolutionary youth of Havana in which they invite the inhabitants to assert their Independence. The paragraph quoted above is without foundation as far as is known in Havana, and if the Revolutionary Youth have issued any such proclamation it is issued abroad, and the most zealous agitators here are ignorant of its existence. That such a proclamation may be issued at an early day is not improbable. There exists with the Cubes a deep rooted hatred to Spanish domination, and to Spaniards in general, to me and I presume to foreigners generally. There is no disguise of these feelings accompanied frequently with expressions of their determination to declare and establish their Independence. To each other they are cautious, manifesting no distrust, and fearing dangerous committals, the

however is very extended, and nothing prevents an open outbreak but the little, timid character of the population, great distrust of each other, and fear of loss of property, and vigour of life, all desiring the overthrow of the despotism of Spain. Menacing vengeance on the Spaniard for the continually heaped upon the natives, and the habitual contempt expressed for them. But whatever may be their ideas, however prevalent the opinion that tyranny ought to die, they are fearful of being the instruments of its death. They fear to perish in the enterprise, a fear which an American thinks unworthy of a spirit of patriotism, unworthy of those who are capable of a love of liberty, who are confident in the justice of their cause, and ought to count upon the favor of that Providence which doubtless prompts to the enterprise, would furnish the means of its fulfillment, and dissipate many of the dangers attendant upon it. But the Cubans are not animated by those high impulses of patriotism which prompt to great, daring, and generous undertakings with such means as are available, and trust the issue to God. Notwithstanding the want of many of the requisites to ensure success, there appears every probability that the Island will soon be in a state of civil war. Efforts are now being made to raise money for that purpose in the United States, and there will be attempts to induce a few of the volunteer regiments now in the army to obtain their discharge, and join in the war here, the certainty of that aid would cause

The Standard of Liberty to be immediately hoisted, without  
it the most respectable and wealthy will not sanction  
an outbreak or furnish pecuniary aid, as they have no  
confidence in themselves to effect the end aimed at; but  
there is such confidence in American courage, and  
American rifles that if even one regiment of our people  
were landed here it would soon swell to such an army  
as would overpower all the resistance which this Govern-  
ment is capable of making. Without that aid the general  
wish is to remain quiet but it is doubtful if this can  
be done, for there is one General who is restrained with  
difficulty; he is brave, and of some experience and it  
is understood wishes to retire into the Interior and  
make a pronouncement immediately. If Revolution  
is attempted, and succeeds, immediate application would  
be made to the United States for annexation as the more  
intelligent of the Creoles have an abiding conviction of  
their utter incapacity for self government; a conviction  
which must be felt by any one who has had opportunities  
of studying or even observing their character. Any Govern-  
ment administered by them would soon rival that of  
Mexico or the other Republics of the Spanish race.  
It is natural you should ask Is there any increased  
oppression by the present Capt Genl that is calculated to precipi-  
tate a Revolution? Quite the contrary, his course has every  
appearance of a spirit of conciliation, and relief, and  
in all cases respects the people, he has called a most  
respectable planter to point out the taxes on im,

aspects which are most heartily felt; and will give his aid  
in having them reduced, and we may shortly expect  
a reduction of duties on our lumber, corn, rice, fish  
and other provisions that will greatly benefit the com-  
<sup>merce</sup>merce here, and the produce with us

I have the honor to be  
with great respect & esteem  
Yr. M<sup>o</sup>. S<sup>o</sup>.  
Robert H. Campbell



Recd 15<sup>th</sup> Augt. 48.

New York, August 12<sup>th</sup> 1848.

Hon. James Buchanan,  
Secretary of State.

Sir:

On behalf of the three trustees of John Lytle's money, of whom I am one, I have to call your attention to the charge of \$320 made against him in the duplicate statement of account between him and R. B. Campbell, U. S. Consul at Havana, which has been received from you.

We respectfully submit that this payment of expenses and compensation, to the special agent whom it was deemed proper to employ in the execution of the business with which the Consul was charged by you, ought rather to be defrayed by the Department, out of its contingent funds, than by the individual who happened to be subject out of whose case that expense arose.

Lytle's own expenses were paid out of the sum of \$108.14 constituting the next item of the account, the price of his passage having been \$30. As a charge against the little fund which is his compensation for eleven or twelve years of a wrongful and cruel slavery, this employment of a special agent to accompany him home certainly ought to be objected to, by those who have undertaken a sort of tutelage or guardianship of him, for a period sufficient to qualify him to take care of himself and his money; nor do we suppose that General Campbell has understood or meant that this expense should be borne by Lytle. In the execution of your instructions, as a public service; in a business national in its character, at the same time that it <sup>also</sup> concerned an individual; it has been deemed proper, doubtless for good and ample reasons,

thus to send home a special agent, whose destination was the State Department. We therefore, on behalf of Lytle, respectfully request the reimbursement, from the contingent fund of that Department, of this sum of \$320.

If his simple liberation had been all that had been obtained, the compensation to the agent sent home with him, to deliver him to the government by which he was demanded, surely could not have been treated as a debt on the part of Lytle, to be paid by him, or enforced against him. The fact of his having money in the hands of the government, which has recovered it for him, cannot make any difference in the determination of this question of obligation.

Very Respectfully,

Your obedient servant,

J. L. Sullivan

New York, August 8<sup>th</sup>, 1848.

James Buchanan, Secretary of State -  
My dear Sir,

Mr. Lucius Campbell showed me, for a moment, a statement of an account of the disposition which had been made of the entire sum received on account of John Lytle, and promised me a copy of it after he should have delivered the original to you, for whom it was designed. For the purpose of enabling us to put into his hands, when we give up our trust, all the papers constituting the history of his case, I shall be obliged if you will cause a copy of it to be sent to me, Mr. L. Campbell having sailed this morning without remembering it.

Very Respectfully & Truly Yours,

J. L. O'Fallon

Lytle has found his mother in Philadelphia - old, palsied and destitute; to whom his return is of course a great godsend. He has gone to bring her to reside with him here.

Duplicate

Consulate of the United States

Havana July 7<sup>th</sup> 1848

Received of Gabriel Lopez Martinez Twenty six hundred and  
Nineteen dollars on the part of Pedro Martinez etc. and  
Gaspar Hernandez as full compensation for the time  
and services of the negro John Lytle who has been in  
the service of the said Gaspar Hernandez for the last  
eleven years, and also in full of all claims on the part  
of the Government of the United States and the said  
negro for his detention in slavery

Signed in presence of  
Sollyn Hutchinson

For his  
John + Lytle  
marks.

Robert Campbell

Consulate of the United States

Guantanamo January 10th 1848

Hon. James Buchanan  
Secretary of State  
Washington City  
Sir,

m 10  
37293  
5655  
JP

I have the honor to acknowledge having received on the 10th Inst. from the Ship Adelaide your official communication of the 11th day of May last in relation to John Doyle's alleged to be a free born American held in bondage on this Island. I am immediately with caution set myself to work to find out the particular department in which the Estate of Gaspar Hernandez is located and have used every exertion to find some one by whom I could establish the fact that such a negro as John Doyle was on the Estate. My first attempt was to ascertain the name of the Engineer who had ground off the crops of sugar, and if possible to find him and elicit something. He proved to be an American from the State of Maine but had unfortunately left the Island. Had I found him I should probably have had much difficulty in obtaining such testimony as I desired, as it would have destroyed all his chance of being employed by any Planter of the Island. In my efforts at an investigation of this subject I find the Planters, in all claims for the freedom of a negro adhere strictly to each others interest, and will give no information that can be used against one of their own class, in behalf of any man held in slavery, for all their right of property in negroes imported during the last ten years is imperfect and insecure. The Slave Merchants having during that period

declined to give the usual bill of sale and only accepted for so much money being paid for such a number of bulls, each negro being considered as only a package, and it is probable that two fifths of the negroes held in bondage in this Island are in this situation, and could their cases be brought before an honest and impartial tribunal they would undoubtedly be freed for want of title in those who hold them.

I have had a long conversation with the Capt. Genl upon John Leytles case and have been assured of speedy investigation and full justice, if I succeed in establishing the allegations. It was deemed prudent however to defer any official communication until such evidence was obtained as would put it out of the power of Mr Hernandez either to make away with the negro or to deny that such a man was ever in his possession. Allow me to assure you that I shall do all in behalf of the negro which the honour of our Government, the duty of one of its officers, a spirit of justice, the feelings of humanity, and the hatred of wrongful oppression, require. I have an agent in the neighbourhood of Cardenas for the purpose of communicating with the negro.

As this is the first occasion on which I have found it necessary to mention in my correspondence with you the present Capt. Genl, I will observe that his acts and opinions have made a favourable impression upon the inhabitants. Besides opposed to every thing Spanish, speak of him as a gentleman, and a man of honour who has not descended to low and improper resorts to increase the income of his office. I have found him courteous, polite, and apparently friendly. He has certainly manifested a disposition to com-

- could all my requests, subjects as yet have been confined to the  
release of sailors for arrests, generally for petty violations of law.  
The other day however John Sheppard one of the crew of the  
Brig Ohio of Portland came on shore with a sheath knife,  
became intoxicated, engaged in a broil, used his knife, was  
arrested, and imprisoned. The legal penalty for this offence  
would have been six years imprisonment, and that igno-  
-rance of the law may not be pleaded by its violators, every  
foreign ship is furnished with a translated copy upon her  
entrance into the harbour. I called on the Cap<sup>t</sup> Bent in  
behalf of Sheppard, represented the character and habits  
of sailors, & as a palliation of the offence, and Sheppard  
was placed at my disposition free of costs. I of course  
returned him to his vessel. It is true that these are small  
acts of civility, to which no great importance should  
attach, but we must view them as acts of kindness and  
good will.

I have the honour to be

With great regard and esteem,

Y<sup>r</sup> Mo. Obs. Serv.

Robert B Campbell



## Declarations of John Lytle

Says he was born in Philadelphia about the year eighteen hundred & seventeen on Lane Street, and that during his early life he lived with Mr. Depeymer who was then a Methodist Preacher and that on the removal of Mr. Depeymer he went to sea for some years on the Bay trade after which he shipped on the Ship Jupiter and made two voyages to the west of Africa on one of which he carried out Mr. Finny from Boston as Governor of Liberia and on the second voyage the Ship carried out Dr. Hall as Governor of Grand Cape Palmas from whence the Ship sailed to New York and took in Missionsaries & colored Emigrants for Liberia and sailed to Norfolk where other passengers were taken on board among which there was a large party of negroes that were set free by Mr. Elder and were then under the protection of Mr. Waddell a Methodist Clergyman and that after they were all taken on board the Jupiter cleared for Liberia where the Ship arrived in safety and the passengers were all landed, and the Ship sailed for a place called Shyggary where Ivory, camwood & palm oil were purchased and placed on board and the Ship continued coasting to different points to make up her cargo but after leaving Mombasate the Ship was wrecked about the mouth of Mamma River and entirely lost but the crew were all saved and made their way to Galinas a Spanish Slave Station on the coast with Capt. Nutt, and Mr. Boyal the supercargo who with the remainder of the crew went to another Port where they

heard them was a French vessel about to sail, but that Don Francisco Passon offered inducements to him to remain under a promise of paying for his time and services, furnish him a passage to Havana and a letter which would procure him a passage to the United States, that after remaining about four months and twenty eight days he was placed on board the slave schooner Louisa with about four hundred slaves and arrived at the port of Puerto Escondido where Mr Gaspar Hernandez bought twenty negroes and asked me what I was going to do in this country I answered that I did not know until I saw the American consul he asked how I could see the consul I told him I had sent for the consul by one of the crew of the Apollo I saw the consul Mr Shoemaker at Matanzas who with Mr Hernandez advised me to go <sup>to</sup> see Mr Hernandez's estate until the consul returned from the United States for which he was soon to sail and that was the last I have seen of him in all my subsequent efforts to get access to any place where there was a consul I failed until I sent for by the present consul at Havana and that during all the intermediate time from 1837 until this month of July I have been on Mr Hernandez's estate I reckon the time not from positive recollection but I think I was on the estate about two years before the estate had an engine, and it has had one about

nine years, My treatment has always been that of a  
slave but I have never been punished or cruelly treated  
when I left Philadelphia I had a wife and two  
children

Signed in presence of  
Abby Hutchinson

his.  
John + Septie  
marks.

July 7 - 1848

Brought before me

Robert B Campbell

U. S. C.

Consulate of the United States  
Manama July 25 1848

Your Excellency

The Count of Serey

Amir & Emir of Muscat &c &c &c

Sir, Mr. Normand, the  
Receiver, and the agent of Mr. Martin, the seller of John,  
Stue in whose behalf, I have solicited the interference of Your  
Excellency, having agreed to pay for the time of the said  
John, and to his liberation, and return to the United States  
which they will doubtless comply with. I have to ask of Your  
Excellency the favor of discontinuing any proceedings, as I  
shall give the parties upon their compliance with the conditions  
agreed upon, a full acquittance of all claims upon the part of  
the Government of the United States.

And as I am anxious to send the Regue by the earliest opportunity  
to his own country under the charge of my son Samuel Campbell.  
I will ask of Your Excellency, an order for the Regue to be given  
to me, and for passport for my son & the Regue to land in  
the Barque Rapide for the North

I have the honor to be with  
consideration great respects  
Dear Sir &c

Robert B Campbell

Consulate of the United States

Havana June 22<sup>nd</sup> 1848

To His Excellency

The Count of Alcazar

Gov's Capt Genl of Cuba

Sir

Since my communication of the 11<sup>th</sup> Inst. which I had the honor of addressing to your Excellency, and withheld until now in the hope of obtaining some further testimony in the case of the Negro John Lytle alleged to be held in bondage against all laws human and divine, I have ascertained that the said negro was landed from on board a vessel from the Coast of Africa at Canasi or Puerto Escondido, was sold by Martinez or Martinez & Co to Don Gaspar Hernandez, that he is more than ordinarily intelligent, and has for some years acted as Engineer on the Estate of Sr Hernandez, and from his knowledge of the English language and his intelligence is probably known to Planters residing in the neighborhood.

I have deemed it important to communicate these facts to aid in the discovery of the negro, and to rebut any denial if made by those who have charge of the Estate, that there is such a negro upon the Estate, as I should doubt - but be able if necessary to find many persons who could prove that there is such a negro, and who has been thus employed.

I have the honor to be  
with consideration of great respect

Y<sup>r</sup> Excellency's Most Obedt Servt

Robert B Campbell

Consulate of the United States.

Havana June 14<sup>th</sup> 1848.

To His Excellency

The Comdr. of the Army

Work's Camp, Genl. of Cuba.

Sir,

I have been instructed by the Secretary of State of the United States of America earnestly to investigate all the reported circumstances relative to a colored free man, a native citizen of the United States, alleged to be held in bondage in the jurisdiction of your Government, in gross violation of every principle of law, and every feeling of humanity. Accompanying these instructions the Secretary of State expresses the full conviction, that the Authorities of the Island will render every aid and support which honor and good faith so imperiously demand at their hands for the speedy liberation of the individual, and the most ample remuneration if remuneration is possible, for the amount of the injury inflicted and the grievous wrong sustained by so many years of slavery (hereby a premise, if the facts are established). The following are represented as the facts of the case. John Byllo a native of Philadelphia, a dark Negro, now about thirty years of age or somewhat less, intelligent in appearance and speaking the English language well for a Negro, was about eight years ago wrecked on the coast of Africa, at no great distance from a slave station, that he made his way with the rest of the crew to that station, where they were kindly received, and he was promised a passage to Havana in a vessel then soon

to sail, a Port from which he could easily reach the United States. That on his arrival at Havana he found himself sold as a slave, with the rest of the cargo of the vessel in which he was brought over. That as a slave he was carried into the interior of the Island where he has ever since been forcibly detained as a slave. That he was first bought by his present owner Don Gaspar Hernandez whose estate is some eighteen or twenty miles from Matanzas (probably in Caliseo). That at the time of the sale of the said John Lytle, Don Gaspar Hernandez paid the full price for him which was paid for the other Negroes, but subsequently returned him to the slave Merchant in consequence of the defect of title growing out of his claim to be a freeman. This difficulty however was got over by a great reduction in the amount of the purchase money. This if true your Excellency will perceive constituted a heavy aggravation of the wrong done to the man himself, and of the offence committed against the Government of the United States, and the Government of this Island, and is a violation of the usages of even slave dealers themselves, as it proves the parties to the transaction knew, or had strong reasons for believing the Man to be a freeman; whatever may be the pretexts alledged in extenuation of this conduct, as for justification it cannot be attempted. It is proper to bring to the view of your Excellency the difficulties attendant upon the establishment of the above facts, however true they may be. The man has been cruelly and wantonly cut off for so many years from all those who knew him and could establish his identity, and confined to the estate of him who claims to be Master, and is so much interested in removing all traces of evidence,

which might have existed to establish the truth. The things  
which I hope be taken into view by your Excellency

1<sup>st</sup> That no man speaking the English language could have  
been a slave in Africa, and consequently cannot be a slave here.  
2<sup>d</sup> That if Don Gaspar Hernandez has any legal claim to  
the possession or services of the Man, he must under the laws of  
this Island have paid the alcabala duty and the circumstances  
of this sale be of registry in the Intendencia or Custom House.

3<sup>d</sup> That no negro imported from the coast of Africa within  
the term assigned as that in which the negro claimed has  
been on the Island, can be held as a slave with the cognizance  
of the Authorities, as it would be a palpable and wilful violation  
of the stipulations of the treaty with England for the suppression  
of the Slave trade. So that in any of these contingencies -

1<sup>st</sup> The speaking of English by the Negro at the time of his  
arrival here. 2<sup>d</sup> The want of record of sale ~~not~~ in the Inten-  
dencia. 3<sup>d</sup> His having arrived on this Island within the  
eight years alledged, must be admitted as conclusive  
evidence of the rights of freedom of the Man and the wrongful  
claim of the Master. If the Man is entitled to freedom, it is  
difficult to estimate the amount of compensation which  
should accompany his liberation. The first suggestion would  
be the highest amount of wages of labour known as having been  
paid on the Island during his detention as a slave, with interest  
on the monthly amount of each month for the time they have  
been withheld. An equal amount to be paid by the Man  
claiming to be his Master, and the Slave Merchant who sold  
him, which should be as a partial punishment for their crime,  
with such additional sum as will be a small compensation



to a pecuniary price so many years of slavery. Shall compensation  
cannot be expected, for the mind cannot conceive an amount  
sufficiently large to compensate a man for loss of liberty, and  
being in slavery as it exists upon a sugar estate. It is proper  
to assure your Excellency that this subject has excited a strong  
interest in the Government of the United States, which is al-  
ways animated by an earnest and anxious zeal, accompanied  
with a firm determination to extend the protection of the Ameri-  
-can flag over the humblest individual entitled to shelter  
beneath it, as effectually and energetically as if he were the  
highest of the land. From conversations held with your  
Excellency upon the subject matter of this communication  
I have the fullest confidence in your speedy and efficient  
action, and the impartial investigation of the statement of  
John Lytle, in favour of whom you will doubtless con-  
-sider all doubts. But I feel it a duty to ask of your  
Excellency to inform me of the time of the investigation and  
concede me the privilege of sending an individual well  
acquainted with English and Spanish to attend in behalf  
of John Lytle.

I have the honour to be  
with consideration of great respect  
Yr Excellency's M<sup>o</sup>. Ob<sup>o</sup>. Serv<sup>t</sup>.

Robert B Campbell

Havana July 6. 1848

Genl. R. B. Campbell

Dear Sir

I have received your note of yesterday in which you desire me to inform you what may probably have been the profits of slave labor in this Island for the last twelve years - the usual price for the hire of negroes used any other I may have had of negroes to write for me.

My opinion is that the slaves of this Island for the last twelve years have not produced to their owners a net profit of over eight dollars and fifty cents per month -

Labor during the rainy season is

generally very cheap, it is in crops  
time when the planters have to  
hire and then the usual price  
has been from 10 to 12¢ per month,  
until within the last two years  
since which time wages have been  
considerably higher during the crop -

In the year 1846 I had an  
offer of fifty prime negroes at five  
dollars & sixty cents per month each,  
& to keep them three or more  
years, as I might think proper -

In the same year I was informed  
by the person who made the agreement  
that he had hired one hundred  
prime negroes to a planter for fourteen  
years at the rate of fifty dollars  
per year for each negro.

I remain very truly your  
friend  
Wm. King

Wm. King is brother to the Hon. J. B. King of Georgia  
Robert B. King

~~Rec'd 26 July, 1848 delivered by young W. Campbell~~

New York July 23<sup>d</sup> 1848.

My dear Sir,

You are already doubtless acquainted with the happy result of our efforts in the case of the free colored man held as a slave in Cuba. On his arrival here I lost no time in putting him under the charge of a few of the more respectable & intelligent men of his color in this city, to keep him out of bad company & harm's way. The enclosed paper (which, after perusal, please return to me) will show you with what effect.

D. Rodgers is, as you know, my father-in-law. Dr. J. M. Cune Smith is a highly respectable and well educated colored physician. I suppose you will endorse the draft on Goodhue & Co. to be paid to the order of us three. If there is any other form of receipt or voucher requisite, please notify me & it shall be forwarded.

The colored people of this City intend to have a meeting on the subject, and it did not need my suggestion to them that proper resolutions of acknowledgment to

both you and General Campbell should  
be passed. They are going to apply to you  
as they tell me, for copies of the correspon-  
dence on the subject, & they just asked  
me for my permission in regard to my  
introducing the subject to your notice. I  
have no objection to their wish being per-  
fected, they having promised to keep my  
name out of their public proceedings.  
I hope you will give them your letter of  
instructions, & such portions of Gen. Campbell's  
reply as may be proper for publication. The  
affair being now over, with no consequence  
in its train, I hardly suppose there can  
be any objection.

Ever yours very truly,

J. L. O'Fallon

New York. July 22. 1848. Received  
from Mr. Lucius Campbell Fifty-Nine  
Dollars & Sixty-Four Cents, for aid on  
behalf of the colored man John Lytle,  
brought from Havana by Mr. Campbell, the  
said \$59.64 being the balance remaining  
in his hands from the sum of \$108.14 destina-  
ed for the passage & outfit of said Lytle,  
the expenditure for those purposes having  
been \$48.50.

J. L. O'Sullivan

(Copy)

This agreement made and entered into this 25<sup>th</sup> day of July, A. D. 1848, between Dr. J. Kearney Rodgers, Dr. S. M. Cune Smith, and S. L. O'Tullivan, all of the City of New York, of the first part, and John Lytle late wrongfully held as a slave in the Island of Cuba by Gaspar Hernandez and now of the City of New York, of the second part, Witnesses

That Whereas the said Lytle is entitled to, and is about to come into possession of, the sum of Twenty Two thousand and eleven <sup>33</sup>/<sub>100</sub> dollars (\$2211.33) which has been paid to the Consul of the United States at Havana, on account of wages due to him, and which has been remitted by the said Consul to the Secretary of State of the United States, for the account and benefit of said Lytle;

And Whereas the said Lytle is desirous of placing and keeping the said funds in a situation of security, beyond reach of any improvidence of his own or artful designs of other persons, for a period of time sufficient to qualify him better than he can now be to take proper care of the same;

And Whereas this course is adopted by the said Lytle in accordance also with the wishes and advice of the Rev. Charles B. Ray, Charles L. Reason, and William F. Powell, all respectable colored Citizens of the City of New

unlawfully held as a slave in the Island of Cuba by  
Gaspar Hernandez and now of the City of New York, of  
the second part, Witnesses.

That Whereas the said Little is  
entitled to, and is about to come into possession of,  
the sum of Twenty Two hundred and Eleven <sup>33</sup>/<sub>100</sub> Dollars  
(\$2211.33) which has been paid to the Consul of the  
United States at Havana, on account of wages due  
to him, and which has been remitted by the said  
Consul to the Secretary of State of the United States,  
for the account and benefit of said Little;

And Whereas the said Little is desirous  
of placing and keeping the said funds in a situation  
of security, beyond reach of any improvidence of his own or  
artful designs of other persons, for a period of time sufficient  
to qualify him better than he can now be to take proper care  
of the same;

And Whereas this course is adopted by the  
said Little in accordance also with the wishes and advice  
of the Men Charles B. May, Charles L. Mason, and William  
F. Powell, all respectable colored Citizens of the City of New  
York, interested in the welfare of the said Little, and  
subscribing witnesses hereto;

Now therefore, the said Little hereby author-  
izes and orders the payment of the Money aforesaid to  
the said parties of the first part or their order, by the



Secretary of State, aforesaid, and agree that their receipt shall be sufficient voucher and discharge to the said Secretary for the payment of the same.

And the said parties of the first part hereby agree to keep <sup>Five thousand dollars of</sup> the said money on loan or deposits, bearing interest payable to said Lytle or his order quarterly, for the period of Three years, and to pay over the balances thereof to the said Lytle as soon as the same shall be received by them; and to repay the said Five thousand dollars at the expiration of Three Years to the said Lytle or his order, unless any portion of the same shall have been repaid by them before the expiration of that period, or applied for his benefit, at his request and with the approval of the said parties of the first part; it being understood and agreed that all the acts of the said parties of the first part in relation to the said funds shall require the unanimous consent of all of them who may be in the City of New York, or within convenient distance at the time thereof.

In Witness whereof the said parties have hereunto set their hands, the day & Year above written.

In Presence of the undersigned  
"Five thousand dollars of" being  
intentioned at the bottom of this  
page before signature.

Charles W. May

Chas. L. Reason

William F. Powell

J. Nicomes Rodgers

James M. Linn Smith

J. L. O'Sullivan

John <sup>his</sup> Lytle  
name

Memorandum

New York July 22. 1848 Received from Lucius Campbell for John Lytle the sum of Fifty Nine <sup>66</sup>/<sub>100</sub> Dollars, being the balance remaining in Mr Campbell's hands from \$108.14 placed in his hands for Expenses of outfit & passage &c of said Lytle, the sum of \$48.50 having been expended by him for these purposes.

J. L. O'Sullivan

Washington, 27<sup>th</sup> July, 1848

John L. O'Sullivan Esq

New York.

Sir,

I have received your letter of the 23<sup>rd</sup> inst, transmitting the papers, executed by John Lytle, a Colored free Citizen, lately rescued from bondage in the Island of Cuba & the three individuals, to whom he has thought proper to entrust the custody of his friends & interests. Confiding fully in their integrity & seeing no reason to doubt his perfect right to authorize the request, you make, in his behalf, I transmit herewith, the draft received from Mr. Campbell for \$2211.33 drawn to my order, endorsed to be paid to that of the three individuals, selected by John Lytle as his Trustees.

I am, Sir, respectfully,

Yours obt. Servant

James Buchanan

Wed 23d Oct

Consulate of the United States

Havana Sept. 27<sup>th</sup> 1848.

Hon. James Buchanan

Secretary of State.

Washington City

Sir,

In the Havana Journals of yesterday and today which are forwarded by this opportunity you will see the addresses of many of the Cortes to her Majesty of Spain, professing entire satisfaction with the existing State and Government of the Island, and pledging under contingencies their own fortunes to the maintenance and defence of her Government. They are in the main false and delusive. Many of the signers are of opinions and feelings altogether opposite to those therein expressed. They have only affixed their signatures from consideration that without caution may be stigmatized as pusillanimous and timorous. No punishment could by any possibility be inflicted for their refusal to sign, and no evil could result to themselves greater than a suspicion of their disaffection.

From the journals of anterior dates you will discover that a revolution has occurred in Guatemala, that Carrera is a fugitive in Mexico, and that the party said to be liberal are now in the ascendant and have entire control of the affairs of the country.

The Hon. E. Hesse, Charge des Affaires, arrived here yesterday from Guadalupe, and not understanding the cause of the

place brought no passport and landed without a permit,  
which legally subjected him without regard to his rank to  
a fine and some imprisonment. He immediately called at  
my office and a communication from me to the Cap<sup>n</sup> Genl  
speedily arranged the affair and placed him at ease.

Mr Hyde has it appears been making painful and fruitless  
efforts to reach the seat of his mission, and had become so des-  
ponding as to think seriously of going to New Orleans to take  
a new departure. I have informed him that an English Mail  
Schooner will leave for Balize the 24<sup>th</sup> of the month and  
that from the Balize the time of travel to Guatemala is not  
more than five days, two of which are by water, and that  
communication is frequent and regular. Mr Hyde had  
determined to take this route but his health not being good  
and though improving he seems it is desirable to remain here  
until the corresponding day of the next month, as the  
Schooner regularly carries a monthly mail. You will  
however be more fully informed of his situation and intentions  
by the communications from himself to the President and  
yourself that are forwarded by me in the Barque Rapid  
to sail in the morning for New York.

With considerations of great respect  
and esteem Yr. M<sup>o</sup>. Obed. Serv.

Robert B. Campbell











Comptroler of the U.S. of America  
Havana Dec 22<sup>d</sup> 1848

Hon James Buchanan  
Secy of State  
Washington City

Sir, In consequence of the difficulty of obtaining a person of proper character and qualifications to discharge the duties of this Comptroler in my absence, I have not been able hereby or to avail myself of the permission of the Govt to visit the U.S. J. E. M. Boston having returned to Havana I have appointed him to the discharge of the duties of the office during my absence and he this day enters upon the discharge of them. I have indirectly understood that he would be acceptable to you. In his integrity and capacity all confidence may be placed

Very respectfully  
Yr. Obedt Servt  
Robert Campbell

xl Oct Oct

Consulate of the United States

Havana Oct<sup>r</sup> 23<sup>r</sup> 1848

Hon. James Buchanan  
Secretary of State.

Sir.

On Saturday last (24<sup>th</sup> Oct.)  
Messrs G. Bush the Steward of the American  
Barque Childe Harold of Hoon New York,  
was arrested on board that Barque for the  
delivery (as charged) of various packages of  
papers calculated to excite an insurrectionary  
spirit among the inhabitants of this Island.  
Not seeing any way in which I could officially  
demand this man while a trial was pending,  
I have endeavoured personally to serve him,  
by obtaining his release on security being  
given for his appearance when called for,  
and knowing no one whose responsibility  
would be deemed sufficient that could with  
propriety be applied to except the consignees  
of the vessel, I addressed a note to the  
consignees asking them to become the sureties  
which was declined, as you will perceive by  
the enclosed copies of my application, and the  
answer thereto. The case would be trifling  
and unimportant in a country and under  
a Government of well regulated laws, but when  
an arrest is made in Cuba, the party arrested  
is placed in close confinement, not permitted  
to communicate with friend or adviser until  
the whole summarial proceedings are terminated,  
and should he be found guilty he then has  
the right to appeal to the Royal Audiencia  
and the interdiction of communication is removed.

a course by which the party is first condemn-  
-ed, and sentenced, and tried afterwards.

The arrest of Bush on board his vessel  
has excited much feeling among the  
different American masters in Port, nearly  
all of whom view it as a violation of the  
National flag and national honour,  
seeming to think that in a foreign port  
no arrest can be made of any of the crew  
while on board an American vessel with  
the flag flying, although that vessel  
may lay at the wharf.

The interests and rights of Bush shall  
not be neglected.

I am, Sir

with great respect & esteem

Yr Mt Obedt Servts

Robert B Campbell

Copy. <sup>What</sup> Consulate of the United States  
Havana Oct 25<sup>th</sup> 1848.

To His Excellency  
The Count of Alcañiz  
Gov. Capt. Gen. of Cuba.  
to to to.

Sir  
Jm H. Bush, the Steward of the American  
Barge Childe Harold, having been arrested  
on board his ship, and subsequently placed  
in prison, and the Master of the Barge  
having been refused access to his person  
upon an application being made to that  
effect, at yesterday sent to the civil and  
Political Secretary, asking an order to  
the Keeper of the prison to permit me to  
see the prisoner in the presence of any third  
party that the Secretary should be pleased  
to name. The reply received was, that  
the power to grant such permission was  
alone vested in Your Excellency.

I have no recollection of ever having seen  
Jm H. Bush, but strongly sympathizing  
with him as a countryman, who is, I  
understand, ignorant of the language and  
laws of the country, ignorant of the charges  
preferred against him, ignorant of the legal  
penalty (if the charges should be established)  
and consequently ignorant of the duration  
of his confinement. Under such circumstances  
it is important that the accused should  
know there is some one to take an interest  
in him, and that he may be assured of

This fact, I ask of Your Excellency an order to the Keeper of the Prison permitting to see and converse with him in the presence of any person or persons Your Excellency may please to direct.

By the 7th article of the Treaty of 1795 between the Governments of the United States and of Spain - "The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited at the said trials."

In all trials before the courts of the United States, or the courts of any one of the States, the subjects of Her Catholic Majesty have always had, and always will have the full benefit of this treaty stipulation. But if an American citizen charged whether justly or unjustly with an offence against the laws of the Country, is arrested, imprisoned, all persons debarred access to him, and no opportunity afforded of employing counsel; it is manifest that Treaty stipulations are dead letters to him, and the benefits of the treaty only accrue to the subjects of one of the contracting parties. This inequality, I feel convinced from my

Knowledge of Your Excellency's character,  
and the honourable and satisfactory  
manner (I believe to all persons) in which  
you have fulfilled the responsibilities and  
duties of your elevated and responsible  
office, will not for a moment be  
contended for -

I will request of Your Excellency  
to do me the favor to send an early  
answer to this communication -

I have the honor to be  
with considerations of great respect

Your Excellency's

Most Obedt Servt

Robert Campbell

Note in Spanish from the Capt General  
enclosed and directed to the Consul of  
the United States.

Translation

Havana 26 Oct. 1848.

The Keeper of the Jail, will permit  
the Consul General of the United States  
to enter it, for the purpose of seeing  
the prisoner William H. Bush.  
(signed) Alcoy.

Havana, Oct. 27<sup>th</sup> 1848.

Dr. Martin Galvanos

Alcalde mayor n<sup>o</sup>

(3) Sr. Sr. Sr.

Sir,  
Having understood that you were the Alcalde before whom the case was pending in which the American seaman W. H. Bush is concerned, and being anxious to know specifically what were the charges against him, I sent to your office to know whether I should be permitted to see them, intending if there was no impropriety in such permission being granted, to call in person, or make an official application. From the report made by the gentleman who bore my message, I am induced to think that you suppose me to have committed towards you some personal or official disrespect. Now, as I entertain no feeling of any such character either towards you, or any officer of the Government, I have felt it my duty to acquaint you with the fact, and to assure you that I am incapable of wantonly and intentionally pursuing any course towards any gentleman, official or otherwise which can justly be charged as uncourteous or disrespectful.

I am, Sir

Respectfully

Yr. M<sup>t</sup> obt. serv<sup>t</sup>

Robert Campbell

Translation (4) Havana, Oct 28th 1848.

Robert B. Campbell Esq. *Wrote*  
Consul of the United States.

Sir. The person who presented himself to me with a verbal message from Your Lordship on the morning of yesterday, did not ask me whether you could be permitted to ascertain the charges which appear against the American Mr. H. Bush, but if I would be pleased to inform you what were the same. a question which, with the natural frankness of my character, I cannot help saying, somewhat surprised me, not only in account of the seriousness of the affair of which the message treated, which did not admit of such a mode of calling for the information; as also because the affair being as yet summarial, I ought to think that Your Lordship knows that all which is done when in that state, is reserved and secret, agreeably to the dispositions of the laws of Spain.

For that reason, I replied to Your Lordship whom I had not the honor of knowing, that you could address me officially if you wished my answer in this manner, or honour me with a visit if you desired to have it confidentially. the explanations which Your Lordship has been pleased to make in your communication of this date to which I now reply, are highly satisfactory to me —



Returning to that question, I will say  
to Your Lordship that it treats of the crime  
of treason and subversion of the laws  
(infidencia y subversion) a political crime;  
that I intervene in the affair only as  
an "asesor";\* His Excellency the Governor  
and Capt General of the Island, being the  
Judge; and for the same reasons, it is not  
in my power to satisfy the natural anxiety  
which Your Lordship shows to be informed  
of the nature and gravity of the charges  
which appear or may appear against  
your countryman Wm H. Bush.

I am, Sir

with the highest consideration  
and respect,

Your Lordship's

Mt. O'H servt.

(signed) Martin Galiano

Veal. (5)

Worce

Under date of the 28<sup>th</sup> Inst I sent the order  
at here - permitting you to have an interview with  
in office. the American prisoner Wm H. Bush,  
asked for in your communication of the 25<sup>th</sup>  
Referring now to the other particulars  
contained in your said communication, I  
must say that Bush is criminally prosecuted,  
in consequence of the action carried on against  
him for treason (infidencia) and this  
present situation is not worse than that  
of his fellow prisoner the Spaniard Sr  
Cyrilo Villaverde - the latter who was  
first imprisoned is likewise still kept  
from all communication, as the nature  
of the Summarial investigations now  
practising do not allow any other course  
being pursued; and there is nothing il-  
legal or extraordinary in the proceedings  
of the Court. Our Laws not only autho-  
rize, but prescribe such incommunication  
in all similar cases; and altho' I am  
ignorant of the rules of the Criminal Code  
in the United States, I do not hesitate  
to say, following natural principles  
which are the pattern & guide for all  
written laws, that all those having  
any connection with the affair, coincide  
likewise with those of our Code -

In relation to this affair, neither have the  
treaties been violated, nor would the well  
known justice of the Spanish courts permit  
that the said Bush should remain without  
defence when in due time he will have  
the right and opportunity of justifying himself.

even if he could not enjoy your sympathy  
and commendable interest. his lonely  
situation would be another motive to  
induce the Court charged with his case  
to attend & facilitate to him all that  
could lead to his acquittal.

God preserve Your Lordship many years

Havana 30<sup>th</sup> October 1848

(Signed) The Count of Alcoy-

To The Senior Consul of the  
United States of North America.

(16)

Whole  
Consulate of the United States  
Havana, Oct. 31<sup>st</sup> 1848

To His Excellency  
The Count of Alcay  
Gov. Capt. Genl of Cuba.  
&c. &c. &c.

Sir. I have the honour to acknowledge the receipt of Your Excellency's communication of yesterday, and must say that I cannot without neglect of my duty, desist from my requisition for the liberation of the American prisoner Wm H. Bush. Your Excellency will not understand me as claiming any immunity from punishment in behalf of an American violating the laws of this country while in the country, and under the jurisdiction of its authorities. Upon your permission previously granted I called at the Prison, saw Bush, and in presence of the Alcayde, and with his consent, gave the prisoner a little money to supply his occurring necessities. In conversation with Bush (if he told the truth) he seems to have committed no other offence than delivering a package or packages, of the contents of which he was ignorant. If this is correct, I am not aware that there are or can be any plausible charges of political offence. It is admitted that by introducing and delivering packages by other means than through the Post office, under the proviso of the Art. 11, Art. 20 of the Royal ordinances of Posts, he would be subject to the payment of one ducat; but the same article provides that the denounced who

pays the fine shall not be detained in prison nor further proceedings be had, unless one half the fine be insufficient to pay the costs and in that case the deficiency is to be collected from the property of the offender. If Bush speaks the truth, and I am correct in my opinion of the law, the fine should be imposed, and if paid, the prisoner placed in unconditioned liberty.

Your Excellency will permit me to draw your attention to that part of your communication in which you say Bush is charged with "infidencia y suposicion". If I understand the term "infidencia", it means Treason, disloyalty & Treason can only be committed on this Island by a subject of Her Catholic Majesty. Bush being an American, never having sworn or owed allegiance to H. C. M. could under no circumstances be liable to such a charge and if made it could not be sustained, as it would be legally impossible. I have always understood that even in criminal or political prosecutions, the Spanish law prescribed that no man should be incarcerated for more than 24 hours previous to receiving the prisoner's instructions, whereas it is now some eleven days since an American citizen has been in prison, and incarcerated, except under Your Excellency's order permitting me once to see him. It is true that I have always understood that for Spanish subjects, especially in America your recognized laws may be suspended in times of imminent danger under Your Excellency's responsibility. But it is pro

sumed Your Excellency does not admit that there is at this time any exciting or alarming circumstances requiring so extreme a measure. However that may be, Your Excellency will I think agree with me in admitting a ratified Treaty to be the Supreme Law in the Countries of the <sup>contracting</sup> parties; and if this admission is made, it is manifest that under the existing treaty between the United States, and Spain, no American citizen can, with justice, and without a violation of the treaty, be tried before an exceptional tribunal, or under an exceptional law at variance with the treaty stipulation which I have already quoted in my former communication; let the charge or offence be what it may; and any proceedings at variance with the strictest form of law, would be grounds of protest on my part, and could not operate to the legal prejudice of Bush. I would close my answer here with repeating the earnest request that the American citizen Bush be immediately liberated upon the payment of his fine, if only amenable to the charge specified in the Ordinances of the Post; and if under other sustainable charges, that he be placed in perfect freedom of communication. But Your Excellency having manifested an opinion establishing the similarity of proceedings under the laws of the United States with those practised on this Island, I feel it a duty to remark that under the former, there never has occurred an instance of the seclusion of any man, such as that which Your Excellency considers justifiable in the case of Bush: under the former

the innocence of a prisoner is presupposed, while under the latter he is considered guilty, called the 'Reo', and undergoes punishment previous to, and during his trial, (for in communication in a cell is certainly a severe punishment, just as therefore might suffice for one accustomed to such proceedings would not and cannot satisfy the expectations of an American citizen accustomed to a law the most beneficent, and protective of individual rights. Even in England during the late excitement of the Irish, Your Excellency must have noticed the reluctant and tardy suspension of the protective shield of the law over the rights of individuals. In noticing these discrepancies, I would not have Your Excellency suppose that under Your Government I consider the subjects of H. B. ill less protected than the American citizens whose interests and claims I advocate up Treaty stipulations. Whatever the laws and usages may be, I have the highest opinion of Your Excellency's enlightened judgement, integrity, and humanity; and doubt not that you will exercise the extraordinary power vested in your person, in strict conformity to the progress of the age, and usages of the most civilized, and advanced nations.

With considerations

of great respect & esteem

I have the honor to be

Your Excellency's

Mr. Ott Schott

Robert B. Campbell

(7)

E-2

Consulate of the United States

Havana, Novr 2<sup>o</sup> 1848.

To His Excellency  
The Count of Alcoy  
Govr Chap Genl of Cuba.  
&c &c &c.

Sir.

Calling at the prison this morning, I ascertained from the Alcayde (or his deputy) that the American Prisoner William H. Bush was still incommunicated. The incommunication and confinement of the said W. H. Bush being so long continued, and my official and personal influence being insufficient to obtain his release from an incarceration which I believe to be unjust, illegal, and in violation of Treaty stipulations; no alternative is left me but to discharge the unpleasant duty of protesting in behalf of the Prisoner; and leaving the whole affair to the discretion of my Government, which acknowledges the duty, and has the will and power, to extend the protection of her stripes and stars over the humblest American Citizen, with the same force and energy as though he were the highest of the land. This duty is doubly painful from my uninterrupted efforts to continue in full force the long standing relations of amity and peace existing between the United States, and Her Catholic Majesty, and super-added to this the sentiments of respect and esteem, I have entertained towards Your Excellency officially and personally.



With the foregoing communication, and  
the accompanying protest, Your Excellency  
will please to consider as at an end all my  
agency in the affair of Wm H. Bush, who  
is now left to the care and responsibility  
of his Government.

I have the honour to be,  
With considerations of great respect  
Yr Excellency,  
Vr Obedt Servt.

Robert B Campbell

C-1

Consulate of the United States  
Havana, Novr 2<sup>d</sup> 1848.

I, Robert B. Campbell, Consul of the  
United States of America, for the City of  
Havana, for and in behalf of William  
H. Bush, an American citizen, do  
solemnly Protest against the Governor  
and Captain General of the Island of  
Cuba, as the Representative of His Catholic  
Majesty, for the arrest and incommunication  
of the said W. H. Bush.

Because, His incommunication is a gross,  
palpable, and wanton violation of the seventh  
article of the Treaty of friendship, limits and  
navigation between the United States of  
America, and the King of Spain, ratified  
at San Lorenzo Real on the 27<sup>th</sup> day of  
October 1795, which 7<sup>th</sup> art. declares that  
"The citizens and subjects of both parties  
shall be allowed to employ such advocates,  
solicitors, notaries, agents and factors as

they may judge proper in all their affairs.  
"in law in which they may be concerned before  
"the tribunals of the other party, and such  
"agents shall have free access, to be present  
"at the proceedings in such causes, and at the  
"taking of all examinations and evidences  
"which may be exhibited at said trials."

All which privileges have been and continue  
to be denied the Prisoner.

Because, The charge of "infidencia" or treason,  
(as alleged in Your Excellency's communication  
of the 30<sup>th</sup> ult<sup>o</sup>) cannot be sustained, the term  
itself involving a legal impossibility. William  
H. Bush being an American citizen, not  
owing, and never having owed allegiance  
to Her Catholic Majesty, could not by act  
or deed have committed such a crime,  
consequently cannot be justly subjected  
to a charge of treason or disloyalty.

Because, The continued incommunication  
of the said William H. Bush for a longer  
term than twenty four hours is in direct  
violation of the Law of Spain, which limits  
the incommunication of the party accused  
to that term of time.

Because, If the Prisoner has committed any  
offence against law, it is only an offence  
of delivering a package or packages in  
violation of the law regulating the Posts, the  
penalty for which is a fine of one ducat  
for each and every package, and the  
law does not prescribe imprisonment  
as one of its penalties.

Because, The evidence is in my opinion  
insufficient to justify the arrest, im-  
prisonment, or punishment of the  
said William H. Bush.

Robert Campbell

(8)

Wm  
Consulate of the United States  
Hawaii, Nov 5<sup>th</sup> 1848.

To His Excellency  
The Govr of Alcoa  
Govr Supr Genl of Cuba.  
&c &c &c.

Sir  
The official letters and protest herewith enclosed, Your Excellency will perceive from their dates, have been some days written. It was fully intended to send them to Your Excellency the morning subsequent to their dates, but understanding from Your Excellency in a personal interview that every exertion would be made to terminate the rigid and secluded confinement of Bush, and that he would probably be placed in communication on the third or fourth Inst; I yielded to my great reluctance to do any act displeasing to Your Excellency, from whom I have only received courtesy and kindness, and retained them until ascertaining from daily calls at the Prison that Bush is still incommunicated. I am compelled by a sense of duty to my Government, and a just regard to the future to withhold them no longer. I fervently hope that they may be the means of inducing your Government to annul a routine of legal procedure by which American citizens, in despite of my efforts aided by your favourable influence, are debarred from the

Privileges conferred by Treaty stipulations.

I have the honor to be  
with considerations of great respect  
and esteem,  
Your Excellency's  
Most Obedt Servt

Robert B Campbell

Your Lordship's communication of the 31<sup>st</sup> October last, insisting on reclaiming for Mr. Wm. H. Bush the guarantees offered by the Spanish laws to all of H. C. M.'s subjects, was passed by me to the Asesor of this Government, Alcalde Mayor &c, who has charge of said individuals' cause; and from his report, it appears that Your Lordship is founded on a mistaken supposition in saying that the cause will be proceeded with out of the regular manner prescribed by those, and in conformity to the extraordinary powers vested in me by the Supreme Government to be exercised under my responsibility when circumstances should require it: and as this error no doubt originates from the state of incommunication Bush and his fellow prisoners still continue in, it becomes necessary to show that such a proceeding is not at all strange, but on the contrary so prescribed by the rules now in force, and it is the same observed in all criminal prosecutions carried on, with the difference that the incommunication is for a longer or shorter period as may be required by the nature of the summarial examinations, and the gravity of the crime. In truth, there is nothing strange in this, though upon the other side, Your Lordship should start in your official communications from less reliable bases in supposing that the Spanish laws prescribe that the incommunication is not to last more than twenty four hours previous to the taking of investigations and instructions, which means

that after this is done, the incommunication is not to continue: such a supposition is not founded in truth, nor is the consequence derived from it; logical: to prove the former it will be sufficient to quote the 6<sup>th</sup> article of the Provisional regulations for the Administration of justice published by Royal decree of the 26<sup>th</sup> of September 1835, of which the following is a literal copy: Declarations must be received from every arrested or imprisoned person who is not so by reason of an applied correctional penalty, or upon whom judgement has already been passed, without fail within the twenty four hours of his being arrested or imprisoned, in conformity to the Abridged law, and should it be impossible to do it on account of other obligations of the Public service, entitled to precedence, the cause must be expressed in the process, and the Judge shall take care that within said term of time the arrested or imprisoned person is informed of the cause of his arrest or imprisonment, of the name of the accuser if there be any, taking his instructions as soon as it can be done. Your Lordship will perceive that this disposition by you incorrectly quoted, differs much in meaning from the interpretation which you have wished to give it, as it does not at all refer to incommunications which are the subject of the subsequent article, (7<sup>th</sup> of the same regulations) which declares that its duration recommended to the prudent discretion of the Judge, has no limited time: it says as follows. No person treated as an offender (Reo) shall be mortified with irons, bindings

nor any variations which may not be necessary for his security; nor be kept in incommunication unless by especial order of the respective Judge, who shall not order it but when the nature of the summarical investigations so require it, and then only for the absolutely necessary time. Both tests show clearly and plainly, leaving not the least doubt, that incommunication is in daily practice, and without it, the discovery of a great number of crimes could not possibly be made: it is not an arbitrary and illegal measure sought ad hoc in the present case to mortify them whom only a sentence can declare guilty, or acquit unconditionally, proclaiming his innocence to the face of the whole world. Notwithstanding that the first proceedings may abound in facts confirming the presupposed criminality of any person whatever, the wise laws which rule us, a glorious legacy of enlightened Monarchs, the wise principles of which in their greater part, have more solid as well as more philanthropic foundations, than many of those which the new philosophers proclaim as everlasting truths, and which evolve germs of demagoguism and disorder, the laws which govern us do not permit that a Judge should be prejudiced or anticipate his reasoning to the extent of prejudging the criminality or innocence which shall be the result of the proceedings previously gone through. It is true that they consider as a presumptive offender (Reo) him who is so treated, and notwithstanding that this is more in conformity to sound reasoning than to put in a jail one who

is considered innocent, they (the laws) are full with a thousand intimations to the Justices, Alcaydes of the prisons, and their subalterns, to dispense to the arrested or imprisoned all those considerations compatible with their security, and not to consider them as condemned until a definite verdict has declared them such. And it is not Bush who can have any reasons to say that these dispositions have been neglected in his case: that his incommunication is a molestation more or less painful, is however no argument against this true and positive fact: and the same molestation must be undergone in Spain by all those persons against whom there should arise in their processes suspicions of a certain character, and may be considered as one of the numberless evils which society has to bear; in the same manner that in the States of the American Union, where as you assure me such a measure is unknown, no body will deem it a favor to be conducted to a public jail notwithstanding that the greater part of those who enter it, may be afterwards acquitted by the courts of Justice. In relation to the definition made by Your Lordship of the word "infidencia" to prove that this crime cannot be committed by a foreigner who has never sworn or owed allegiance to Her Catholic Majesty, it will be sufficient to manifest that not only are not of any crime whatsoever those who commit it, but likewise the auxiliaries, more commonly called accomplices: and in the same manner as it is said of any one, that he is imprisoned.



and accused of murder, parricide &c. for being implicated in a proceps of this kind, though the same individual may not be the immediate agent, so Bush without owing fidelity to H. C. M. may be reputed as prosecuted for "infidencia". On the other side every foreigner by the mere fact of setting foot on a foreign territory owes respect and obedience to those laws to which he has voluntarily submitted: and Spain and the United States being two friendly and allied nations, the subjects of one commit treason against the other by abusing in any way the hospitality they are favoured with. This will be seen more plainly by the definition of the word "infidencia" given in the Dictionary of the Spanish language a want of confidence or faith due to another, and that Bush has been granted this confidence, in being considered incapable of attempting directly or indirectly by any thing against the constituted Government. Your Lordship will certainly not deny.

By what is above expressed, Your Lordship will observe, that I always bear in mind my sacred duties, and that existing treaties have not been violated, nor will I permit them to be; as Spanish authorities know that it is their duty to administer full and impartial justice, without prejudices favourable or unfavourable to those whom only the law must declare guilty or innocent: and having assured Your Lordship in my previous communication of all I have now said, Your Lordship will avoid in future to insist on your pretension, as I shall consider it an offence against that confidence which

I have a right to exact.

God preserve Your Lordship many years.  
Havana 5<sup>th</sup> of November 1848  
(signed) The Count of Alcoy.

To The Senior Consul of the United States  
of North America.

Translations. (11) - to the said Mr. ...  
After what I told Your Lordship in  
my communication of yesterday, I have  
nothing to add with regard to the imprisonment  
of William H. Bush referred to in your last  
of the same date, and the two communications  
which accompanied it.

My deference to Your Lordship, and the desire  
of maintaining the good harmony which  
has always existed there between the authorities  
representing Her Majesty, and the Councils  
of the United States, inclined me even to go  
beyond my powers, judicially and individually,  
permitting Your Lordship to communicate  
with the Prisoner, and giving to your letters  
official answers to which I was not obliged,  
since it is evident to Your Lordship, and I must  
remind you of it on the present occasion that  
your attributes in the Island are only, and  
absolutely alone, those of a mere commercial  
agent, and consequently wanting in all  
character or consideration on which to found  
rights, reclamation of treaties or protest.  
Beyond the mercantile affairs belonging  
to him.

After the natural exertions which for  
sentiments of humanity, and in the protection  
of a countryman, are admissible, Your  
Lordship would have fulfilled your duty in  
resorting to the Government on which you  
depend with the exposition of the reasons  
which you may believe to be in your power.  
Near the Government of Her Majesty, my  
august Sovereign the United States have a  
worthy representative.

God guard Your Lordship many years. —

Havana, Nov<sup>r</sup> 6<sup>th</sup> 1848.

The Count of Alcory.

The Consul of the United States  
of America. —

Rec'd 13 Nov. 48.

(10)

Consulate of the United States  
Havana, Nov. 5<sup>th</sup> 1848.

Hon. James Buchanan  
Secretary of State  
Washington City

Sir,

In my communication of the 23<sup>rd</sup> ult<sup>o</sup>, you were informed of the arrest, and imprisonment of William A. Bush, an American Seaman. Bush is still imprisoned, and by some ridiculous and tyrannical usage in the proceedings of Spanish courts, is debarred from all communication with friend or counsel.

I have as you will perceive by the accompanying correspondence seen him once. The Captain General however assures me that such permission was against all usage, and only conceded from personal regard to me. So far as I am yet informed the offence of Bush consists in his bringing and delivering packages and letters of a character offensive to this Government.

The Captain General characterizes the offence of Bush as treason.

I have no fears for the ultimate safety of Bush, and in adopting my course of action, I have been actuated by a determination to do all in my power to arrest, and end the practice heretofore pursued towards Americans under arrest. To wit, confining them in cells, debarring them from consultation or communication with counsel, or any other person until all the summarial proceedings are at an end, which may

consume months. This being the first occurrence of such a nature in the jurisdiction of this consulate since I have been charged with its duties, I have deemed it advisable to make the issue at once.

You may think it strange that I should have named to the Captain General the fact of giving Bush a little money. It was done for fear of being suspected of intending it to be used as a bribe. I have from my own means allowed, and shall continue to allow Bush One dollar per day during his confinement.

The accompanying papers will give full information of my proceedings in this unpleasant affair, and although they may cause me personal annoyance, I shall be compensated if they result in a discontinuance of oppressions so long practised towards foreigners, and merit the approbation of the President and my Country.

In my communications to the Capt. General, my effort has been to be dispassionate and respectful, but firm, and trust it will be seen in my correspondence.

Should my acts meet approval, I shall be gratified by early information of it.

I am Sir,

With considerations of great respect  
and esteem

- Wm. M. St. Louis

Robert B. Campbell

Recd 24 Nov. 48.

C-11

Consulate of the United States

Havana Nov 7th 1848.

Hon James Buchanan.  
Secretary of State.  
Washington City.

Sir.

Accompanied herewith you will receive copies of my entire written correspondence with the Captain General and his answers, together with a copy of a letter to the Alcalde and his answer, in relation to William H. Bush, whose imprisonment and incommunication is unchanged.

From reasons which will be apparent in the communication itself, and my having previously informed the Captain General that my agency in behalf of Bush was at an end, and that he was left to the care and responsibility of his Government, I did not enter into an argument upon the subject matter contained in the Captain General's letter of the fifth inst. which reached me on the night of that day; and I shall now no further notice it to you. I have to enclose the Copy of a Royal Order of the Queen of Spain, dated at Madrid 23<sup>d</sup> January 1838, and addressed to Governor Facon relative to the practice of incommunicating prisoners practised then and now on this Island. I will relate a solitary instance of the practice to prove the absolute necessity of its being resisted by every

Government having the power and the will to protect her citizens who may be accidentally or otherwise in business on the Island, O'Rourke (not an American) was arrested a few years ago, chained upon the Estate where he was employed as an Engineer for one hundred days, then taken to Matanzas or Cardenas, (I do not recollect which) placed in prison, and put upon his trial with counsel assigned him; the charge not being sustained, he was set at liberty. O'Rourke's sufferings had been so great, and long continued that he died in a short time after his liberation. A coroner's jury in the United States would have returned a verdict of murder by the Judge. The above case was related to me by a gentleman in all respects reliable.

I have this day at one o'clock received a communication from the Captain General, dated yesterday, from the accompanying copy of which you will perceive that he considers a Consul a mere commercial agent, whose privilege and duty of interference is confined exclusively to affairs of commerce, and that answers to consular communications are given from deference to the person, and not to the office. The Captain General deduces his opinion from the Royal Order of the King of Spain, dated 7th February 1757, relating to Consuls which order concludes with these words.



El Excmo. Secretario de Ultramar, Comercio,  
y Gobernacion de Ultramar me dice de Real  
Orden con fecha de 4 de Dic. ult. lo que sigue =  
El Excmo. Sr. Ministro de Hacienda  
me dice en 20 de Nov. prox. pasado lo que  
sigue = Excmo. Sr. Ha llegado a noticia de  
S. M. la Reyna Gobernadora que habiendo  
sido preso en Santiago de Cuba el contador  
de aquella Aduana principal D. José Ma.  
Morote, Ministro hon. de Hacienda de Ultra-  
mar, fué trasladado a la Habana, y encer-  
rado en la Cárcel pública manteniéndolo  
sino en días en rigurosa incomunicacion  
cuatro meses despues del encarcelamiento.  
Este suceso que se tendria por increíble, sino  
constase de un modo indudable, ha lle-  
vado de sentimiento el Real Arribo, porque  
si bien en las Leyes están designados los  
casos y circunstancias por ciertos trámites  
con el fin de esclarecer la verdad, e impie-  
dir las confabulaciones, no hay delito  
por horroroso que sea que exija el enfiere-  
cimiento del presunto Reo durante 120  
días, en ningún sistema de Libertad y  
Justicia cabe tolerar semejantes violencias.  
Decidida S. M. a que no se reputan, se ha  
servido resolver que inmediatamente averigüe  
en que ha consistido la escandalosa defa-  
ccion de que Morote ha sido víctima para  
hacerle experimentar la R. severidad, y  
que por el Ministerio del digno cargo de U. G.  
se espidan las providencias mas terminantes  
a efecto de que no queden elusorias las R.  
instrucciones, y se abrevie el Juicio que se

sigue a V. E. en cuanto lo permitan las  
leyes, evitando de no irrogarle innecesarios  
mortificaciones, tanto más odiosas por el  
efecto de arbitrariedad ya en ella ex-  
arciendo = De Pl. Orden lo digo a V. E. h.  
su inteligencia, esperando se sirva darne  
en su caso oportuno noticia de la reali-  
zacion de esta disposicion: al trasladar  
a V. E. la citada Real Orden para los efectos  
que en ella se expresan, S. M. C. su augusta  
Reyna Gobernadora le manda llamar a  
Atencion de V. E. muy particularmente como  
lo hago sobre asunto de tanta importancia,  
por que se trata que desee que su maternal  
gobierno se distingua en todos sus actos por  
la imparcialidad y exacto cumplimiento  
de las leyes, esta siempre dispuesto a que  
recaiga la mas positiva responsabilidad  
sobre cualquier autoridad o tribunal  
que se atreva a infringirlas, a cuyo  
fin quiere que V. E. remita sin perdida  
de momento cuantos antecedentes adquiera  
de este grave asunto, para que sustentado  
al examen del Supremo Tribunal de Jus-  
ticias, pueda este con su vista consuetar  
lo que mas convenga = lo que transcribo  
a V. E. a fin de que sin perjuicio de la  
debida actividad con que debe seguirse  
p.<sup>a</sup> su pronta conclusion la referida causa,  
se lleve testimonio integro de lo ya ac-  
tuado, y se me entregue p.<sup>a</sup> elevarlo a  
S. M. en el primer correo = Habana 23 de  
Enero de 1838 = Miguel Tacón = Sr. Pri-  
gadier Presidente de la Comision Militar =

His Excellency the Secretary of the Navy, Commerce, and Government of Ultramarine Colonies, says to me by Royal Order under date 4<sup>th</sup> Decr last, the following: Most Excellent Sir = His Excellency the Secretary of the Treasury tells me under date 26<sup>th</sup> Nov<sup>r</sup> last, what follows: Her Majesty the Queen Regent has received information that the Ministro Hono de Hacienda de Ultramar D<sup>n</sup> Jose M<sup>a</sup> Morote, Contador of the Custom House of St. Jago de Cubas having been arrested in that place, he was removed to Havana, and there imprisoned in the public jail, being still kept there under the most rigorous incommunication, four months after his imprisonment. This event which would be deemed incredible if it did not appear in the most indubitable manner, has caused the most painful feelings in the Royal Soul; as altho' there are cases and circumstances in which the laws prescribe certain proceedings to elucidate the truth, and prevent confabulations, there is no crime, however horrible it may be, requiring that a presumptive offender (alco) should be kept in close confinement for 120 days; under no system of Liberty and Justice would such violence be tolerated, and Her Majesty determined that they should not be repeated, has been pleased to order that steps be immediately taken to discover who has been the cause of the scandalous vexation of which Morote has been the victim, to make them experience the Royal severity.

and that through the ministry entrusted  
to your care, the most definite orders be  
issued that the Royal instructions may  
not remain void of effect, and to shorten  
Morton's trial as far as the law permits,  
taking care not to impose upon him  
any unnecessary vexations, which are the  
most odious on account of the arbitrary  
aspect they present. By Royal order I  
communicate it to Your Excellency for  
your information, and expect that in  
due time you will advise me that this  
resolution has been put into execution:  
Her Majesty the August Queen Regent has  
ordered me that in conveying the above  
mentioned order to Your Excellency, to call  
your attention very particularly, as I have  
do, to an affair of so much importance:  
as at the same time that she wished  
that her Maternal Government be distinguished  
in all its acts for impartiality and the  
strictest compliance with the laws, she is  
always disposed to let the most positive  
responsibility fall upon any Authority  
or Tribunal that should dare infringe  
them - in which purpose she desires that  
Your Excellency remit without loss of time  
all the information you may see able to  
obtain upon this important subject, so  
that being brought before the Supreme  
Tribunal of Justice, that Court upon  
examination may report what they  
should deem advisable - all of which  
I now convey to Your Lordship so that

without in any way relaxing the activity  
which must be used to bring the said  
cause promptly to a conclusion, an exact  
certified copy be made of all the proceedings  
already practised, and sent to me for the  
purpose of conveying them to H. M. by  
the first mail vessel - Havana 25<sup>th</sup> Jan'y 1838 =  
Miguel Tacón = To the Brigadier President  
of the Military Commission =

cuyo objeto y calidad  
se reduce á la de meros  
agentes, y protectores de  
las personas de su nacion,  
para solicitar que se les  
haga justicias.

Whose object and quality  
is reduced to that of  
mere agents and protectors of  
the persons of their nation,  
to solicit that justice be  
done to them.

# I do not admit that I have transcen-  
ded the powers conferred by this order unless  
the act of protecting shall be so considered.

The construction of the Captain General  
differs so greatly from my heretofore con-  
-ceded, and now entertained opinions, and  
is so much at variance with what I have  
believed to be the opinion of the President  
of the class of duties to be performed by consuls  
in Cuba in the protection of their country-  
-men of all clages, that I earnestly solicit  
your further prompt and explicit instruc-  
-tions, determining at every hazard during  
the interval to execute my duties in strict  
conformity to my opinion of them.

Should a Consul be a mere commercial agent,  
why in treaties, such for instance as the  
Treaty with Prussia, are the terms Consuls,  
Vice Consuls, agents, and commissioners used?  
are they synonymous? If they are synonymous,  
it is time to change our consular system.

Under arbitrary Governments like this,  
cases of oppression and injustice will occur,  
and it would be folly to hope or expect  
beneficial and efficient interference  
on the part of a Consul, if interposition  
is not made under the authority of his  
Office, and the sustaining power of his

Government.

I cannot hazard an opinion of the probable duration of the incommunication of Bush, or I would suggest the propriety of a naval force under the command of a Commodore being immediately sent here to demand either his release, or the being put upon his trial under such circumstances, and conditions as are guaranteed to all American citizens by the stipulations of the Treaty with Spain.

I am with considerations  
of great respect and esteem  
Yr M<sup>t</sup> Obedient

Robert B. Campbell #

Consulate of the United States  
Havana, Nov 7th 1848. Wm W

To His Excellency  
The Count of Alcoy  
Govr. Capt Genl of Cuba.  
&c. &c. &c.

Sir.

I have the honour to acknowledge having received on the night of the fifth inst. (ten hours after despatching to Your Excellency my communications of the second & fifth inst.) your Excellency's communication, in which Your Excellency is pleased to say among many other things that any further interference on my part in behalf of Bush, would be considered offensive to that confidence which Your Excellency has a right to exact.

Fortunately for me all my agency in behalf of Bush has ceased. He is left to the care of his Government, as Your Excellency is already informed. Allow me to say that I do not feel, and have not felt, any want of confidence in Your Excellency. It is the system of your laws, and the routine of their execution that I believe to be violations of Treaty stipulations, and involve a practice, and a course of proceedings to which no free Government having a due regard to individual liberty, and possessing the power of enforcing a Treaty, ought in my opinion to submit.

I have the honour to be

with considerations of



great respect and esteem  
Yours Excellency  
Mt. Off. Servt.

Robert Campbell

13. To the office of the  
Consulate of the United States  
Savannah, Novr 7th 1848.

To His Excellency  
The Count of Alcoy  
Govr & Capt Genl of Cuba.

Sir,  
I have the honour to acknowledge receiving this day Your Excellency's communication of the sixth inst, and regret that in the estimation of Your Excellency I should have transcended the duties and powers of my office. Your Government being in fact if not in name a Vice Royalty, and from its colonial condition not admitting accredited public functionaries of a ministerial character, it becomes absolutely necessary that many of the duties pertaining to that class should (as they have been) be discharged by consuls, and I beg leave to differ with Your Excellency in the opinion which you have been pleased to express that I have exceeded my privileges, and shall leave the decision to my Government to which alone I am responsible. If however, the consular privileges and duties are as limited and restricted as Your Excellency is pleased to imagine, Rush being an American seaman, his case is strictly within their limits, and of that class which peculiarly claims the interference and protection of his consul, or commercial agent, as Your Excellency is pleased to consider me.

With the opinion which Your Excellency  
entertains and expresses of the American  
Minister at the Court of Madrid, I entirely  
concede, and have no doubt that he will  
earnestly endeavour on all occasions to  
have enforced one and all of our Treaty stipula-  
tions. Notwithstanding this opinion of our  
Minister at Madrid, I have addressed my-  
self to the President of the United States,  
and it is at his discretion to select the  
most appropriate measure to be pursued.

I have the honour to be

With considerations of  
great respect and esteem

Your Excellency's

mt. ob. servt.

Robert B. Campbell

Alcaldía Mayor  
Cuarta  
de La Habana  
y su Jurisdicción.

Habana y Octubre 28 de 1848.

Sr. D. Roberto B. Campbell  
Consul de la E. U.

Muy Sr. mio.

La persona que con recado verbal de V. S. se me presentó en la mañana del día de ayer no me preguntó si se permitía a V. S. instruirse de los cargos que resultan contra el americano Thos. H. Bush, sino si tenía a bien decirle cuales eran los mismos; manifestacion que con la franqueza propia de mi carácter no puedo menos de consignar me causó alguna estrañeza, ya porque la seriedad del asunto sobre que versaba el recado no admitía semejante modo de pedir a aquellos antecedentes, ya porque no habiéndose salido la causa de sumario, debí creer sería V. S. sabedor de que cuanto se actúa en este estado es reservado y secreto con arreglo a las disposiciones de las Leyes de España.

Por ello le contesté que V. S. a quien no tenía el honor de conocer, podía dirigirse oficialmente si en este sentido quería mi

respuesta, si honrarame con su visita si  
confidencialmente habia de darla, siendome  
harto satisfactoria la explicacion que  
sobre aquel incidente ha tenido V. S.  
a bien ha escrito en su comunicacion de la  
propia fecha que contesto.

Volviendo a la causa dire' a V. S. que  
versa sobre delito de infidencia o subversion  
(crimen politico): que en ella solo intervien-  
-go como Asesor siendo el acus. el Excmo.  
Sr. Gobernador y Cap. Genl. de esta Isla,  
y que por la misma razon no me es  
dado satisfacer la natural ansiedad  
que V. S. muestra de instruirse de la  
naturaleza y gravedad de los cargos que  
resultan o puedan resultar contra su  
compatriota Sr. H. Bush.

Soy de V. S. en la mayor consideracion  
y respeto

S. at. y G. G.

Martin Galiano.

Siempre fue Ysla de Cuba.

Gobierno y Capit. General.

Secretaria politica.

Sello.

Con fecha 28 del actual remití a V. d. la orden competente para que pudiese tener la entrevista con el preso americano William H. Busch y que solicite por su comunicacion del 25. Contrayendome ahora a los demas particulares que abraza la espuesta nota de F. G. debo decirle que Busch se halla procesado a consecuencia de la causa que se instruyó por delito de infidencia y su posicion hasta el presente no es mas desgraciada que la de su correo el español D. bino Villaverde. Peseo este antes que aquel, todavia, se encuentra tambien incomunicado por no permitir otra cosa la naturaleza de las averiguaciones sumarias en que se entiende, sin que en esta conducta del juzgado haya nada de ilegal ni extraordinario. Nuestros Codigos no solo autorizan sino que prescriben tal incomunicacion en casos analogos, y aunque ignoro las disposiciones del Criminal que rige en los Estados Unidos, no dudo en asegurar siguiendo los principios de la ley natural, norma y guia de todas las leyes escritas, que las referentes a la materia coinciden asi mismo con las de aquellos.

Con el asunto en cuestion ni los tratados se han violado, ni la notoria justificacion de los tribunales españoles sabria permitir quedase indefenso el enunziado Busch. Llegada la oportunidad en que le cumpla

justificarse, aun cuando no contase con  
las simpatias y recomendable interes  
de V. S.; su mismo aislamiento seria un  
motivo mas para que el jurgado que de su  
causa conoce, le atendiera y facilitara quan-  
to pudiera conducir a sus descargos.

Es cuanto se me ofrece manifestar a  
V. S. en contestacion a su citado oficio.

Dios que a V. S. Mt. a l. Habana 30 de  
Oct. de 1848

El Conde de Alcoy.

La Consul de los Estados Unidos  
de Norte America.

Siempre fiel Ysla de Cuba.

Gobierno y Cap.<sup>a</sup> General.

Fiel.

Secretaria política.

La comunicacion de V. S. fecha 31 de Octubre último insistiendo en reclamar para Mr. William H. Bush las garantías que las leyes españolas brindan á todos los súbditos de V. M. C. la pasó al Sr. Asesor de este Gobno, Alcalde Mayor 4.<sup>o</sup> que en su dictamen aparece que ha partido V. S. de un supuesto equivocado cual lo es el que en la causa se proceda fuera del círculo legal establecido en aquellas y en uso de las extraordinarias facultades con que estoy revestido por el Supr. Gobierno para que bajo mi responsabilidad las ejerza en los casos que así lo exijan las circunstancias; y como este error sin duda trae su origen del estado de incomunicacion en que Bush, y sus co-reos permanecen, preciso se hace demostrar que tal procedimiento nada tiene de extraño y es por el contrario que es el prescrito en las disposiciones vigentes y el mismo que se observa en cuantas causas criminales se actúan, con la diferencia de ser mas ó menos duradera la incomunicacion segun lo requieran la naturaleza de las averiguaciones sumarias y la gravedad del delito. Nada en verdad tiene esto de extraño, si bien por otra parte debiera V. S. partir en sus comunicaciones oficiales de bases menos inciertas, suponiendo que las leyes españolas prevengan que la incomunicacion no dure mas que



veinte y cuatro horas antes de tomarse las  
indagatorias o inquisitivas al supuesto reo,  
quiero decir que despues de dicho acto no debe  
aquella continuar. Semefante supuesto no es  
corto, ni lógicamente tampoco la consecuencia  
que de él se deduce: para conocer lo primero  
basta requerir el artículo 6.º del reglamento  
provisional de administracion de Justicia  
publicado por R. decreto de 26 de Setiembre  
de 1835. cuyo literal contenido es el siguiente:  
"A toda persona arrestada o presa que no lo  
esté por razon de pena correccional aplicada  
o de juicio ya pronunciado, se le deberá  
recibir declaración sin falta alguna dentro  
de las veinte y cuatro horas de hallarse en  
prision or arrestado, como ordena la ley  
recopilada, y si fuese imposible el hacerlo  
por razon de otras urgencias preferentes del  
servicio publico, se espresará el motivo en  
el proceso, y cuidará el Juez de que dentro de  
dicho término se informe al preso o arrestado  
de la causa por que lo está, y del nombre  
del acusador si lo hubiere recibiendo la de-  
claración tan pronto como se pueda." Ya ve  
V. S. que esta disposicion incesantemente  
citada por V. C. dista mucho del sentido  
que ha querido encontrar en ella, pues en  
nada se contrae a las incomunisaciones  
que son objeto del art.º subsiguiente (7.º del  
propio reglamento) el cual patentiza  
que su duracion recomendada a la prudente  
discrecion del Juez no tiene tiempo limitado:  
dice así este "A ninguna persona tratada  
como reo se le podrá mortificar con hierros

ataduras ni otras vejaciones que no sean  
necesarias para su seguridad, ni tampoco  
tenerla en incomunicacion, como no sea con  
especial orden del Juez respectivo el qual  
no la podrá mandar sino cuando lo exija  
la naturaleza de las averiguaciones sumarias,  
y por solo aquel tiempo que sea realmente necesario.  
Ambos textos consignan de un modo evidente,  
palpable que no deja la menor duda que  
la incomunicacion diariamente o está en  
practica y sin la cual seria absolutamente  
imposible el descubrimiento de gran numero de  
crimenes: no es medida arbitraria y  
antilegal buscada ad hoc en el presente  
caso para mortificar a quien solo una  
sentencia puede declarar delincuente o  
absolver libremente preconizando su inocen-  
cia a la faz del mundo entero. Por mas  
que las primeras diligencias abundaran  
en datos que confirmen la criminalidad  
presunta en determinada persona, las  
sabias leyes que nos rigen, legadas gloriosas de  
ilustrados Monarcas, cuyos sabios principios  
en su mayor parte tienen fundamentos  
mas sólidos y filantrópicos a la vez que  
muchos de los que los nuevos filósofos  
preconizan como verdades eternas, y que  
llevan en si envueltos los gérmenes de las  
demagogia y del desorden; las leyes que  
nos rigen no permiten que el Juez se  
preocupe y adelante su raciocinio hasta  
prejuzgar una criminalidad o inocencia  
que debe ser parto del resultado de todos  
los trámites por que ha de cursar el procedimiento.

Cierto que ellas suponen presunto o sea al tratado congo tal y sin embargo de que esto es mas conforme á la buena razon que el encarcelar al considerado inocente llenas estan de prevenciones mil para que las Justicias, los Alcaydes de las Carceles, y sus subalternos dispensen á los presos y arrestados cuantas consideraciones sean compatibles con su seguridad, y asi les reputen cual penados hasta tanto que una ejecutoria los declare tales.

Y no es Bush quien tiene motivo para decir que tales disposiciones fueren bolladas en su persona. Que su incomunicacion sea una molestia mas ó menos sensible en nada arguye contra este hecho; cierto y positivo; por esta molestia fuerza es que pasen en España todas aquellas personas contra las cuales se despierten en los procesos sospechas de cierta naturaleza, y puede reputarse como uno de los infinitos males que el estado social lleva consigo; asi como en lo Estados de la Union americana donde no se conoce semejante medida segun asegura T. S., nadie tomara como un obsequio el ser conducido á la Cárcel pública sin embargo de que la mayor parte de los que en ella entren sean despues absueltos por los tribunales de Justicia.

En cuanto á la definicion que T. S. hace de la palabra infidencia para demostrar que no puede cometer este

delito, un extranjero que no ha jurado  
ni debido alianza a U. M. C. bastará  
manifestar que no solamente son reos  
de un crimen determinado los que lo  
cometen sino tambien los auxiliadores,  
mas comunmente denominados Complices;  
y que así como se dice que está preso y  
encausado por asesinato, parricidio &c.  
el que resulta implicado en un proceso  
que versa sobre tales hechos, aún cuando  
el mismo individuo no sea el agente  
inmediato de ellos, así Bush sin deber  
fidelidad a U. M. C. puede muy bien ser  
reputado como encausado por infidencia.  
Por otra parte todo extranjero en el  
menor hecho de pisar territorio extraño  
debe respeto y obediencia a las leyes á  
que voluntariamente se somete, y siendo  
España y los Estados de la Union america-  
na dos naciones amigas y aliadas,  
traicion hacen á la una los subditos de  
la otra que abundan de cierto modo de la  
hospitalidad con que los favorece. Esto queda  
mas patente con la definicion que de la  
palabra infidencia hace el diccionario de  
la lengua castellana, "falta de la confian-  
za ó fe debida á otro" y que á Bush se  
le ha dispensado esa confianza redu-  
cida á considerarle incapaz de atentar  
directa ó indirectamente al Gobierno  
constituido, no lo negará U. S. ciertamente.

Por lo espuesto observará U. S. Tengo  
muy presentes mis sagrados deberes, y que  
no se han violado, ni permitiré se violen

Los tratados vigentes, pues las Autoridades  
Españolas saben muy bien cuanto les  
cumple administrar recta e imparcial  
Justicia sin prevenciones favorables ni  
adversas a lo que solo la Ley debe decla-  
rar culpables o inocentes; y habiéndole  
asegurado en mi anterior comunicacion  
claramente dicho escusara V. S. en lo  
sucesivo insistir en su pretension pues  
lo consideraré como una ofensa a la  
confianza que tengo derecho a recibir.  
Dios que a V. S. me at. Habana 5 de  
Noviembre de 1848.

El Conde de Alcoy.

Al Consue de los Estados Unidos  
del Norte Americano

Siempre fiel Yta de Cuba.

Gobierno y Capitán Gral.

Secretaría Política

(Sello)

Después de lo que dije a V. S. en mi comunicación de ayer, nada tengo que añadirle sobre la prisión del individuo William H. Bush, a que se refiere su última de igual fecha y lo dos escritos que la acompañan.

Mi deferencia hacia V. S. y el deseo de mantener la buena armonía que siempre existió aquí entre las autoridades que representan a U. S. y los Consulados del Estado Unido, me inclinó, hasta a excederme de mis facultades, judicial y particularmente, permitiendo a V. S. comunicarse con el preso y dando a sus cartas oficiales contestaciones a que no estaba obligado, pues consta a V. S. y debo recordárselo en esta ocasión, que sus atribuciones en la Yta. son técnicas y absolutamente solas, las de Micro agente de Comercio, y por consiguiente carece de todo carácter o consideración para fundar derechos, reclamación de tratados ni protestas, fuera de los asuntos mercantiles que le competen.

Después de las naturales diligencias que por los sentimientos de humanidad y protección a un compatriota son admisibles, habría V. S. llenado su deber

acudiendo al Gobierno de que depende  
con la esposicion de las razones que ora  
le asisten: cerca del Gobierno de S. M.  
mi Augusta Soberana, tiene el de los  
Estados Unidos un digno representante.  
Dios que si. Y. S. M. P. a. Habana 6  
de Noviembre de 1848.

El Conde de Alcoy.

El Consul de los Estados Unidos  
de America

25 Dec 1848 Duplicate

The Government

20

Consulate of the United States

(13)

Havana, Nov: 11<sup>th</sup> 1848.

Hon<sup>ble</sup> James Buchanan  
Secretary of State.  
Washington City.

Sir:

The incommunication of  
Bush terminated yesterday, and although  
he is in prison, he is now to be placed  
upon his (I suppose) final trial before  
a military commission. This information  
is not officially obtained, for having  
already stated to the Captain General  
that my agency in behalf of Bush had  
ceased, and that his protection was left  
to the Government of the United States,  
I shall do no act at variance with the  
position I then assumed. I of course  
supply Bush with funds and clothes,  
and since his incommunication has  
ended, communicate with him through  
an agent.

I can conceive as heretofore stated no  
sustainable charges against Bush  
stronger than that of having violated  
the law regulating the posts; and that  
you may clearly see and understand the  
penalty incurred for the violation of that  
law, I enclose the law itself, and beg leave  
to draw your particular attention to  
the eleventh section.

I am Sir  
With great respect  
Yr Mt<sup>ts</sup> Ob<sup>ts</sup> Serv<sup>t</sup>  
Robert Campbell



C. J. H.

60/100

Consulate of the United States

Havana Oct 23<sup>rd</sup> 1848

Messrs J. C. Burnham & Co

Gentlemen

You are aware that Mr Bush the Steward of the Chilede Harold has been put in prison: either for having brought prohibited papers, or for the delivery of other papers, or letters in contravention of the orders for the regulation of the Post office.

As it is necessary to obtain the liberty of the accused until the period of his trial arrives, and the case concluded, and you are the consignees of the vessel, may I offer your name as security for the appearance of Mr Bush when called for?

I am induced to apply to you, as Mr Bush is a stranger and there is no other source from which bail can be had, as it is not usual to admit that of a Consul.

Very respectfully

Wm M. Pitt

He has been placed

Honolulu, 23<sup>rd</sup> October 1847

General Robt B. Campbell  
Consul of the United States.

Present.

Dear Sir.

We have just received your esteemed lines of this date, and are truly sorry that the Steward of the "Childe Harold" has involved himself in such a disagreeable position as that to which you make reference.

We regret to say that we do not consider ourselves authorized to offer the security you name in connection with this matter, for reasons which we have verbally explained to you.

We are, dear Sir,

Respectfully

Y<sup>r</sup> Mt<sup>l</sup> Serv<sup>t</sup>

(Signed) J. C. Burnham & Co.

Havana 28<sup>th</sup> October 1848.

Translation.

Robert Campbell Esq

My dear Sir.

I am sorry to inform you that in consequence of the report made by the Judge, it is not possible to accede as yet, to the discharge from jail of the Steward of the Barque Childs Harolds in whose behalf you spoke to me this morning, for his immediate leaving this port, of which His Excellency is very sorry.

I am your mt. obedt servt

(Sign<sup>d</sup>) Crispin Jimenez de Sandoval.

W. Yello.  
Secretaría militar.

No. he contestado á la comunicacion de V. S. de 6 del corriente mes, en que me dice haber sido comisionado por su Gobierno el Honorable J. R. Mallory p.<sup>a</sup> obtener en esta ciudad pruebas relativas á ciertos reclamos de tierra en la Florida del Este por el Vicario General de la Iglesia Católica en S.<sup>n</sup> Agustín; y me pide en su consecuencia le permita su acceso en estos archivos para comprobar con los originales las copias de los papeles que tiene sobre este particular, porque deseaba antes de dar dicha contestacion requerir antecedentes en los casos de igual naturaleza que hasta ahora se hubiesen presentado para efectuar lo mismo que se hubiese hecho en otras ocasiones.

No obstante pues de que estoy convencido no habiense ofrecido hasta el dia semejante reclamacion, deseo de manifestar en esta parte mi deferencia á su Gobierno, y á V. S. mismo, he dado orden p.<sup>a</sup> que el Oficial de mi Secretaría Sr. Pedro Alcántara de la Plata, que ha ordenado y arreglado todos los papeles procedentes de las Floridas que aqui existen, acompañe al Sr. Mallory en el registro que desea practicar, con cuyo efecto podrá V. S. decirle se presente en este Palacio de Gobierno en cualesquier dia desde las nueve de la mañana hasta las dos de la tarde, para tomar copias, ó hacer la comprobacion.

de los documentos que se desean, en el caso  
de que se encuentren en el Archivo.

Dios guarde a V. S. muchos años. Habana  
Noviembre 13 de 1848.

El Conde de Alcoy.

El Consul de los Estados Unidos en esta Plaza.

Translations

(Sesl)

Military Secretary's Office

I have not answered Your Lordship's communication of the 6th inst. in which you tell me that the Hon. Sr. D. Mallory has been commissioned by his Government to obtain in this City evidence relative to certain claims of land in East Florida, made by the Vicar General of the Catholic Church in St. Augustine, and requesting me in consequence to permit his access to the Archives for the purpose of comparing with the originals the copies of papers which he has taken this affair, because I wished before giving you my answer, to acquire information of the cases of equal nature, which may have occurred before this, to effect the same as may have been done on other occasions.

Notwithstanding I am convinced of a similar reclamation never having been offered to this day, being desirous of showing in this business my deference to Your Government and also to Your Lordship, I have given orders to the Officer of my Secretary's Office Sr. Pedro Alcántara de la Paz who put in order and arranged all the papers which came from the Floridas existing here, to accompany Mr. Mallory in the search he wishes to effect, for which purpose, Your Lordship may tell him to appear in person at the Government Palace on any day from nine A. M. till 2 P. M., to take copies

or make comparisons of the documents sought  
for, in case they exist in the archives.

God preserve Don Godolpho many years.

Havana, November 13<sup>th</sup> 1848.

The Count of Alcoy.

To the Consul of the United States in this city.

~~Mr. Moore~~ Consulate of the United States  
Havana Nov 6<sup>th</sup> 1848.

To His Excellency

The Count of Alcoy

Gov<sup>r</sup> & Cap<sup>t</sup> Gen<sup>l</sup> of Cuba.

&c. &c. &c.

Sir.

I have this day received a communication from the Secretary of State of the Government of the United States, informing me that under a resolution of the Congress of the United States, the Hon. S. R. Mallory had been appointed to obtain from Havana evidence in relation to certain land claims in East Florida for the purpose of a just and equitable settlement of the claim set up to certain real Estate in East Florida by the Vicar General of the Catholic Church in St. Augustine. The property in question was delivered to the United States by the Officers of Her Catholic Majesty in 1821 under the treaty of 1819. The claimant now contends that Spain could not legally transfer the property in question to wit: a Church, convent &c. for the reason that it was Church property.

The object being to do full justice to the Catholic Church, I ask the favor of Your Excellency (if the request be not improper) to grant an order permitting Mr. Mallory's access to the Archives under such restrictions as Your Excellency may please to dictate. Mr. Mallory has what are said to be copies of the papers, and wishes to compare them with the originals if they exist.

I have the honour to be

with considerations of great respect  
Y<sup>r</sup> Excellency's M<sup>t</sup> Ob<sup>t</sup> serv<sup>t</sup>

H. O. R. B. Campbell



Consulate of the United States  
Hawaii, Novr 12<sup>th</sup> 1818.

To His Excellency  
The Count of Alcoy  
Govr Genl of Cuba.  
Se. &c. &c.

Sir.  
I had the honor of addressing a  
communication on the 6<sup>th</sup> Inst. to Your Excellency  
a copy of which is enclosed: having received no  
reply, and fearing, from the multiplicity of your  
occupations, it may have escaped the attention  
of Your Excellency, I have taken the liberty of  
enclosing the copy thereof, and will request of  
Your Excellency to do me the favor to send an  
early answer, as Mr. Mallory the umpire between  
the Government of the United States, and the Vicar  
General of Florida, is here only for the business  
referred to in said communication, and will be  
compelled to leave on Thursday next having  
to present his decision to the Congress of the United  
States in the early part of next month. The  
arrangement of this affair will of necessity be  
postponed another year unless he can  
immediately obtain the information sought for.

With considerations

of great respect & esteem

I have the honor to be

Y. C. M<sup>o</sup> Ob<sup>o</sup> Serv<sup>t</sup>.

J. C. Campbell

Baranva Dec 2nd 1848

Mr. Genl. Cass  
United States Consul  
St. Baranva

Sir

As an humble citizen of the United States, I have the honor to refer through you to our Government, the statements in relation to my recent imprisonment by the authorities of this Island, under fabricated charges, and to ask that protection and commutation to which I am entitled. (Before making any brief history of the facts personal to myself, of which I should have been permitted me to express my gratitude for your firm, prompt and energetic action in my behalf, without which I am certain I should have remained for a long period a resident of the "condemned cell." It is an indelible disgrace from the obnoxious and the enjoyment of a lower one, and I regret that by your own consideration of my rights, you should have exposed me to the annoyance of this unbecoming, so weak mind, but from high sense of duty, and your fear of the performance of it, with the best intentions, with a better reward, than a grateful heart can give you. And I will not trespass upon your time by details of any obligations which are yours to me, with my former, and my present, and my future, and my friends.

In the 21st of October, which is the anniversary of our state as a part of the Middle Islands, my mind is pained by the official acts by boundary officers of the government here. Their grade is not to be aware of, but I presume them to be a kind of border the by known in the United States, by "catch poles" constables or chiefly a necessary sort of evil in civilized countries, but here packed to work with a following of sword and bayonet. They seem to me an wretched misadvice, at any rate they were competent for my arrest which was made after the usual display of mean and preliminary in all the pomp and circumstance of Spanish official ceremony, and I was, constructed for the "Cruelty Case" and sentenced for

an apartment, conditit in dimensions, position and construction  
to their idea of comfort, security and cleanliness. In my strange  
contracted basement-chamber, so emblematic of the intelligence, and  
of those who claim to speak the language which  
engled not with Babel. I was left to do as I pleased, or as space  
or light permitted with an unwholesome air and damp walls for  
company. My first three days were passed in training over  
my mind, by yarning all the past, what crime I had, a charge  
committed against her majesty the Queen, or her more important  
royal representative, the Viceroy de Alcazar Captain General of the  
Island of Cuba, by the infringement of the very peculiar municipal  
laws, which I then informed transcended, and hold in defiance  
the fundamental law of treaty, and all other laws I judge from  
my own experience, have what happens to be the paper of justice  
she is represented here embodied in the person of his Excellency  
Alcazar, - but I could find nothing to rest on. The third day after  
my arrest with a great parade of kind care and attention  
in respect for my personal safety, with a guard of honour was  
conducted to the tribunal (I presumed it to be some sort of tribunal  
court and a poor port at that) where I was tried by examination  
with a few the thumbs, screws and other inquisitorial implements, and  
the business was finished, I remained one of the things and regularly  
to the land so long ordered by that institution, which was the  
law of justice, and blood stained her altar under Roman Catholic  
shades. She held eyes minister of her or his majesty's justice, fronted  
with no witness or persecutor, but by a series of a series of questions  
and only desiring to entrap me into an acknowledgement of something  
wrong, but what the drift I could not comprehend, it was his evident  
will that I should equivocate, or even in frequent repetition of my  
declarations, so that they might have the shadow of prosecution, against  
to justify their own false position. My August Court was composed  
of a judge who looked at least his nose and his mental operations  
to have similar cross, complex, even travelling round but never

being the point at which by wisdom & industry, a notary who kept careful  
account of every word I uttered, and an interpreter, who was the only sensible  
and honest I had had the pleasure of meeting in my new career, after  
much study from the nature of the questioning, I concluded that I  
was assured of having brought to this port, sundry copies of the paper  
called the "Persecutor" published in New York and addressed to  
individuals unknown to me resident of Havana, as also a letter  
which I had never seen, which seemed to be exceedingly abusive  
to the very sensitive ~~in~~ gentleman in black who presided over  
these grave deliberations with a one-eyed surveillance, after some  
hours, two at least of searching efforts, I was told that while  
examining the Spanish "right of search" through my state room,  
and while I was there, that a letter had been found, of very bad character  
which had been conveyed to the Captain General and by him  
forwarded (having been truly dipped in vinegar I presume) and that I  
must have brought it, the place the place in which it was discovered  
being occupied by me and under my immediate control. This I could  
not admit, for to my knowledge I had never seen the document which  
they presented to me as the pernicious thing nor could I believe it to  
have been found as represented, whereupon I was ordered by the chief  
of this inquisitorial court with much severity "If I supposed he  
had put it in my state room, which I thought a language quite  
in its nature and sense to reduce and it suggested to my  
mind, which has assumed more probability from my experience,  
and I have never seen a man who looked more culpable in doing such  
an act, than he did, therefore returned my state letter with him  
he being the chosen one to answer I could not help replying that he  
was it likely to have done so by any body else, if it had been left or found  
near his table. My trial in whatever name Spanish justice would  
denote may give it, instead of my being punished by probing  
the patient, making nice distinctions with much tortuous cunning  
seeking in vain a vulnerable or tender point, but to wearied by the game  
I was rewarded for continuing punishment because they had not

... intended my intention of perils, or will do. This was all the matter  
... to me, although I suffered under the strong sense of Spanish  
... it might have continued thirty five days, and with full  
... see executions without of national treasure, as well as an immense  
... of legal talent in winding the least thread through all  
... community to discover how many. Mr. Sanchez there might be suspected  
... find some good testimony against me, I lay thirty five days  
... was informed when it was concluded will to release me on the 25<sup>th</sup>  
... that the Captain General regretted that the Spanish laws  
... not invited a more speedy termination of my case  
... returned to my prison after my tedious and affected recollections  
... in hopes that my quarters would be changed to something of a  
... more comfortable character, but I was mistaken as to the humanity  
... will of the justice of my country the same foul and loathsome  
... divided by the prison theatory, invited me my daily expenses while  
... the "Bototina" for the blessed treatment that would not have been given  
... by civilized people was placed at a dollar and a half a day  
... after twenty days when I was allowed better apartments, voluntarily  
... on account of your strenuous exertions they were increased  
... in the first day of my confinement on account of the claustrophobia of the  
... and the damp walls, I began to feel sick experiencing much  
... difficulty in breathing head-ache followed in two or three days  
... the late pains in the breast and side not diminished by the  
... of those to whom I was confined, nor in reflection on things  
... had preceded me only relieved by the great medicine of the Spanish  
... and essence of the "Opote" a specific for all moral  
... for all revolutionary progress, but the "thing" have a more  
... and more convenient implement which is applied with about the  
... quantity of justice embraced by fewer words. My health has  
... seriously impaired, and my ability to labour for the oppressed  
... family (upon which they solely depend) has been materially dimin-  
... shed, add to this the disgrace and contempt which has, unwittingly  
... unwisely to the hearts of all connected with me and neces-  
... the loss of time and of a good employ and a thousand other  
... wrongs ministered by those who hold personal control over me,  
... and the sum of wrong is beyond the power of Spanish gold to remedy

I shall not attempt to rebut all the various answers to effect my health and comfort for the story would be too long for your attention and would only go to show what has already been proved, if the nature of the Spanish heart was a reasonable creature, to be kept 21 days without being allowed to exchange any illations in the first prison - nor in a second antiquatorial substitute for walking up and down the elongating walls of a bastion in the city to avoid the words of reproach from the warring hearts of their country to be met by returning against them, show the poverty and want of their criminal proceedings, but and least the peculation of the miserable half-breed by receiving payment twice for the same days and more for things not said at all, with private disposition of all your national articles which they fear you might have reviewed men

I look through the agency of my government some indemnity (just compensation for what is impossible) and still in imprisonment, loss of time, loss of employment, loss of health, loss of friends, and disgrace, feeling that these the circumstances I am peculiarly entitled to the protection of the country where I have the rights of citizenship, which I consider invaluable I must respectfully advise and the only medium through which I can make application is forward to the President through your signature in order that there may be such protection thereon as may be just and proper. I have not embellished on the contrary I have left unobserved of the officers of my own and humble individual (who feel, perhaps, as I do, etc. as my in- digne) that I have no intention of disrespect to the authority who in deed has caused me much sorrow, although I have used the language of the creature in alluding to the subordinate creating of his power. The agents are the unjust persecutors got up against me for the purpose of example and deterring. Had I committed any offence I should be silent, but I think when the law is to prevent they find it more what I may disagree with, may use me wrong- fully in the matter, I have a right to speak and say that they should be careful to find me really guilty and not undertake to fabricate a case to meet their purposes.

With many thanks for your kindness, I have the honor to be with kindest  
respect  
your obedt & very humble servt  
William W. Smith

Bishoprick of Havana

I have received Your Lordship's polite communication of the 10<sup>th</sup> Inst. enclosing that of Citizen Mallory of the United States which Your Lordship recommends, and as both treat of affairs pertaining to H. M.'s Patronage, represented on this Island by His Excellency the Vic-Royal Patron, I regret my not being able to give you the information asked for, it not being permitted me by the laws of the Indies. And I communicate it to Your Lordship in answer.  
God preserve Your Lordship many years.  
Havana Nov<sup>r</sup> 13<sup>th</sup> 1848.

(Signed) Francis, Bishop of Havana.

To Robert B. Campbell Esq. Consul of the  
United States.

ca 12 Dec. 48. Consulate of the United States  
Havanas Dec. 24<sup>th</sup> 1848.

Honble James Buchanan.  
Secretary of State.  
Washington city.

Sir,  
William A. Bush, the  
Steward of the Barque Ghilde Harold,  
was released from Prison on the 24<sup>th</sup>  
ult<sup>o</sup>. & set at unconditioned liberty.  
He is now placed in the same condition  
that he was previous to his imprison-  
ment, and leaves today in the Steamer  
Crescent City for New York.

I have the honour to be  
with great respect  
& esteem

Yr mt. obt. servt

Robert B. Campbell



Rec'd 28 Dec. 48.

To the Hon. Mr. C. C.  
Consulate of the United States  
Havana Decr. 19<sup>th</sup> 1848.

Hon. Mr. James Buchanan  
Secretary of State  
Washington City.

Sir. On the eve of his departure  
for the United States, W. H. Bush placed  
in my hands the communication  
herewith enclosed. As the Steamer  
was getting under way I had neither  
time to read or forward the communi-  
cation. If an opportunity of reading  
it had been afforded me I should  
have suggested changes and modifications,  
which doubtless Bush would have  
accepted, but this opportunity not  
offering, I have no other alternative  
than to fulfill his request by convey-  
ing it through you to the President  
by the Steamer Isabel, this being her  
first trip since the departure of the  
writer, and my receipt of his letter.

I am, Sir,

With great respect & esteem  
Yr. M<sup>ost</sup> Obedt Serv<sup>t</sup>

Robert B. Campbell

4. 28 Dec 48 Mr. Amersbach 6-22  
Consulate of the United States  
Havana, Decr 20<sup>th</sup> 1848.

Hon. James Buchanan.  
Secretary of State.  
Washington City.

Sir.

Your official communication of the 12<sup>th</sup> Inst, acknowledging the receipt of my entire correspondence with the Captain General for and in behalf of Bush, in which you do me the favor to express your high approbation of my course, has been received, and you will please to accept my sincere thanks for your expression of approbation, the highest reward of any Public functionary being the approbation of those who are appointed to direct and judge his acts.

My intervention in behalf of Bush I believe from the result to have been efficient and beneficial. He has been placed at liberty without penalty of any description; while of all those arrested about the same time not another is at liberty, and no one probably relieved from incommunication.

I am pleased to be able to inform you that all unkind feeling between the Capt. General and myself has ended, and that after one excited personal interview / the particulars of which would amuse you if it were proper to

communicate them) we are again on the best of terms, and he has taken opportunities of assuring me of his kindly feelings, and friendship, and has on more than one occasion at my request relieved Americans from the States from the pecuniary penalties incurred for violation of law. Upon introducing the Officers of the Albany to him, he courteously extended to them all the civilities in his power, and gave them as pleasant a dinner as well could be, where the host and his family had no common language in which to converse with his guests, <sup>sub</sup> except through the Consul. In my opinion it is not more than justice to say of the Captain General, that in his office he is not governed by sordid, and selfish considerations; that in his personal character he is generous, just, and energetic, with strong tendencies to humanity, and I exceedingly regret that he has recently met with an accident which will for some time incapacitate him for the discharge of the duties of his office. Dec. 14 - On Thursday last, immediately after mounting his horse for the purpose of attending a review, he was thrown against the curb stone of the street, which dreadfully shattered his left arm, and inflicted a wound, and severe contusion on the head, from which he has suffered greatly, and

it is not yet certain that amputation  
of the arm may not be necessary.  
He suffered much last night but  
is better today.

I have the honour to be, Sir,  
with great respect and esteem  
Yr. Mt. obt. servt

Robert B. Campbell

Jan 27 Jan'y. '49.

Mr. Buchanan

Wrote

Consulate of the United States  
Havana Jan 27<sup>th</sup> 1849

Hon James Buchanan  
Secretary of State  
Washington City  
Sir

Your communication of  
the 14<sup>th</sup> of Dec last acknowledging my com-  
-munication of the 4<sup>th</sup> ult is received, and I  
beg your acceptance of my renewed  
thanks for your kind approval of my  
proceedings in relation to Bush, who  
I hope has long since joined his friends  
and family in New York  
Mr. Villaverde who was compromised by  
the letters & papers alleged to be brought  
by Bush is still held as a prisoner, and  
incommunicated from all correspondence  
with his friends

I am Sir with  
great respect & esteem  
Yr Most Obedt Servt  
Robert B Campbell

Duplicate:

Consulate of the United States  
Rec'd 16 March. Havana March 1<sup>st</sup> 1849.

To the  
Honble James Buchanan  
Secretary of State.  
Washington City.

Sir. I yesterday received from the Captain General of this Island a circular accompanied with a copy of Postal regulations to take effect this day, translated copies of which are herewith enclosed. I would respectfully suggest the publication of at least that portion of them which relates to correspondence brought from foreign countries, as a knowledge of them is not only important to Masters of vessels and passengers, but to Editors of papers having subscribers in this Island, and all others sending communications of any description, more particularly to those who shall send printed papers offensive to this Government, for although the persons sending such papers may be beyond the reach of Cuban Authorities, those to whom they are sent may be seriously implicated, even if it should so happen that they are innocent recipients: an arrest of the individual to whom they are addressed would be almost certain

and an arrest upon a political charge brings with it imprisonment, much suffering, and probably after tardy and long protracted investigation, heavy expences, should their innocence be finally established.

To prove the foregoing, it is only necessary to state that the different persons to whom the letters and papers were addressed that were brought by Bush, the steward of the *Childe Harold*, whose release I had so much trouble to effect, are still in prison.

I have the honor to be  
with great respect  
Yr Mt. Obedt Servt.

Robert B Campbell

Recd 28 March.

H. P. ...

W. C.

Consulate of the United States

Havana March 20<sup>th</sup> 1849

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City  
Sir.

Although it is not within the sphere of my official duties to interfere in any manner with the slave trade when not carried on under the American flag, I deem it proper to inform you that it is still carried on in this Island to a small extent. A cargo of about 200 negroes from the Coast of Africa, has been lately landed on the coast, of which 80 were seized by the Government, and under the pretext of civilizing and christianizing them, they have been distributed amongst officers of the different regiments in this City, to serve for a term of years, under the name of "emancipados"; but they are in reality slaves for life as is proved from experience of the past.

With great respect & esteem

I have the honor to be, Sir,

Yr Mt. Obedt Servt.

Robert Campbell



Rec'd. 7 April, 49.

(2)

Consulate of the United States  
Havana March 21<sup>st</sup> 1849.

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

I have understood  
that the Spanish Minister at Washing-  
-ton under instructions from his Government  
has complained to the President, that I, a mere  
Consul, have presumed to discharge some of the  
functions of a Diplomat. If I am correctly inform-  
-ed as to the character of the charge, it is easy to  
guess the basis on which it is founded.  
In June last, your predecessor in office in  
an official communication stated that he had  
been informed that a free colored American  
citizen had been shipwrecked upon the coast  
of Africa, from whence he came to Cuba  
in a slave ship, was sold, and held in slavery;  
instructing me at the same time to inquire  
into all the circumstances, and if the facts as  
stated could be established, to use my best exertions  
for the recovery of the man, and the security of his  
liberty. The instructions were obeyed, the man

recovered, his liberty secured, and he arrived in the United States with an indemnity of more than two thousand dollars. This for aught I know, may in Spanish opinion, be a blending of diplomacy with my consular duties, and furnish one ground for the charge.

In October last, an American seaman (William H. Bush) was arrested on board the Barque to lida Harold, with the American flag flying at her mast, imprisoned, incommunicated, permitted to see no one but his sailer, and debarred from communication with his consul or other Counsel. The offence committed consisted in the delivery of letters or papers, not on shore, but on board his vessel, to a man who it is believed was a spy of the Government. The known legal penalty of delivering letters or papers without the intervention of the Post office, was and is a small fine. As consul, and not Diplomat, I felt it a duty to protect to the best of my ability the rights and the liberty of my countryman, and took those means which my judgement dictated as best, and most efficacious. The result has been that a poor seaman with no aid but that of his consul, was in a few weeks relieved from an imprisonment cruelly and

arbitrarily imposed, against all law, and the mode  
of imprisonment a direct violation of Treaty  
Stipulations, while the Acostas, of great wealth,  
and extended family connections, and Villavieja  
a young man of talent and promise, arrested  
about the same time on charges believed to be  
equally frivolous with those against Bush,  
are yet groaning in prison. My interference  
for Bush doubtless forms a second ground;

Within the past six months, I have saved two  
Americans (Peter White and John McDougal)  
from six years imprisonment in the chain gang  
for trivial offences. Fortunately, as my successful  
interference in behalf of these two men was effected  
principally by verbal communications, I presume  
it will not furnish a third ground for the charge.  
It is preposterous in the Spanish Government  
to complain of consuls in Cuba, as they have here-  
before chosen to do of the English consul, and now  
of me: Consuls, *Siempre*, are charged  
with the general protection of their countrymen  
(in the limits of their consulate) in their legal pursuits  
against all illegal oppressions; to attempt such  
protection under a Vice Royal censured despotism  
preceded over by an officer with unlimited and  
undefined powers who is irresponsible in office;

and experience of the past from the fruitless attempts of the wronged and oppressed to obtain indemnity after the termination of their office proves their continued irresponsibility, of necessity involves something like Diplomacy.

A Captain General of Cuba holds his Court, invites consuls in form to attend it, is the Representative of Majesty, in person above all law, with power to modify, suspend or abolish for the time existing laws, presides informally in civil and criminal cases, by his own power passes sentence, often banishes without trial individuals of the highest rank suspected of being dangerous or inimical to the institutions of the Island. Under such a Government consuls can only aid or protect their countrymen by direct appeals to the Captain General, and it often occurs that satisfaction cannot be had, without pressure, which although offensive for the time, is usually yielded to, and soon forgotten.

My habits of life, and character always make the mildest means most acceptable to me; when these fail, I hope I shall always be ready and not unwilling to adopt the most energetic, feeling that

I am sent here, not to serve the Spanish Government, but the interests of my country, and my countrymen, and under no circumstances to truckle to the Spanish Government, or the highest of its subjects, and thereby in my person to degrade the Government whose consul I have the honor of being!

To save you the trouble of referring to files in your Department, I enclose copies of the two communications deemed by the Spanish Government most offensive. I have been informed that the use of the term "stripes and stars" was particularly obnoxious. My communication being in English, the translator, knowing no word in Spanish to convey the meaning, used the words "wrote" for "stripes" which literally means lashes. My own opinion is, and has been, that in my communications relative to Bush, if I erred, it was on the side of courtesy and forbearance in not taking the ground assumed by Mr. Webster in his correspondence with Lord Ashburton, wherein he states that for an offence committed in a foreign port on board an

American vessel, the offender could only be held to account under the laws of the country to which the vessel belonged.

It may not be amiss to remark that such is the terror inspired by this Government that the American Merchants, consignees of the *Gladiators*, although in their opinion pecuniarily indemnified, refused on my application to become bail for the appearance of *Push* from fear that in so doing they might offend the Government. I knew bail would not be taken if offered, but wished to force its refusal or acceptance upon the Captain General.

In all my correspondence with the Captain General since the affair of *Push*, he has been courteous and complying, and on more than one occasion has unnecessarily used in his letters the terms "such is my disposition to defer to you"; and in a private conversation in hearing from me favorable expressions relative to General Taylor, he stated explicitly as evidence of his regard for me that he had written to Calderon desiring him to request Genl. Taylor that it might be continued as consul at Havana.

I must beg of you to excuse

this departure from my usual practice  
by writing a letter uninteresting probably  
to all persons but the writer.

I am, Sir,

With great respect & esteem

Yr Mt. obt servt

Robert B Campbell

Rec'd & apud.

M. J. J. J. J.

Consulate of the United States  
Havana April 2<sup>d</sup> 1849.

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

Sir.

Nothing has recently  
occurred here worthy of being made  
the subject of an official communication.  
As your predecessor however manifested  
an interest in the fate of individuals  
taken into custody here for political  
offences, you may be pleased to learn  
that Mr Villaverde, who has been  
kept in prison for receiving papers  
brought here by W. H. Bush, and who  
had at last been sentenced to six  
years of labor in the galleys of Spain,  
made his escape on Saturday night from  
the Public Jail taking with him the  
Deputy Alcalde, and it is believed that  
they have left this place for the United States  
in an American vessel.

MARCH 31

I am, Sir, with great respect  
an esteem, V<sup>r</sup> Mt Ob<sup>t</sup> serv<sup>t</sup>  
Robert B. Campbell



Recd 14 apr 49.

Mr. Garrison

Consulate of the United States

Havana April 8<sup>th</sup> 1849.

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

Sir.

In the Official  
Gazettes of this date forwarded  
by the Steamer Isabel, you will  
perceive some regulations touching  
the landing of passengers, established  
by order of the Captain General.  
The alterations are so slight that  
I have not considered it necessary  
to have them translated. The  
object of the Captain General, it  
appears, has been merely to form  
a compilation of the regulations,  
leaving out such as had fallen  
into disuse.

With great respect and  
esteem, I am, Sir,

Your Most Obedt Servt  
Robert B Campbell

Rec'd 14 June.

N. Hoffman

13

Consulate of the United States.  
Havana, June 5<sup>th</sup> 1849.

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

From some cause to me  
unexplainable your official communication  
dated April 2<sup>d</sup> did not reach me until  
yesterday. Forest King was endorsed upon  
it. The Brig Forest King was entered at  
this office April 9<sup>th</sup> and cleared April 17<sup>th</sup>  
at Havana. Post marks on the dispatch  
is June 4<sup>th</sup>, the day on which the Isabel  
arrived.

Your dispatch conveyed to me the  
gratifying intelligence of the approval of  
my conduct in the affair of William A.  
Bush, than which nothing can be more  
acceptable to an agent of the Government  
unless it be the approbation of his own conscience.  
You notwithstanding inform me that you  
are distinctly notified by Mr Calderon  
that my computation will be revoked by the  
Queen of Spain, and submit to my conse-

deration" whether it would not be more agreeable to me (you) to retire from a situation the occupation of which by me (you) is not acceptable to the Authorities of the country where I (you) reside, rather than invite a proceeding on their part, unpleasant in its character to my (your) Government, and myself (yourself) and leading ultimately to the same result."

I would willingly do anything not derogatory to my character, rather than embarrass my Government in matters personal to myself, you however state that "the Queen of Spain has by the law of nations clearly the right to revoke my Cerequatur, nor can it be deemed a just cause of offence to the United States."

The withdrawal of my Cerequatur (according to your views as above expressed) can in no way embarrass the Administration, the consequences whether good or evil rest solely upon myself. I feel justified therefore in looking only to personal and consular considerations in making my decision, and these prompt me not to resign but await the revocation of

my Co-legatee: I have an abiding conviction that no official act of mine has been of so character to furnish just cause of offence to the Queen of Spain. If any act of mine has been construed into offence, it has arisen from circumstances beyond my control, it has grown out of the incarceration of an American citizen by this Government upon the charge of an offence which it was legally impossible for him to commit, and that incarceration in its mode and continuance was in direct violation of treaty stipulations. To resign under a threat from the Spanish Government would be a tacit admission that my action in the case of W. A. Bush although approved by the past and present Administration had originated in error, or been conducted with impropriety, and therefore furnished just cause of offence. This would be injustice to myself, and an admission of a falsehood. My resignation would also be injurious to other officers of my Government holding positions similar to my own, for if the Spanish Government has my example that an officer who discharges his duty with the approbation of his own Government is to be frightened

into resignation by a threat of the withdrawal of his ~~creditor~~ the tenure of consular office will be transferred from dependence on the President of the United States to a dependence on the Government of Spain.

If my occupation of this consulate (as alleged in your despatch) is not acceptable to the Authorities of the country in which I reside, the Government of this Island has not given evidence of it either in intercourse or correspondence with me, nor in any manifestation of an indisposition to yield to applications of Americans for justice or favor when preferred by me.

When the revocation of my ~~creditor~~ shall be received, your instructions (already received) in relation to the archives and property of this consulate, shall be strictly obeyed.

With great respect & esteem

I have the honor to be, Sir

Yr Most Obedt. Servt.

Robert M. Campbell

Recd 27 June '49 Mr. Hoffman.

Per

Consulate of the United States  
Havana June 22<sup>nd</sup> 1849

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City.  
Sir.

In the official paper  
of this Government, a quarantine  
regulation has been published  
which I have deemed of sufficient  
importance to have translated for  
your information, and I now have  
the honor to enclose herewith a copy  
thereof.

The United States Frigate *Paritan*  
has been a few days in this port.  
The ship has been much admired,  
and the officers highly esteemed by those  
who have had the pleasure of meeting with  
them. The *Paritan* will sail to-  
morrow for Vera-Cruz.

The authorities have been very  
polite to Commodore Parker and  
his officers, and I had the pleasure  
of dining with the Commodore and

some of the officers at the house  
of the Captain General, yesterday.

With great respecting esteem

I have the honor to be, Sir,

Your most Obedt Servt.

Robert B. Campbell

Duplicate.

Ames

Consulate of the United States

Havana July 31<sup>st</sup> 1849.

Hon<sup>ble</sup> John M. Clayton

Secretary of State

Washington City

Sir

I had the honor to state to you in my communication of the 2<sup>d</sup> of April last that Villaverde who had been arrested on a charge of treasonable offences had escaped with the second Alcaide of the Prison. The name of that Alcaide is Juan Garcia. This individual has recently arrived in this city on board of an American Schooner.

The Schooner Mary Ellen of and from New Orleans,

McConnell master, on her arrival at this port on the

17th Inst. was placed in quarantine, where her cargo was discharged, and from whence she was cleared, and sailed on the 23<sup>d</sup> Inst. ostensibly for New Orleans. The schooner being strictly confined to quarantine, the master held no communication with this office, and no suspicion of any injurious character was entertained of him. On the

26th Inst. I received New Orleans papers reporting that Juan Garcia alias Rey, had been forcibly abducted from that City, & placed on board the Mary Ellen to be transported to Havana. Immediately after reading these reports, I called upon R. Lecumberry, the consignee of the Schooner



and cargo, who assured me that no passenger could have arrived in the Schooner as the master who daily wrote to him had made no mention of his having a passenger, and the Physician, who accompanied the Health Boat to the quarantine, had also assured him that the vessel brought no passenger as was offered to be proved by the Records of the Board of Health. I then sought information elsewhere, and heard a report that the Schooner had touched at Mariel (a port 45 miles distant) and had landed no passenger. Upon sending to that port, the report was found to be without foundation. On the twenty seventh it was reported to me that a passenger had been taken from the Mary Ellen, and placed on board the American Brig Andrew King, also in quarantine. After informing the Captain of the Port of my intention, I obtained a boat, and passed into quarantine with two witnesses, and held in their presence, and that of the Captain of the Port who followed me in a different boat (which I could not prevent as no person is allowed to communicate with a vessel in quarantine except in the presence of some official or employe of the Marine) a conversation with the passenger, who stated in reply to my various questions that his name was Seon Garcia, he had been the second Alcalde of the Public Jail of this City, he came to this port in the Schooner Mary Ellen of his own accord and by his free will and consent, and that he was not willing to return to the United States on board the Andrew King, all which is stated in the certificate of Doctor

and Mr Savard enclosed herewith, and marked n.º 1. On the 20th Inst. a letter dated 27<sup>th</sup> July 1849 was handed me by a soldier who alleged that it was sent by the Captain General. On opening and reading the letter, it appeared by the signature to be from Juan Garcia who therein states that he was forced by the Spanish Consul on board the American schooner, calls for the protection of the American flag, and begs to be sent back to the United States, otherwise they would shoot him, and that he had not spoken frankly to me on account of the Captain of the Port being present. A copy of the letter is herewith enclosed, and numbered 2. I immediately called upon the Political Secretary, and enquired whether the letter had been sent to me by the Captain General; he (the Secretary) answered that the Captain of the Port had sent the letter to him, and that he carried it to the Captain General, who ordered it to be delivered to me. Upon my return to my office I received from an unknown person a second letter from Juan Garcia dated the 28<sup>th</sup> July 1849, giving a more detailed account of his abduction, and again invoking the protection of the American flag, requesting my interposition in his behalf &c. A copy of this second letter is also enclosed herewith, and numbered 3. After reading the letters from Garcia, I addressed an official communication to the Captain General, (a copy of which is enclosed numbered 4) requesting for the purpose therein named an order permitting me to see Juan Garcia in the presence of two witnesses of my own selection, and under such circum-

tances as I thought calculated to ensure the freedom of his answers. To this communication I have received no answer. Garcia's verbal and written statements being contradictory and having no positive evidence of his forcible abduction, I have been temperate and cautious in the discharge of what I believe my duty. Had the facts been established that the laws and sovereignty of the United States had been defied and violated, in the manner described in the New Orleans Journals, I should have felt it a duty to have been more preremptory in my application to the Captain General, as there is no doubt upon my mind that every individual upon our soil is entitled to the protection of the Laws and the Government, and if from causes beyond the controul of the Government there has been temporarily a failure to extend that protection, the Government is bound to follow the individual wherever he may have been forcibly carried, and to cast its protecting shield over and around him at all and every hazard, and that it is incumbent upon me as one of its officers to spare no exertion to obtain all the evidence that is to be had in Havana.

With great respect & esteem

I have the honor to be, Sir,

Your Mt. obt. servt

Robert B. Campbell

No. 1.

We, Franklin Gage, and Thomas Savage, of Havana, do hereby testify, that at the request of Robert B. Campbell Esq. Consul of the United States of America for the city of Havana, we accompanied the said Consul on yesterday the twenty seventh day of July 1829, at about 5 o'clock P.M. to the place in this harbour where vessels are kept in quarantine, and alongside of the American Brig Andrew Ring, on board of which vessel it was understood that a man reported to have been abducted from the city of New Orleans, under the name of Juan Garcia Rey, and brought to this port by the American Schooner Mary Ellen, Mc Connell master, was placed. In our presence the said Consul first enquired of the master of said Brig whether he had a passenger on board, whether he (the passenger) was a Spaniard or foreigner, and if he had brought the passenger from Boston, or whether he had taken him from any other vessel in this port. The master answered that there was a passenger on board who was a Spaniard, who had been brought from a schooner, and put on board to ride out quarantine. The Consul then asked the master whether the

Schooner was the Mary Ellen, to which he answered, Yes. Then the Consul requested the master to call the passenger forward, which was done, and the man came. The Consul asked him through the said Thomas Savage who acted as Interpreter, What was his name? the answer was Juan Garcia. Then he was not called Juan Garcia Rey? and he answered, Juan Garcia only. Then he was asked in what vessel he came to this port? he answered, in the schooner Mary Ellen. He was asked whether he had been the second Alcalde of the Public Jail of this City, he answered, Yes. He was then asked, if he had come to this port of his own accord, and by his free will and consent. To this question the Captain of the Port, who had come in his faluca from the guardship, objected, and observed, "Senor Consul, there are some questions which you cannot ask." The Consul replied that he was not doing any thing in secret, that he would not permit any one to dictate his questions, and that he would put any questions he pleased. The Captain of the Port then changed the position of his faluca, but remained in hearing of the questions and

answers. Upon the question being repeated, the passenger answered distinctly, Yes. Then the consul asked him, through the same interpreter whether he, Juan Garcia, would be willing to go back to the United States in the Brig Andromeda Ring, if he, the consul, could succeed in having her cleared and to sail direct from the quarantine out of the port without his coming ashore. The man answered, No.

After the above had taken place we came off Havana July 28<sup>th</sup> 1849.

Done in Duplicate.

Franklin Gage.

Thomas Savage

44) Por Consul de los Estados Unidos  
 yo me llamo Juan Garcia Rey vine a la  
 fuerza por el Consul español de Nueva Orle  
 an y me acogio al pañellon americano quien  
 no Marcharme otra vez para los Estados  
 Unidos.

Abordo del terrible  
 Julio 27 1849. Juan Garcia.

P. D.

He venido a la fuerza abiendo me preso el  
 Consul español con una orden falsa del  
 Recorde de la 2.ª Municipalida y en bocado  
 a la fuerza a las nueve de la noche que me  
 Socaron de casa de D. Jose Morante. con que  
 quiero que V. Sea mi padrino que me vuel  
 va a mandar otra vez  
 para los Estados Unidos

por que sino me afosidan) Abordo del terrible  
 no le able franca  
 mente por que estababa  
 presente el Capitan  
 de Puerto. Juan Garcia y Rey

Mr Consul

Americano

Habana



# Translation

Mr Consul of the United States -  
I am named Juan Garcia Rey. I came  
by force from the Spanish Consul, at New  
Orleans, and I have recourse to the American  
flag, I wish to go back to the United States.

On board of the Terrible July 27. 1849.

Juan Garcia

Postscript -

Having come by force, the Spanish  
Consul having taken me prisoner, by a  
false order from the Recorder of the second  
Municipality, and embarked by force, at nine  
at night. They took me from the house of  
Don Jose <sup>el orante,</sup> ~~el orante,~~ Soreste. I therefore wish you to  
be my good friend, and come to send me back  
to the United States, because I did not speak  
frankly to you, as the Captain of the port was  
present.

On board of the terrible

Juan Garcia Rey.

Por Consul Americano.

Al Sr mis tenga la bondad salvar un  
ciudadano americano que fue atropellado,  
en Nueva Orleans por el consul español.

Dr Carlos de España y quiero acojarme a la  
bandera americana para que V tenga la  
bondad de mandarme a través a los es-  
tados unidos fui sacado de casa de Dr  
Jose Morante con una orden falsa del  
Re borde de la 2.ª Muni de Madrid que  
me llamo Dr. Fernando Lorente agente  
privado del Consul español el cual me  
llevo a un punto donde se hallaban seis hom-  
bres los mismos que me llevaron a bordo  
de la Mariana, y era la tripula-  
cion de la misma goleta con el Ca-  
pitán fue el primero que me echo ma-  
no y luego ~~del~~ mismo Consul español  
Blando que yo me resistia y que aia  
fuerza para marcharme me pego  
una patada que me dejo sin sentido  
fue cuando me llevaron a bordo y en  
bocando la nacion americana de que  
se pagava en sus banderas y en sus leyes  
que nada le suponian a el ni tan-  
poco al gobierno español  
pues si V quier salvar un Rec que  
se hallava, bajo la proteccion de la bandera

de aquila y estrellas.

su sueldo y ciudadanos americano  
caso.

Juan Garcia Rey

Julio 28/849.

A bordo del bergantín Andrew...

P. D.

pues siendo un país y allando me ya  
bajo su protección la nación americana  
debe hacer por mí no mirando que soy español  
ol sino que soy un ciudadano de la nación  
por que para que me protegiera para eso me  
acopi a sus banderas para que me defendiera  
en cualquiera apuro o trauise en q<sup>o</sup> hoy me  
beyo y hari quiero que el señor bonnet ag<sup>a</sup>  
por mí cuanto pueda que yo soy  
Garcia Rey.

## Translation

Mr American Consul,

My dear Sir, Have the kindness to send an American citizen, who was seized at New Orleans by the Spanish Consul Don Carlos de España, and I wish to attach myself to the American flag, in order that you may have the kindness to send me back to the United States. I was taken from the house of Don José Morante, by a false order from the Recorder of the Second Municipality, brought to me by Don Fulgencio Florenti, a private agent of the Spanish Consul, who carried me, where there were six men, the same who carried me on board, in the morning, and they were the crew of the same schooner, with the Captain. He was the first who laid hands on me, and then the Spanish Consul, seeing that I resisted, and endeavored to walk away, he struck me a blow, which left me senseless. This was when they carried me on board, and invoking the American Nation, which has been attacked, in its flag and in its

laws, which no one could have suspected,  
of it, nor of the Spanish Nation.

You may, if you please, save  
an accused man, who is under the protec-  
tion of the flag of the Stars,

Your subject and American  
citizen

Juan Garcia Rey.

July 28. 1849.

On board of the Bug Andrew

As it is a country, and

I am already under the protection, of the  
American nation, should act for me, not  
regarding me as a Spaniard, but as a  
citizen of the nation; and in order that  
it may protect me, I have recourse to  
your flag, that you may defend me  
in any difficulty, or strait, in which I  
now find myself, and I thus pray that  
the Consul will do for me, all that he can,

I am

Garcia Rey.

No. 4  
Copy.

Consulate of the United States.  
Havana July 30th 1849.

To His Excellency  
The Count of Alcazar  
Gov. & Captain General  
re. re. re.  
Sir.

I received on Thursday by  
the British steamer certain influential  
papers of New Orleans, a few slips of  
which I take the liberty of enclosing to Your  
Excellency, that you may be the better en-  
abled to understand the motive of my  
passed acts which I am about to relate,  
and of the request which accompanies  
the relation.

Having understood on Friday  
last that Juan Garcia, the person alluded  
to in the New Orleans papers, was on board  
the American Ship Andrew Rina, then  
in quarantine, I called upon the Captain  
of the Port and informed him of my wish  
and intention to go to the quarantine, and  
propounded some questions to the passenger  
on board of the Andrew Rina, to which

he politely assented, and ~~showed~~  
showed me the locality of the Brig.  
My object was to establish the identity  
of Juan Garcia, to ascertain whether  
he came passenger on board of the  
Schooner Mary Ellen from New Orleans,  
and if so, whether his coming was voluntary,  
or whether as the newspapers stated,  
he had been abducted from New Orleans  
in disregard of the laws of Louisiana,  
and in violation and contempt of the  
Sovereignty of the United States. In  
answer to my different questions the  
passenger stated that he was Juan Garcia,  
that he had been second Alcalde of the  
Prison, that he came here in the Schooner  
Mary Ellen of his own free will, and  
that he was not willing to return to the  
United States. Believing that the man  
spoke the truth, I imagined further  
action or intervention unnecessary.  
This morning however, to my great  
astonishment, a record by the hands  
of a soldier from the office of the Political  
Secretary, a letter, the copy of which I have  
the honor to enclose. The letter being

contradictory of the previous statements made to me by Juan Garcia, I am at a loss to know whether it is genuine or a forgery, the presence of the Captain of the Port as alleged in the letter being in my opinion a very insufficient excuse for the utterance of falsehoods.

This affair, if the letter should prove genuine, and the statements made therein true, being exciting and grave, and demanding of the Government of the United States prompt and energetic action, Your Excellency, will doubtless furnish me with an order permitting me to see and converse with Juan Garcia, so far as to obtain a ratification or denial of his signature. From the apparent timidity of Juan Garcia, I request of Your Excellency permission to see him in the presence of two witnesses that I may select, and under such circumstances as will insure the freedom of his answers.

I have the honor to be, Sir,

With considerations of great respect & esteem  
Yrs. &c.  
(signed) Robert B. Campbell.



Duplicate Copy made at Debar

Consulate of the United States

Havana July 31<sup>st</sup> 1849.

Hon<sup>ble</sup> John M. Clayton

Secretary of State

Washington City

Sir

I had the honor to state to you in my communication of the 2<sup>d</sup> of April last that Villacide who had been arrested on a charge of treasonable offences had escaped with the second Alcide of the Prison. The name of that Alcide is Juan Garcia. This individual has recently arrived in this city on board of an American Schooner.

The schooner Mary Ellen of and from New Orleans Mr. Conwell Master, on her arrival at this port on the 17<sup>th</sup> inst was placed in quarantine, where her cargo was discharged and from whence she was cleared and sailed on the 23<sup>rd</sup> inst ostensibly for New Orleans. The schooner being strictly confined to quarantine, the master held no communication with this office, and no suspicion of an injurious character was entertained of him. On the 26<sup>th</sup> inst I received New Orleans papers reporting that Juan Garcia alias Rey had been forcibly abducted from that city & placed on board the Mary Ellen to be transported to Havana. Immediately after reading the news

Next I called upon R. LeComber, the consignee  
of the Schooner and Cargo who assured me that  
no passengers could have arrived with the Schooner  
as the master who daily visits to him had made  
no mention of his having a passenger and the  
Physician who accompanied the Health Boat  
to the quarantine had also assured him that the  
vessel brought no passengers as was offered to be  
proved by the records of the board of Health.  
I then sought information elsewhere and had  
a report that the schooner had touched at Man-  
ail (a port 45 miles distant) and landed a  
passenger. Upon sending to that port there  
was found to be without foundation, on  
the 27th, it was reported to me that a passenger  
had been taken from the Mary Ellen and placed  
on board the American Brig Andrew King  
also in quarantine. After informing the Cap-  
tain of the Port of my intention I obtained a  
boat and passed into quarantine with two wit-  
nesses and held in their presence, and that of the  
Captain of the Port who followed me in a different  
boat (which I could not prevent as no person is allowed  
to communicate with a vessel in quarantine ex-  
cept in the presence of some official or employe  
of the Marine) a conversation with the passenger

who states in reply to my various questions  
that his name was Juan Garcia, he had been  
the second aboard of the Public Sail of this  
City, he came to this port in the Schooner May  
Ellen of his own accord and by his free will and  
consent, and that he was not willing to return  
to the United States on board the Andrew Perry  
all which is stated in the certificate of Doctor  
Loye and Mr. Arago enclosed herewith and  
marked No 1. on the 30th Inst a letter dated  
27th July 1849 was handed me by a soldier  
who alleged that it was sent by the Captain  
General. On opening and reading the letter  
it appeared by the signature to be from Juan Garcia  
who therein states that he was forced by the Spanish  
Crew on board the American Schooner, calls for the  
protection of the American flag and begs to be sent  
back to the United States otherwise they would  
shoot him and that he had not spoken frankly  
to me on account of the Captain of the Port being  
present. A copy of the letter is herewith en-  
closed and numbered 2. I immediately called  
upon the Political Secretary and enquired  
whether the letter had been sent to me by the  
Captain General; he (the Secretary) answered  
that the Captain of the Port had sent the

letter to him and that he carried it to the Cap-  
tain General, who ordered it to be delivered to  
me. Upon my return to my office I re-  
ceived from an unknown person a second  
letter from Juan Garcia dated the 28th July  
1849, giving a more detailed account of  
his abduction and again invoking the  
protection of the American flag requesting  
my interposition in his behalf &c. A copy  
of this second letter is also enclosed herewith  
and numbered 3. After reading the letters  
from Garcia, I addressed an official com-  
munication to the Captain General (a copy  
of which is enclosed numbered 4.) requesting  
for the purpose therein named an order per-  
mitting me to see Juan Garcia in the pres-  
ence of two witnesses of my own selection  
and under such circumstances as I thought  
calculated to ensure the freedom of his answers.  
To that communication I have received no answer,  
Garcia's verbal and written statements being con-  
tradictory and leaving no positive evidence of his  
forcible abduction. I have been temperate and cautious  
in the discharge of what I believed my duty, and  
the facts being established that the laws and  
sovereignty of the United States had been

defied and violated in the manner described  
in the New Orleans Journals, I should have  
felt it a duty to have been more peremptory  
in my application to the Captain General  
as there is no doubt upon any mind that  
every individual upon our soil is entitled  
to the protection of the laws and Government  
and if from causes beyond the control of  
the Government there has been temporarily  
a failure to extend that protection, the  
Government is bound to follow the in-  
dividual wherever he may have been  
forcibly carried, and to cast its protecting  
shield over and around him at all and  
every hazard, and that it is incumbent  
upon me as one of its officers to spare  
no exertion to obtain all the evidence  
that is to be had in Havana.

With great respect &c &c &c

I have the honor to be Sir

Your obt. servant,

(Signed)

Robert B. Campbell

We Franklin Gage and Thomas Saray of Havana, do hereby testify that at the request of Robert B. Campbell Esq Consul of the United States of America for the City of Havana, we accompanied the said Consul on Yesterday, the twenty seventh day of July 1849 at about Twelve P. M. to the place in this harbour where vessels are kept in quarantine, and alongside of the American Brig Andrew Ring on board of which vessel it was understood that a man reported to have been abducted from the City of New Orleans under the name of Juan Garcia Rey and brought to this port by the American Schooner Mary Ellen, McCorneil Master, was placed. In our presence the said Consul first enquired of the Master of said Brig whether he had a passenger on board; whether he (the passenger) was a Spaniard or foreigner and if he had brought the passenger from Boston or whether he had taken him from any other vessel in this port. The Master answered that there was a passenger on board who was a Spaniard, who had been brought from a Schooner and put on board to rigorous quarantine. The Consul then asked the Master whether the Schooner was the Mary Ellen, to which he answered Yes.

Then the Consul requested the master to call  
the paper forward which was done and  
the man came. The Consul asked him through  
the said Thomas Savage who acted as Interpreter  
What was his name? the answer was Juan  
Garcia. Whether he was not called Juan Garcia  
Rey? and he answered Juan Garcia only. Then  
he was asked in what vessel he came to  
this port? He answered, in the schooner Mary  
Ellen. He was asked whether he had been the  
second Alcalde of the Public Jail of this  
city. He answered Yes. He was then asked  
if he had come to this port of his own ac-  
cord and by his free will and consent. To  
this question the Captain of the Port who had  
come in his falcon from the guardship objected  
and observed "I am bound there are some  
questions which you cannot ask". The  
consul replied that he was not doing any-  
thing in secret, that he would not permit  
any one to dictate his questions and that  
he would put any questions he pleased.  
The Captain of the Port then changed the posi-  
tion of his falcon but remained in hearing  
of the questions and answers. Upon this  
question being repeated the paper was an-

answered distinctly, Yes. Then the Consul asked  
him through the same Interpreter whether  
he, Juan Garcia, would be willing to go back  
to the United States in the Brig Andrew  
Ming, if he, the Consul could succeed in  
having her cleared and to sail direct from  
the quarantine out of the port without his  
coming ashore. The man answered No.

After the above had taken place we came  
off. Havana July 26. 1849

None in Duplicate

Franklin Sage.

Thomas Savage



No 4

Copy

Consulate of the United States  
Havana July 30th 1849.

To His Excellency

The Count of Alcega

Govr Captain General

30. 30. 30.

Sir

I received on Thursday by the British steamer certain influential papers of New Orleans, a few slips of which I take the liberty of enclosing to Your Excellency, that you may be the better enabled to understand the motive of my past acts which I am about to relate and of the request which accompanies the relation.

Having understood on Friday last that Juan Garcia, the person alluded to in the New Orleans papers, was on board the American Brig Andrew Ring then in quarantine, I called upon the Captain of the port and informed him of my wish and intention to go to the quarantine and proposed some questions to the purser on board of the Andrew Ring, to which he politely assented and showed me the locality of the Brig. My

object was to establish the identity of Juan Garcia, to ascertain whether he came passenger on board of the Schooner Mary Ellen from New Orleans, and if so whether his coming was voluntary, or whether as the Newspapers stated he had been abducted from New Orleans in disregard of the laws of Louisiana, and in violation and contempt of the sovereignty of the United States. In answer to my different questions the passenger stated that he was Juan Garcia, that he had been second Alcalde of the prison, that he came here in the Schooner Mary Ellen of his own free will, and that he was not willing to return to the United States. Believing that the man spoke the truth, I imagined further action or intervention unnecessary. This morning however to my great astonishment I received by the hands of a soldier from the office of the political Secretary a letter, the copy of which I have the honor to enclose. The letter being contradictory of the previous statements made to me by Juan Garcia I am at a loss to know whether it is genuine, or a forgery the presence of the Captain of the Port

as alleged in the letter being in my opinion  
a very ~~in~~ sufficient excuse for the utter-  
ance of falsehoods.

This affair if the letter should prove  
genuine and the statements made therein  
true being exciting and grave and de-  
manding of the Government of the Uni-  
ted States prompt and energetic action.  
Your Excellency will doubtless furnish  
me with an order permitting me to see  
and converse with Juan Garcia so far  
as to obtain a ratification or denial of  
his signature. From the apparent ti-  
midity of Juan Garcia I request of Your  
Excellency permission to see him in the  
presence of two witnesses that I may se-  
lect and under <sup>such</sup> circumstances as will  
ensure the freedom of his answers.

I have the honor to be Sir  
With considerations of  
great respect &c &c

Yr mt. obt. servt.

(Signed) Robert B. Campbell

Id 18 Aug. 49.  
Duplicate.

*C. M. [Signature]*

Consulate of the United States  
Havana August 2. 1849.

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City.  
Sir.

I have this day received an answer of the Captain General to my communication of the 30th ult. a copy of which is herewith enclosed, from it you will be informed that I am not permitted to see Juan Garcia. The Captain General having acknowledged that the letter I had wished to authenticate had been sent by Juan Garcia, establishes the fact that I desired to prove, and therefore renders further correspondence upon that subject unnecessary. That part of the Captain General's letter, of which the following is a translation, wherein he says "that to claim in such an affair further explanation, and in the manner used by Your Lordship, has a character of exigence which I cannot admit, it being offensive to good faith, to the decorum of A. M's officers, and to the honor of the flag" would seem at the first blush to require a rejoinder, but viewing

the expressions as applicable to any further and future, and not to past interference, I have left it unnoticed. The manner alluded to by the Captain General can only be that of my seeing Juan Garcia in the presence of two witnesses chosen by myself and under such circumstances as will ensure the freedom of his answers. This was required by me on account of the timidity of Juan Garcia, who by his own confession (as contained in his letter of the 27<sup>th</sup> July) had been so over-awed by the presence of the Captain of the Port that he had not spoken frankly to me although he was on board of an American vessel. Enclosed herewith, you will receive a copy of an attested letter proving that Juan Garcia wrote the letter n<sup>o</sup> 2, which letter will prove that the Captain General was mistaken in supposing that third persons had induced him (Garcia) to write to me.

As the Captain General in his communication appears to attach importance to the circumstance of Juan Garcia being permitted to remain on board an American vessel while in quarantine, it may

be well to observe that an armed vessel  
guards the quarantine ground, and that  
it would be exceedingly difficult, if not  
impossible, for a person to escape from any  
vessel foreign or Spanish while in  
quarantine.

I have the honor to be, Sir,  
With great respect & esteem  
Yr Mt Obd servt  
Robert B Campbell

Translation.

(Seal)

Political Secretary's office.

Although I had information of what had been inserted in several newspapers of New Orleans relative to the departure from that city of the individual Juan Gurus, who has been the second Alcalde of the Royal Sail of this city, I could not pay any attention to them, as touching the reality of the affair. I had the official communications of H. M.'s Consul, and besides the individual himself had addressed me a letter from the vessel in which he was in quarantine, wherein he ratifies all that I already knew. It is on this account that I was somewhat surprised by Your Lordship's communication under date of day before yesterday enclosing to me a copy of that which the said individual had written to you, and which you received by the hands of an orderly from the office of the Secretary to whom it was really entrusted to place it in your hands, as the same having been delivered

sealed for that purpose when he was still on board at the quarantine, altho' about to come ashore, there could be no objection in its reaching its destination, more so on account of those same false reports made use of by the New-Orleans papers.

The interview which Your Lordship had with the individual Juan Garcia, and the resolute and frank declaration he gave when he was still on board of the American Brig Andrew Ring, I judge was a sufficiently conclusive proof to come to the knowledge of the affair, and to have appreciated afterwards in its just value the letter in which Your Lordship finds a foundation to solicit the testimonial act and declaration before Your Lordship. To your extreme zeal in the service of your office I must attribute such a demand, as I am persuaded that from your good judgement, and the knowledge of your attributes, cannot be concealed that to claim in such an affair further explanations, and to solicit



them in the manner used by Your Lordship, has a character of exigence which I cannot admit, it being offensive to good faith, to the decorum of H. M.'s Officers, and to the honor of the flag.

If from Your Lordship's unexpected visit, any fears sprang up in his mind which had not occurred to him before, and these, or perhaps the influence of third persons, moved him to write his letter of the 27th, neither this nor any other manifestation to the same effect he might make, could weaken the merits of his spontaneous declaration before the Council of New Orleans, nor his letter here written recently arrived at this port, nor what he answered Your Lordship by word of mouth, nor his more recent ratification in my presence, that of an Alcalde mayor, and of a Notary Public, in which he repeats that forced by the wretchedness in which his accomplices in the flight had left him, he presented himself before the Spanish Council, and that he determined to come because he was offered a pardon

in case he should make communications,  
and should prove them, sustaining that  
he undertook the voyage without any  
compulsion whatever.

This affair in truth does not deserve  
so much as has already been written, but  
it will not be superfluous for Your Lordship  
to reflect that that individual arrived  
at this port in the pilot boat M. Ellen  
on the 17th in which he remained in qua-  
rantine until the 24th on which day  
owing to the sailing of said vessel, and he  
wanting still several days to complete  
the quarantine, he was transferred to the  
Andrew Ring until he completed it  
on the morning of the 30th ult. if the  
situation of the individual, and the  
particulars of his voyage, had had  
any other character, would he have  
remained even for an hour on foreign  
vessels, when there were national vessels  
and men of war in which to keep him?

I conclude therefore  
saying to Your Lordship, that  
there are no good reasons to  
accede to your petition, and

3  
that if notwithstanding what  
I have already explained, you  
believe that you ought to insist  
in your exertions, you must apply  
for it to your Government, which  
by the usual means will know how  
to give the right turn to the question.  
God preserve Your Lordship  
many years. Havana August 20. 1849.  
(signed) The Count of Alcoy.

To the Consul of the United States  
in this City. —

---

Copies.

Havana August 20. 1849.

Robert B. Campbell Esq.  
Consul of the United States  
Havana.

Sir

Considering that it may  
be important for you to know some  
particulars in relation to the Spanish  
passenger named Juan Garcia whom

you came to see on Friday last to the quaran-  
-tine, he being on board the Brig Andrew Parris  
under my command, I beg leave to say that  
the said man Juan Garcia was brought on  
board of my vessel from the schooner Mary Ellen  
on or about the 23<sup>rd</sup> ult. From the appearance  
of the man, and the circumstance of his having  
brought no clothes but such as he had on, I  
first thought that he was a young man of  
this country who had gone to the United States,  
there spent all his money, and had returned  
here penniless; but when you came alongside  
of my vessel, and put questions to him, I  
began to think that he might be a fugitive  
from justice in the United States.

The man while you were questioning  
him appeared to be frightened, and trembled  
much; immediately after you went off  
he requested me, partly by signs and partly  
by words, to give him some paper, pen and  
ink expressing that he wished to write to the  
Consul, I gave him what he wanted, and he  
sat down to write a letter; he was still in great  
excitement; his excitement must have  
continued all that night for I heard him  
many times in a disturbed state: I believe

He did not sleep but very little, if at all, that night.

The letter which you have shown me has all the appearance of being the same he wrote on that day, and the paper is the same as such as I saw him on board; to my knowledge it is the same sheet of paper which I supplied to the said Juan Garcia. The letter he handed into one of the Government boats, which I believe was that of the Board of the Health of Havana, on the morning of Sunday -

As I have said before, the man did not bring any clothes, but what he had on; these were very dirty; they appeared to have been worn many days; the shirt was worn out, and the pantaloons torn; the coat I believe was also torn, but I am not quite positive about it.

As the man could not speak English, and I could speak no Spanish, I could not put any questions to him, or enter into conversation to learn anything about his circumstances.

In the morning of the 30<sup>th</sup> inst. my vessel was relieved from quarantine, the man was taken from on board into one of the Government boats

which is supposed to be the Health office boat.

I am, Sir

Respectfully

Yr mt of. servt.

William Franklin

Consulate of the United States

Havana August 3. 1849.

Before me, Robert B. Campbell, Consul  
of the United States of America for the  
City of Havana, personally appeared  
William Franklin, master of the Brig  
Andrew King, who being by me sworn,  
solemnly declared that the statements  
made in this and the preceding pages  
over his signature are correct and true.

William Franklin.

In testimony whereof I  
have hereunto set my hand and  
affixed the seal of my office  
at Havana on the day of the  
date above written.

(Seal)

Robert B. Campbell

Duplicate — Copy

Consulate of the United States  
Havana August 8th 1829

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

I have the honor to enclose  
herewith a copy of a letter from the Captain  
General of the date of yesterday in which  
he reiterates that he has not the power  
(no me credable) of permitting me to  
see Juan Garcia. Enclosed with that  
letter were two copies of his (Garcia's)  
deposition, the one to be authenticated  
and returned, the other placed at my  
disposition, copies of which, and of my  
reply to the Captain General accompany  
this communication.

The certificate given by me does  
not apply to the deposition; it is confined  
to the authentication of the certificate of  
the Captain General and the Notaries.  
The letter of the Captain General and the  
proceedings instituted before him prove  
that Juan Garcia is a prisoner and incom-

communicated, and that whatever may have  
been the means by which his return to  
Havana was effected, there were other subjects  
than the bankruptcy or fraud of Fernandez  
to be investigated, and in which his testimo-  
ny was required, otherwise the name of  
Cirilo Villaverde would not have appeared.

they also authenticate letter n.º 3.  
You will see it stated in the Captain  
General's letter of the 2<sup>d</sup> that Juan Garcia  
had declared, which the attested docu-  
ment represents that the declaration  
had been made on the sixth Inst

With great respect & esteem

I have the honor to be, Sir,

Yr Mt Obd Servt

Robert Campbell



Translation.

Copia

(Seal)

Office of the Political Secretary.

Although in my communication of the 2<sup>d</sup> I stated to Your Lordship that it was not in my power to accede to your petition respecting the declaration of the individual Juan Garcia, I have however deemed it convenient to send Your Lordship the accompanying attested copy, n.º 1, for the uses that you may deem proper, expecting that you will be pleased to return to me the other copy, n.º 2, also accompanied, properly authenticated with Your Lordship's signature in continuation to mine, to be sent to H. M.'s Consul at New Orleans.

God preserve Your Lordship many years  
Havana August 7<sup>th</sup> 1849

(Signed) The Count of Alcañices.

To the Consul of the United States.

Copied

Consulate of the United States

Havana August 8<sup>th</sup> 1849.

I, Robert B. Campbell, Consul of the United States of America for the City of Havana, do hereby certify that El Conde de Alcoy is the Governor and Captain General of the Islands of Cuba. That Fran<sup>co</sup> Pimentel, Vict<sup>or</sup> Rodriguez Peres, and Carlos Colon, whose signatures and rubrics also appear to the aforesaid certificate, are Notaries Public of the Royal College of Notaries Public of the City of Havana, and that the official acts of the parties to the said certificate are entitled to full faith and credence -

In testimony whereof I have hereunto set my hand and affixed the seal of my office at Havana on the day of the date above written.

Robert B. Campbell.

(Seal)

Translation of the report of the examination  
of Juan Garcia Rey at Havana  
sent with the despatch from W. L. Camp-  
bell of August 1849.

---

In the Ever Faithful City of Havana,  
on the 6<sup>th</sup> of August 1849, at the  
Quinta de Molinas, appeared before  
D. S. and the present Notary,  
Don Juan Garcia, a native of  
Gallicia, late keeper of the  
Royal Prison of this city, a bachelor,  
aged twenty four years, at present  
without any fixed place of residence,  
and a prisoner, in consequence of the  
prosecution for the escape of Vicente  
Fernandez and Cirilo Villaverde  
from the Royal prison; and having  
taken the obligation to speak the truth,  
so far as he might know, and should  
be asked, he was interrogated in the  
following manner.

Being asked - whether, about the  
end of the last month, while he was in  
quarantine, the American Consul  
presented himself

2.  
presented himself to him to offer him his protection, he answered - That in fact, Mr. Campbell did present himself to him, and asked him whether he had come voluntarily or by force, and whether he desired to return in the same vessel to the United States, to which he answered that he had come of his own spontaneous will, and that he did not desire to return.

Being asked whether in this statement, he had acted with freedom, or had found himself compelled to dissemble his true sentiments from any cause - He answered - That he had acted with freedom.

Being asked whether he had, on the same day, written a letter to the American Consul, claiming his intervention to have him carried to the United States, - He answered - That he had, and that he had been induced to do so, in consequence of his having been told by a person, passing along side of the vessel, in a boat at the quarantine ground, that he had acted very badly

badly in not availing himself of the Consul's offer as he was about to be placed in a bad position: that he had at first paid no attention to this, but after thinking on it, it affected him and in a moment of terror he had written the letter mentioned in the question.

Being asked. Whether he wrote that letter on board of an American vessel - He answered - yes, that the vessel was called the Andrew King, and that though he signed it as on board of the Terrible, that was a mistake, because there is no such vessel as the Terrible, and he has never been on board of any other vessel in quarantine, than the Andrew King, and the Mary Ellen.

Being asked - What induced him to resolve to come here, and what were the circumstances of his departure from New Orleans - He answered - That soon after reaching that city, Don Vicente Fernandez abandoned him, and more completely afterwards, when that person went away, without taking leave of him

4  
leave of him, or letting him know where  
he was going; that he was thus kept  
in the greatest misery, and under the  
effect of it, and of the fears which he  
conceived, that Fernandes himself was  
putting wicked artifices in play, to get  
rid of him, that is to assassinate him,  
in order to prevent him from revealing  
certain circumstances, connected with  
the bankruptcy, which Fernandes had  
told him ~~in~~ moments of confidence,  
he had presented himself to the Spanish  
Consul, who received him kindly. That  
gentleman promised him to write to  
Havanna, and endeavour to procure  
his pardon; and after some time, he  
showed him two letters, from the Political  
Secretary, in which the pardon was of-  
fered to him, if he would make revela-  
-tions which could be used in court, and  
that he had no cause to fear, that this,  
and the assurances of the Consul, had  
determined him to come; and one evening,  
when he was in the house of Don Jose  
Morante, where he resided, about 8 o'clock,  
came Don Fulgencio Florente, with  
whom

whom he went to the levee, without being accompanied by any other person, and there he embarked in the Mary Ellen, after Lorente had told him that his passage was paid.

Being asked - whether any violence was used towards him, in order to put him on board the vessel.

He answered - that this could not have been, because because as he had already said, no one but Lorente was with him, and it was at a time when the streets were filled with people.

Being asked - whether he went on foot, or in a carriage,  
He answered - on foot.

Being asked - whether he endeavored to conceal at New Orleans, his intention to come to Havana - He answered

That the Council had charged him to tell it to no one, fearing, no doubt, that the partisans of Fernandès might make an attempt on his life, if they could not induce him to desist from it.

Being asked - whether he remembers having expressed to Don José Lorente

Morante, his fears of being assassinated.  
He answered - That he had, and that  
Morante had given him a pistol,  
which he left in the house on his departure.

Being asked - Whether, soon  
after arriving in this city, he had  
written a letter to the E. the Captain  
General, which was placed before him,  
the same letter, which is on the 12  
sheet of these documents, beginning  
thus "To H. E. the Captain General -  
Seeing that I am without any clothes -"  
and ending thus - "on board of the  
pirate July 23, 1849" - He  
answered - That he did write it.

Being asked in what vessel  
he wrote this letter ~~he answered~~ -  
that although he signed it as on board  
of the pirate, he was on board of the  
Andrew Ring, to which he had been  
transferred on that day, from the  
Mary Ellen; but as the crew did  
not speak Spanish, and he spoke  
no English, he did not understand,  
nor could he learn the name of the vessel.

Being asked - Whether  
two or three



7  
two or three days afterward, he wrote  
to the Political Secretary, another  
letter, now placed on the 14<sup>th</sup> leaf of  
the present document, which was  
also shown to him, and which begins  
- "To Don Crispin Jimenes de San-  
=doval - Sir I have received the letter  
which you addressed to me" and ends.

"I have no more to say - On board  
of the Terrible, July 26 1849, your's  
Affectingly, Juan Garcia -"

He answered - That he did write  
that letter, and although he signed  
it as on board of the Terrible, he was  
at that time in the Andrew King.

Being asked whether he was  
forced, or induced by any violent  
means, to write the said letter -

He answered - That as to the first,  
no one knew that he wrote it, and  
the second was, in answer to one of the  
same date, the 26<sup>th</sup>, received by  
him from the Political Secretary,  
in which he was told, that he must  
write to the Council Don Carlos de  
España, declaring to him that he  
had come

had come here voluntarily; and as this was the truth, he had no difficulty in doing so.

Being asked - For what reason he had declared, in his letter to Mr Campbell, claiming the protection of that gentleman, that he had been taken away from New Orleans, upon a false order from the Recorder of the Levee Municipality - He answered - That under the influence of the fears, which possessed him at the moment of writing that letter, he had put in it, the first things which came into his mind.

Being asked - Whether on board of the Mary Ellen, he had told the Captain what motives induced him to go to Havana -

He answered - That the Captain and the Steward, were the only persons in the whole crew, who spoke Spanish; and that he had told them, that the object of his coming was to recover a sum of money, after doing which, he would return; and all this he declared to be true.

Whereupon.

Whereupon, His Excellency  
ordered that the appearer should  
take oath, in due form, and having  
done so, the preceding document  
was read over to him, and he declared  
that he confirmed and ratified it  
in all its contents, as being entirely  
conformable with truth; and he  
signed it, as did also His Excellency  
and the crosser - of all which  
I hereby give faith -  
(Signed) Alcoy - Galiano -

Juan Garcia  
Before me.

Joaquin Trujillo.

The above is a true copy from the  
original, in the collection of documents  
(expedientes) drawn up by order of the  
Government, in order to ascertain the  
manner and form of the departure  
of the fugitive Juan Garcia, from  
New Orleans; which documents I  
then returned to the Secretary of this  
Superior Political Government, to  
which I refer, after making the above  
copy from

copy from them agreeably to orders.

Havana August 6 - 1849. -

Joaquin Trujillo.

We the Undersigned, Notaries of Her Majesty the Queen Our Lady, Whom God preserve - sign, seal, certify and ratify, that Don Joaquin Trujillo, by whom the above evidence appears as authenticated, is a Notary Public, one of those of this city, faithful, lawful and worthy of confidence, and that entire faith and credit is given to such in both courts, in testimony whereof, in all places where it may be needed, We deliver the presents sealed with the Seal of our Royal College, in the Ever Faithful City of Havana, on the sixth day of August 1849.

Francisco Pimentel

Carlos Colon

Vicente Rodriguez Perez.

Approved

El Conde de Alcoy -

Seal

Copy.

Copies

Consulate of the United States

Havana August 8th 1849.

To His Excellency

The Count of Alcoy.

Govr & Captain General  
of the Island of Cuba.

&c. &c. &c.

Sir.

I have the honor to enclose herewith the certified copy of the proceedings had in the case of Juan Garcia, with my official certificate as requested by Your Excellency in the communication of yesterday evening, and at the same time to return my thanks to Your Excellency for the copy of said proceedings placed at my disposition.

With considerations of  
great respect & esteem.

I have the honor to be  
Your Excellency's  
M<sup>te</sup> ob<sup>te</sup> serv<sup>te</sup>.

(signed) Robert B. Campbell.

Rec'd 30 Aug. 1849. Mr. Hoffman.  
Duplicate of this message.

Consulate of the United States  
Havana August 13<sup>th</sup> 1849.

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

I have the honor to enclose  
herewith copies of two letters to the  
District Attorney of the United States  
at New Orleans. The Captain General  
having informed me of his intentions  
sends the deposition of Juan Garcia  
to the Spanish Consul. I have supposed  
that you might agree with my opinion  
of the propriety of furnishing to the  
District Attorney copies of the papers  
named in my letters n<sup>o</sup>. 1 & 2 to said  
Attorney. The whole subject however  
is left to your better judgement as  
letter n<sup>o</sup>. 1 and the copies of papers  
accompanying it are directed to the  
Honble John M. Clayton, Secretary of  
State, or the consent of the Hon. J. M.  
Clayton first obtained to the District  
Attorney of the United States, N. O.

Juan Garcia is believed to be still  
in prison.

With great respect & esteem  
I have the honor to be, Sir,

Yr. most obt. servt.

Robert Campbell

No. 1

Copy

Consulate of the United States  
Havana August 13<sup>th</sup> 1849

L. Hunton Esq.  
United States District Attorney  
New Orleans.

Sir.

Having seen it stated  
in the New Orleans papers that all proceed-  
ings in an important cause pending  
before Judge Bright, wherein Mr. Cohen  
has acted as commissioner, and yourself  
as Attorney for the United States, had  
upon a motion of the counsel for the  
defendants been suspended for ten days  
to enable them to produce a certificate from  
this consulate. It is deemed by me to be just  
and officially proper to furnish you with  
the following papers for such use as the  
interest of the Government may require.

A statement of the conversation held  
by me in the presence of two witnesses with  
Juan Garcia while on board the American  
Brig Andrew Ring in quarantine, marked  
N. 1.

Enclosed copies of two letters from



Juan Garcia to the American Consul dated the 27th & 28th of July 1849, marked n<sup>o</sup> 2 and n<sup>o</sup> 3.

The letters n<sup>o</sup> 2 & 3 came into my possession after Garcia had left quarantine, and could not be seen by me.

Certified copy of a letter from William Franklin, master of the American Brig Andrew Ring dated second of August, marked n<sup>o</sup> 4.

Copy of Juan Garcia's deposition taken at the quinta de los Molinos (the summer residence of the Captain General) before His Excellency, and the Notary Joaquin Trujillo, marked n<sup>o</sup> 5.

N<sup>o</sup> 5 authenticates n<sup>o</sup> 2 & 3 as the bona fide letters of Juan Garcia, and proves in what condition Garcia was at the time the deposition was taken.

The original of n<sup>o</sup> 5 was furnished me by the Captain General, who sent me at the same time a second copy certified by himself and three notaries requesting my authentication, which was done.

The Consular certificate has no connection with the deposition, it only applies to the certi-

-frigate of the Captain General and Notaries.

I am fully aware the papers forwarded will not be received by the Court as evidence, they can at best only be considered as circumstances; as such however they will show Garcia's present condition and the amount of testimony collected by me.

Should copies of my correspondence with the Captain General, and of my letters to the Secretary of State be desired by you they will be found in the State Department.

I am, Sir,

With great respect

Yr most obt servt.

(signed)

Robert B. Campbell

No 2.

Consulate of the United States

Havana August 13th 1849

J. Hutton Esq.

United States District Attorney

New Orleans.

Sir,

The accompanying package addressed to the Hon. Mr. Clayton Secretary of State, or the consent of the Hon. J. M. Clayton first obtained, to the District Attorney of the United States, N. O. contains a letter from me to your address, copies of verbal statements, and of two letters from Juan Garcia, of a letter from the captain of the *Andres King*, and of Garcia's deposition while a prisoner taken before the captain General and others.

Should you deem these papers important to the interest of the Government, you will communicate by telegraph the contents of the foregoing note to the Secretary of State, and be governed by his instructions.

I am, Sir,

With great respect

Yr most obt servt

(signed) Robert B. Campbell

Rec'd 27 Aug 49.

Dr. Hoffman  
Superintendent of Customs & Excise

Consulate of the United States  
Havana August 16th 1849

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

I have had the honor  
to receive this day at 10 o'clock your  
despatch dated 28th July last.

The mail by the Schooner Merchant  
closing almost immediately, there  
is no time to reply at length. I  
feel deeply the responsibility imposed  
by your letter. All the evidence I  
have been able to collect in relation  
to the abduction of Juan Garcia has  
already been forwarded to the Depart-  
ment of State, and you will see by  
my previous letters that no further  
testimony can be had here.

I shall act in the matter upon  
the dictates of my best judgement, and  
immediately inform you of my actions,  
and the result.

It is to be regretted that

the intercourse with the States is at  
this juncture so uncertain and slow.

I have the honor to be, Sir,

With great respect & esteem.

Yr most obt Servt.

Robert B Campbell

Rec'd 31 Aug. 49. P.V.

Duplicate received & sent

Consulate of the United States  
Havana August 18<sup>th</sup> 1849.

Hon<sup>ble</sup>. John M. Clayton  
Secretary of State  
Washington City.  
Sir.

After receiving on the 16<sup>th</sup>  
Inst. your official communication of  
the 28<sup>th</sup> ult. containing contingent in-  
structions, all my thoughts and time  
have been given to reflection upon,  
and investigation of the circumstances  
connected with the departure of Suard  
Garcia from New Orleans, and have  
not been able to collect further testimony  
than has been already forwarded from  
this office to your Department.

By your instructions I am directed,  
if I find the statements to be true, that  
the Spanish Authorities, or their agents  
have been concerned in any manner  
&c. &c. to demand of the Captain General  
&c. &c. The word "find" being of rather  
a technical character has somewhat  
embarrassed me. Believing myself,

that Juan Garcia had by force been placed on board the Schooner Mary Ellen, I determined that no effort on my part which might tend to effect his return to the United States, should be spared, but in full view of the magnitude of the instructions contingently given by you, and of the doubtful propriety of my making a demand for Garcia before the Spanish Consul had (as far as I was informed) been sent to a criminal court, I deemed it most to the interest of my Government, & of the parties implicated that I should exert myself unofficially to have Juan Garcia returned to New Orleans, where his unbiased testimony would be taken, and the President obtain full, unequivocal and satisfactory evidence of all the facts, and thereby be enabled to give me explicit instructions, or act in any other manner that his sound judgement, and patriotism may direct. Had I not been able to effect unofficially Garcia's return to New Orleans I should have felt it a duty under my impressions of the case to have demanded Garcia in the very words of your letter.

Garcia after being imprisoned and in-communicated until the afternoon of this day has been pardoned by the Capt. General and furnished with a passport to sail in the Brig Salvadoras for New Orleans early tomorrow morning.

From the great importance of the safe arrival of Garcia, and the proper and laudable anxiety of the President and yourself, and every other lover of his Country to have a true understanding of this important case, I have deemed it advisable to place Garcia under such protection as will secure his life against the attempts of any person or persons who may be interested in his assassination, and have employed Dr Franklin Gage (an American) a physician of skill who superadds to his professional attainments the character of a gentleman to accompany him to New Orleans and place him under the protection of the United States District Attorney, for which services I have paid Doctor Gage two hundred and six dollars, and think the State Department would do him



no more than justice by increasing  
the amount to five hundred dollars.

Hoping that my whole action  
in this complicated and difficult affair  
may meet your approbations

I have the honor to be, Sir,

With great respect & esteem

Yr. M<sup>o</sup> O<sup>b</sup>l<sup>t</sup> Serv<sup>t</sup>.

Robert Campbell

I. Rec'd 14 Sept. 49.

Sent Copy to <sup>Spain</sup> Legation Eng.  
U.S. S. A. at N. O. L.

Duplicate <sup>of</sup> ~~the~~ ~~same~~ —

Consulate of the United States.

Havana August 20<sup>th</sup> 1849.

Honble John M. Clayton.

Secretary of State  
Washington City.

Sir.

After the sailing of Juan Garcia on the 19<sup>th</sup> Inst. I received a communication from the Captain General, a copy of which is herewith enclosed.

The liberation of Garcia was effected by me in the following manner. After receiving your letter on the 16<sup>th</sup> Inst., I called at 6 of the morning of the 17<sup>th</sup> on the Captain General: he was reported to be unwell. I did not permit my name to be sent in. At 9 a. m. I called upon the Political Secretary, and One P. M. was appointed for an interview with the Captain General: this interview lasted until near 3 P. M.

To my urgent requests that Garcia should be returned to New Orleans, the Captain General assuming that Garcia came of his own free will, and was here under the protection of the laws and flag of Spain, and that he did not possess the power of depriving him (Garcia) of that

protection and sending him out of the country,  
he proposed, however that I should write  
him a note upon the subject. This I declined,  
and stated my impressions that Garcia did  
not leave New Orleans voluntarily, and that  
if I did address His Excellency upon the  
subject, it would be upon the assumption that  
force had been used with Garcia, and my note  
would be a positive demand couched in terms  
that would not be agreeable. After further  
conversation the Captain General proposed  
to send Garcia to the Spanish Minister at  
Washington, where he would still be considered  
under Spanish protection, and he escaped  
the charge of an improper and arbitrary  
exercise of power. To this course I objected  
for reasons with which I will not trouble you,  
and assured His Excellency that nothing  
short of Garcia's being returned to New  
Orleans would restrain me from making  
a positive demand under instructions  
from my Government. I was then  
requested to defer a positive answer until  
the next day.

At 6 A.M. of the 18<sup>th</sup>, I called upon the  
Secretary, and informed him that I would

not assent to the proposition of the Captain General, or to any other which could be made, that did not embrace the sending of Garcia to New Orleans by the *Prig. Salvadora* to sail the next morning. At 9, the Secretary addressed me a note requesting me to see the Captain General at his quinta at 10. To which I assented, and was punctual to the hour.

The Captain General at that interview proposed the course which was finally adopted. To wit. That Garcia should address him a memorial, asking for pardon and passport for New Orleans by the *Salvadora*, which should be immediately granted, and Garcia placed on board the vessel. To this I assented.

It is only justice to the Capt. General to say that he manifested the most anxious desire to preserve the most friendly relations with the United States, and to do all and every thing in his power to satisfy our Government, and meet my wishes.

I have the honor to be, Sir,

With great respect & esteem  
Your most obt. servt

M. Cortés to Compliance

Copy of translation.

(Seal)

Political Secretary's office.

Having been petitioned by the individual Juan Garcia whose departure from New Orleans has been the cause of the accusation there established against the Consul of Spain, for permission to go to that City, representing himself desirous that his presence may contribute to the development of the truth of that event; I have not hesitated in furnishing immediately the necessary passport that he may effect his purpose on board of the *Prize Salvadora*, now ready to sail tomorrow, as much because he being already pardoned, has the right to go where he chooses, as on account of the object itself which moves him.

Your Lordship is informed of it for the purpose that you may, should you deem it proper, advise his departure to the competent local authority at New Orleans for that protection which his peculiar position may require, apart from that which, as he is a Spanish subject, is incumbent upon H. M.'s Consul; al-

though I am well persuaded that the  
protection of the laws will be extended  
to him against any rancour that he  
might be in fear of, or private sugges-  
tions which should attempt to influence  
his mind.)

God preserve Your Lordship many years  
Havana August 18<sup>th</sup> 1849.

I signed, The Count of Alcañiz  
to the Consul of the United States.

Rec'd 7 Sept. R. Hoffman.

Consulate of the United States  
Havanas August 27<sup>th</sup> 1849.

Hon<sup>ble</sup> John M. Clayton.  
Secretary of State  
Washington City.

Sir.

Rumours are rife this morning that Puerto Principe, St. Jago de Cuba, Trinidad, Bienfuegos, and the regiment called Canabrias, stationed on the south side, have pronounced against the Government. It is impossible to ascertain the truth of those reports; but the Government is now making active preparations, and despatching three regiments of all arms to that part of the Island.

I have other despatches which I was disposed to send, but there are reasons which will be given hereafter why I have not availed of this opportunity.

With great respect & esteem

I have the honor to be, Sir

Yr M<sup>ost</sup> Obedt servt.

Robert Blair Bruce

Rec'd 10 Sept. R. M. 1  
#

Consulate of the United States.  
Havana August 28<sup>th</sup> 1849.

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

Nothing authentic has transpired since writing on yesterday, but every thing wears the appearance of an immediate outbreak in the southern part of the Island, and we expect nothing short of a civil war which perhaps has already had its commencement. It is reported, and believed, that at Puerto Principe, where the Regiment called Cantabria is stationed, a subordinate officer called out "viva la Republica", "viva el Genl Lopez", upon which the Colonel (Delgado) rushed at the officer with his drawn sword, but on his advance was shot down by the corporal.

Many troops have left this city by Rail roads, Steamers and two vessels of war, to be followed this day by a steamer and two armed schooners. The expedition is under the command of General Castro, the second



officers of the Government, and probably many more will go in a few days, and leave the forts to be garrisoned by the militia, four thousand of whom it is understood will be placed in service on Monday next.

The officials of the Government are represented to have held several meetings at which various propositions it is believed were made, such as the immediate arrest and imprisonment of all prominent and suspected creoles, voted down: a forced loan to meet any events that may arise, arming the slaves in certain contingencies, these propositions were deemed more dangerous than the first: and also rejected. Nothing has been determined upon except to use all existing resources.

It is my opinion that if Lopez effects his landing with 2,000 Americans well equipped, well supplied, and suitably officered by Americans, that the independence of the Island could be effected in ninety days. This opinion is founded upon the known universal disaffection of the Creoles, some Old Spaniards, and many of the army, large numbers of which are Carlists, that were made prisoners in Spain and sentenced

to eight years service upon the Island.

Such is my opinion of the disaffection of the soldiery that I shall not be surprised if when ordered to fire upon the Regiment of Cantabria (if that Regiment is revolted and firm) that they will sacrifice their officers, and join the insurgents.

Notwithstanding the universal dislike in which the Brevels hold the domination of Spain, many of the most wealthy of them, owing to their want of confidence in General Lopez and his followers, will take a decided part in favor of the Government.

So far as my knowledge extends there is not an American in, or near Havana who is in any manner compromised in the expected revolution. Notwithstanding this prudent neutrality the past two days have shewn that the Spaniards who believe an expedition consisting mainly of Americans has sailed, or is about to sail, from the United States, exhibit great bitterness of feeling against all Americans, as is evidenced by words and acts.

In this state of things, I feel it a duty, if you are advised that an expedition has sailed, to urge upon the Government the immediate sending

of such a naval force to this Port as will ensure protection to our countrymen, and a place of refuge if necessary.

The English Consul not deeming Englishmen safe, has written this morning to the British Admiral commanding the American Station for a strong Squadron to be forthwith sent to Havana.

Commodore Packer with the *Raritan* and *Saratoga* were off the Port on Saturday last, but as nothing had then transpired which would justify me in requesting the exposure of his command to the diseases of this climate, I did not suggest the propriety of his remaining, or of leaving the *Saratoga*, more particularly as we had that day received the proclamation of the President, and inferred that no armed expedition would be enabled to leave our shores.

The Schooner *Chase* by which I yesterday wrote you a few lines was chartered in Charleston on the 18<sup>th</sup> inst. by the Spanish Consul, and received six hundred and fifty dollars to bring despatches to the Captain General. She was here under the control of the Government as

Chartered.

I shall endeavour to keep you fully advised of passing events, although this Government uses all its means to suppress unpleasant intelligence, and no man on the Island dares to write (by mail) of events passing south of us.

Enclosed herewith you will receive a copy of a letter from me to Captain Randolph, U. S. Navy, at Pensacola.

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

Robert B Campbell

112

St. Louis, August 28<sup>th</sup> 1849

Consulate of the United States  
Havana, August 28<sup>th</sup> 1849.

Capt. Victor M. Randolph  
U. S. Navy  
Pensacola.

Dear Sir,

Since the sailing of Commodore Parker a few days ago, events are reported to have occurred on this Island, which induces a feeling of insecurity on the major part of our countrymen in Havana. These reports are, Pronunciamentos of several towns, the passing of a Regiment over to the Pronunciados, and the probable breaking out (if it does not already exist) of a civil war. The Government here is despatching troops in all directions, and ordering the militia into active service.

Under these circumstances we should be pleased to have here as large a naval force as your command will admit.

The English Consul has thought it prudent to request of the British Admiral to send a Squadron

be here immediately, and it will doubtless  
soon arrive.

Do me the favor to communicate  
to Commodore Parker the contents of  
the foregoing letter.

I remain, dear Sir,  
with great respect  
Yr M<sup>o</sup> ob<sup>o</sup> servant.

Robert B Campbell

~~Dr. Thompson~~  
Duplicate.

Consulate of the United States.

Havana August 28<sup>th</sup> 1849.

Honble John M. Clayton.

Secretary of State  
Washington City.

Sir.

Nothing authentic has transpired since writing on yesterday, but every thing wears the appearance of an immediate outbreak in the Southern part of the Island, and we expect nothing short of a civil war which perhaps has already had its commencement. It is reported and believed that at Puerto Principe, where the Regiment called Cantabria is stationed, a subordinate officer called out "Viva la Republica", "Viva el Genl Lopez", upon which the Colonel (Delgado) rushed at the officer with his drawn sword, but on his advance was shot down by the corporal. Many troops have left this City by railroads, steamers, and two vessels of war, to be followed this day by a steamer, and two armed schooners. The expedition is under the command of Genl Castro, the second officer of the Government,

and probably many more will go in a few days, and leave the forts to be garrisoned by the militia, four thousand of whom it is understood will be placed in service on Monday next.

The officials of the Government are represented to have held several meetings, at which various propositions it is believed were made, such as the immediate arrest and imprisonment of all prominent and suspected Creoles, voted down: a forced loan to meet any events that may arise: arming the slaves in certain contingencies: these propositions were deemed more dangerous than the first, and also rejected. Nothing has been determined upon except to use all existing resources.

(It is my opinion that if Lopez effects his landing with 3,000 Americans, well equipped, well supplied, and suitably officered by Americans, that the independence of the Island can be effected in ninety days. This opinion is founded upon the known universal disaffection of the Creoles, some old Spaniards, and many of the army, large numbers of which are Carlists that were made prisoners in Spain, and sentenced to eight



years service upon the Island)

Such is my opinion of the disaffection of the soldiery that I shall not be surprised if when ordered to fire upon the Regiment of Cantabria (if that regiment is revolted and firm) that they will sacrifice their officers, and join the insurgents.

Notwithstanding the universal dislike in which the Creoles hold the domination of Spain, many of the most wealthy of them, <sup>even</sup> owing to their want of confidence in Gen Lopez, and his followers, will take a decided part in favor of the Government.

So far as my knowledge extends there is not an American in or near Havana who is in any manner compromised in the expected revolution. Notwithstanding this prudent neutrality, the past two days have shewn that the Spaniards who believe an expedition consisting mainly of Americans has sailed, or is about to sail from the United States, exhibit great bitterness of feeling against all Americans, as is evidenced by words and acts. In this state of things, I feel it a duty (if you are advised) that an expedition has sailed) to urge upon the

Government the immediate sending of such a naval force to this Port as will ensure protection to our countrymen, and a place of refuge if necessary.

The English Consul not deeming Englishmen safe, has written this morning to the British Admiral commanding the American Station for a strong squadron to be forthwith sent to Havana.

Commodore Parker with the *Raritan* and *Saratoga* was off the port on Saturday last, but as nothing had then transpired which would justify me in requesting the exposure of his command to the diseases of this climate, I did not suggest the propriety of his remaining, or of leaving the *Saratoga*, more particularly, as we had that day received the proclamation of the President, and inferred that no armed expedition would be enabled to leave our shores.

The Schooner *Chace* by which I yesterday wrote you a few lines was chartered in Charleston on the 18th Inst by the Spanish Consul, and received six hundred and fifty dollars to bring despatches to the Captain General. She was here under the controul of the Government as charterer.

I shall endeavour to keep you fully advised of passing

events, although this Government  
uses all its means to suppress un-  
pleasant intelligence, and no man  
on the Island dares to write by mail  
of events passing south of us.

Enclosed herewith you will  
receive a copy of a letter from me  
to Captain Randolph, U.S. Navy,  
at Pensacola.

I have the honor to be, Sir,

With great respect & esteem

Yr mt obt servt.

Robert Campbell

Consulate of the United States

Havana, August 28th 1849

Capt. Victor M. Randolph.

U. S. Navy. Pensacola.

Dear Sir,

Since the sailing of Commodore Parker a few days ago, events are reported to have occurred on this Island which induces a feeling of insecurity on the major part of our countrymen in Havana. These reports are, Pronunciamentos of several towns, the passing of a Regiment over to the Pronunciados, and the probable breaking out (if it does not already exist) of a civil war. The Government here is despatching troops in all directions, and ordering the militia into active service.

Under these circumstances we should be pleased to have here as large a naval force as your command will admit.

The English Consul has thought it prudent to request of the British Admiral to send a squadron here immediately, and it will doubtless soon arrive.

Do me the favor to communicate to Commodore Parker the contents of the foregoing letter.

I remain, dear Sir,

With great respect, Yr mt obed servt.  
(Signed) Robert B. Campbell.

W. Hoffman  
Consulate of the United States  
Havana September 7<sup>th</sup> 1849.

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City.  
Sir.

The reports of pronunciamientos, &c. current in this city, which were mentioned in my communication of the 28<sup>th</sup> of August last, are now found to have been greatly exaggerated, and many of them utterly unfounded. There have been no pronunciamientos. Those reports in relation to the occurrences of the Regiment of Cantabria, I had no doubt when I wrote, ~~that they~~ were true, as some of the friends of Colonel Dilgado in this city were in great distress at his supposed death. The last information received shows that the disturbances in the Regiment had been greatly overrated.

The Government here is still active in sending troops to the interior and south of the Islands.

Should no armed expedition sail

from the United States to make a  
descent on this Island, I should be  
unwilling to see the officers and seamen  
of our Navy exposed at present to the  
diseases of Havana.

I have the honor to be, Sir,  
With great respect & esteem  
Yr most obt servant  
Robert Campbell

H

Rec'd 4 Oct. P.

(Consular Bureau)

Impressed inwards & sent to Havana

Consulate of the United States  
Havana September 17<sup>th</sup> 1849.

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

The Sloop of war Germantown  
arrived at this port about sunset  
last evening, when Capt. Lowndes  
addressed me a note informing me  
of his arrival, and that he had in his  
possession despatches from you to my  
address. I passed into quarantine  
this morning at 6 A. M., and had the  
honor to receive your despatch of the  
20<sup>th</sup> of August, and the triplicate of  
that of July 28<sup>th</sup> (the duplicate not  
having reached me). Juan Garcia  
having, as you are already advised,  
been sent to New Orleans, and what-  
ever may be my own opinion of the  
conduct of this Government, it is not  
possible to obtain here evidence of the  
complexity of any official in Havana  
in the abduction of Garcia, and of

(Complicity)

course no grounds are left for further actions.

Mr Huntton shall (in obedience to your instructions) be furnished with all the evidence in this office in relations to Garcia's case. Certain papers have been sent by me to be opened by Mr Huntton on your consent being first obtained.

You have secured the gratitude of all Americans here for sending the German-town so promptly; it is true that they do not know the precise object of her coming, but all believe that she is intended for the protection of American citizens, and their interests.

You will please accept my thanks for the confidence expressed in your communication of the 20th ult.

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

Robert B Campbell



Rec'd 4 Oct 49. R

Consular Bureau.

Consulate of the United States  
Havana September 18<sup>th</sup> 1849.

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

In despite of my efforts  
to the contrary, the Hoop of war  
German towns will have to undergo  
a quarantine of eight days; and all  
vessels arriving from Boston, until  
further information, will be quarantined  
for twenty days. Vessels arriving  
from New York will from this day  
undergo a quarantine of eight days.  
Those from New Orleans will be  
admitted to immediate entry.  
Havana is now comparatively  
exempt from epidemic.

I have the honor to be, Sir  
with great respect & esteem  
Yr ms Ob<sup>t</sup> Serv<sup>t</sup>

McFist 75 Campbell

Recd 31. Oct. Mr. Thomas  
Duplicate orig sent  
Mr. Forest to King, via New York

Consulate of the United States  
Havanna September 18<sup>th</sup> 1849

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City  
Sir

In despite of my efforts  
to the contrary the Sloop of war Germantown  
will have to undergo a quarantine  
of 8 days, and all vessels arriving from  
Boston, until further information, will  
be quarantined for twenty days. Vessels  
from New York will from this day  
undergo a quarantine of eight days. Those  
from New Orleans will be admitted  
to immediate entry.

Havanna is now comparatively exempt  
from epidemics.

I have the honor to be, Sir,  
with great respect and esteem  
Yours obt<sup>servt</sup>

Robert W. Campbell

Recd 31 Oct Mr Thomas.

Ri

Consulate of the United States  
Havanas. September 21<sup>st</sup> 1849

Hon<sup>ble</sup> John M. Clayton  
Secretary of State  
Washington City  
Sir.

I have the honor to forward  
by the Sloop of war Germantown,  
which I presume will sail before  
many days, duplicates of my various  
letters of the 16<sup>th</sup> and 18<sup>th</sup> of August, of the  
20<sup>th</sup> ditto enclosing a copy of a commu-  
nication from the Captain General, of  
the 27<sup>th</sup> & 28<sup>th</sup> ditto, and of the 7<sup>th</sup>, 17<sup>th</sup>  
and 18<sup>th</sup> of September.

I have the honor to be, Sir,  
With great respect & esteem

Yr M<sup>ost</sup> O<sup>b</sup>l<sup>ig</sup> serv<sup>t</sup>

Robert M. Campbell

Recd Oct Nov.  
Let this be pd.

Copies

Consulate of the United States  
Havana October 13<sup>th</sup> 1849

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

This letter will be presented to you by Doctor Franklin Gage, as physician of high professional attainments, and a gentleman of integrity and honor. Doctor Gage is the same person whom I employed to accompany Juan Garcia Rey to New Orleans.

I beg leave to refer to my official letter to you under date of 18<sup>th</sup> August last, wherein I stated that I had paid Doctor Gage Two hundred and six dollars for his services and expences in going to New Orleans, and expressed an opinion that in consideration of his loss of time, and professional practice, the Department of State would do no more than justice in making the amount of compensation five hundred dollars.

206  
to the  
Consul

Reference  
to  
\$500

and  
\$206 in \$294, - paid by Case on the 8<sup>th</sup> Nov: 1849.

In the hope that my views may  
meet your approbations,

I have the honor to be, Sir,

With great respect & esteem

Yrs. Mt. Obt. Servt.

Robert Campbell

Road 5th Nov 49 Mr La Penitencia

R:

Consulate of the United States  
Havana October 24<sup>th</sup> 1849

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

In the Herald of the 15th  
Inst, this moment received, it is stated  
that the American Steam Ship Ohio on  
her last passage to New Orleans was  
forbidden to enter the harbour of Havana  
&c. &c.

Lest you should believe the state-  
ment true, and think that I had  
failed in the discharge of my duty in  
not acquainting you with the circumstance,  
I deem it advisable to state that no  
such occurrence took place.

With great respect & esteem  
I have the honor to be, Sir,

Yr. M<sup>t</sup> Obedt servt:

Robert Campbell

Duplicate. Rem 12th Nov  
original at Mr La Pintre

Consulate of the United States

Havana, October 24<sup>th</sup> 1849.

Honble John M. Clayton.

Secretary of State.

Washington City.

Sir:

In the Herald of the 15<sup>th</sup> Inst,  
this moment received, it is stated that  
the American Steam Ship Ohio on her  
last passage to New Orleans was for-  
bidden to enter the harbor of Havana &c.

Let you should believe the state-  
ment true, and that I had failed  
in the discharge of my duty in not ac-  
quainting you with the circumstance,  
I deem it advisable to state that no  
such occurrence took place.

With great respect &c &c

I have the honor to be, Sir

Yr most Obedt Servt

Robert B. Campbell

Recd 23rd Nov. Mr La Remon's.

R.

Duplicate received & sent.

Consulate of the United States  
Havana, November 18<sup>th</sup> 1849.

Hon<sup>ble</sup> John M. Clayton.

Secretary of State.

Washington City.

Sir.

Your official communication of September 19<sup>th</sup>, postmarked at Washington September 21<sup>st</sup>, and at Charleston November 14<sup>th</sup>, I have had the pleasure of receiving by the Isabel this day. The delay caused me some anxiety, for although I had acted under the dictates of my best judgment as to the interest of our Country, the policy of the Administration, and my own duty, I had feared from your apparent silence that my action had not met the President's and your approbation.

Your letter more than relieved me from this apprehension, and oblig to tender to the President, and yourself my sincere thanks for the kind and full expression of approbation which the letter contains.

I have the honor  
to be, Sir,



With great respect & esteem  
Yr. Mt. Obed. Servant  
Robert M. Campbell

P.S. I enclose the Washington & Charleston Post-  
mark referred to.



Oct 11 Dec. 49.

M. La Raine

P.

Consulate of the United States  
Havana December 3<sup>d</sup> 1849.

Honble John M. Clayton  
Secretary of State  
Washington City  
Sir

I have the honor to enclose  
herewith a translated copy of an order  
of the Superintendant of the Finances  
of this Island, for the further opening  
of the Port of Cardenas as a port of  
entry on the first of January next.

Cardenas has heretofore been a  
port of entry, but the privilege of import-  
ing has been confined to lumber, sugar,  
Box and Hogshead Sticks, and such  
heavy materials as were used for Plan-  
tation purposes. Provisions of all classes,  
and merchandise generally, were not admit-  
ted to entry. Hereafter Cardenas will  
have all the privileges of Havana, except  
receiving merchandise on deposit, the  
Government having no deposit stores  
else where than in Havana, and  
St. Jago de Cuba.

With great respect & esteem  
I have the honor to be, Sir,

Yr Mt Obe servt.

Robert Campbell

Translation.

By Royal order under date of October the second, Her Majesty has been pleased to grant to the port of Cardenas the privileges of general commerce, enjoyed by the other ports of entry of the Island, and as that order of the Sovereign will commence to rule on the first day of January next, it is made public by order of His Excellency the Superintendant General of the Royal Treasury for general information.

Havana, November 27<sup>th</sup> 1849.

(Signed) Joaquin Campuzano.

Will Mr Campbell's letter of  
the 3<sup>rd</sup> December 1849.

was hereby... for publication

Recd 10 Dec. 49.

12 de Hebertin.

R.

Consulate of the United States  
Havana December 7. 1849.

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

As the situation of Cuba will probably be a frequent subject of conversation in political circles at Washington during the present winter, and deeming that it may by possibility be useful to yourself personally, or to the State Department, I have extracted from the census of 1846, taken by the order of Genl. O'Donnell, a statement of the population of the different departments of Cuba, of the number of Americans on the Islands, of the legitimate and illegitimate births for the five years intervening between 1841 and 1847, and of the deaths occurring during that interval. I also forward you a translated extract from the Diario de la Marina showing an extraordinary decrease of the slave population for the before mentioned periods. These statistics

are not in all things, reliable, but are the best that are to be had.

If there is any information you may desire upon any subject connected with the Islands, your suggestion of its character will insure my best efforts to supply it.

Although it is not my province to trouble you with facts connected with the slave trade, it cannot be amiss, to state, that such importations occasionally occur, and that two cargoes have been recently landed at or near Guerra Morenas, in the vicinity of Cardenas. The crew of one of the vessels, consisting of thirty four men, left Cardenas with passports on Friday last in the American Brig Abeona bound to New York.

I have the honor to be, Sir,

With great respect & esteem

Yr most obt. servt.

Wm. H. B. C. C.

Extracts from the Cuadro Estadístico of the Island of Cuba, published in 1847 by order of the Capt. General.

The Island of Cuba is divided into three Departments, called the Eastern, central and western. The latter is the principal, where the Capital of the Island (Havana) is situated. This Department is divided into eleven Jurisdictions, including besides the Capital, the cities & towns of Matanzas, Cardenas, Mariel, & Sanco, which are sea ports. The interior towns of Papeal, Santiago, San Antonio de los Baños, Guines, Guanabacoa & others. Matanzas, Cardenas, Papeal, Santiago, San Antonio & Guines are connected by rail-road with the Havana. The town of Guanabacoa is distant about 3 miles from Havana.

The population of Havana & suburbs according to the census taken to the end of 1846, was.

White males	32482	
do females	<u>24076</u>	56558
free coloured	28422	
Slaves	<u>21989</u>	<u>50410</u>
Total number		<u>106,968</u>

of the whites 37,387 are natives, 16,433 old Spaniards, and 2738 are foreigners, 468 Americans)

for every 100 persons, there are in Havana, 56 whites, 8 mulattoes & 36 blacks — 74 free persons & 26 slaves.

In the rest of the Department, there were

White males	1011286	
do females	<u>86065</u>	187551
free coloured	33270	
Slaves	<u>205827</u>	<u>239094</u>
		426648
add the population of Havana		<u>106968</u>
		<u>533616</u>

### Central Department.

This department is divided into nine Jurisdicciones including the cities & towns called, Trinidad (capital of the Department), Sagua la Grande, Sancti Spiritus, San Juan de los Remedios, Buenavista, Puerto Prince, Nuevitas, and others of smaller importance. Sagua, San Juan, Buenavista & Nuevitas are sea ports. Trinidad is in the interior, but has communication with the sea through the port of Cabaiguan.

The population of the whole Department is as follows.

White males	62262	
do females	<u>52692</u>	114954
free coloured	34115	
Slaves	<u>46985</u>	<u>81100</u>
		<u>196054</u>

### Eastern Department.

This department is divided into seven Jurisdicciones including the cities & towns called Santiago de Cuba, the capital of the Department, Bayamo, Colquien, Ciego



racoa, Manzanillo & other Bayamo and  
Holguin are in the interior.

The population of the whole Department was  
White males 34775  
do females 31973 ..... 66748  
free coloured 53447  
Slaves 40028 ..... 102515

109293

Adding together the population of the three  
Departments, we have that of the whole Island,  
which is ..... 898963  
to which must be added for  
garrison, transients &c in  
the Eastern ..... 83115  
the Western port, garrisons  
the Central ..... 4779  
13124

In the "Cuadro Estadístico, it is found that there  
are in the whole Island, 1256 Americans, 2066  
French, and 605 English.

By the extracts above written, it will be perceived  
that the whole population of the Island was 912,087  
souls, exclusive of the garrison &c in the Western Department.  
There is a note, however, in the "Cuadro Estadístico"  
which says that the population at the end of 1846  
was 1,006,819 which they arrive at by adding

60,000 to the number at the end of 1841 which was 946,819. These 60,000 being considered an average increase of the population.

The number of births from 1842 to 1846 both included, are as follows.

Births, legitimate, white, 70,625	
illegitimate, do. 16,422	
legitimate, colored, 20,099	
illegitimate, do. 54,203	<u>161,349</u>
Deaths	<u>109,218.</u>

Note by U. S. Lewis.

Havana is now connected with Matanzas and Cardenas on the North side of the Island and with Batabanó on the South side by Rail roads. another rail. road runs from Sugar some distance in the interior.

Translated from the Havana Diario de la Marina

11 We have always been of opinion that the slave population in the Island of Cuba, when the slave trade should be at an end, must diminish in a remarkable proportion, perhaps that of 50% a year, and our calculation appears to be more than confirmed by the fact that there were only 323,759 slaves in 1846, while, according to the census of 1841, (only 5 years before) their number amounted to 436,495, which shows a decrease during that period of time of 112,736, or say, more than one fourth part. Within a few years, very few, for the life of one kind of industry, the principal one of our great Island, the cultivation of sugar, will perish for the want of hands, unless energetic measures be taken in time, either to put a stop to the decrease, by diminishing the cause of the great mortality amongst the labourers on the sugar plantations, who are now being employed every day solely in the raising of cane, the most fatal kind of labor required by our plantations; or finding some way to replace the lost ones, perhaps by the introduction of new labourers. Our planters must not allow themselves to be blinded with the idea that the diminution shown above, is an exaggeration - as were we to suppose that the total amount of slaves shown by the census of 1841, is somewhat distant from the true one, founding our supposition on the common saying, that our planters, to boast of great wealth, far from concealing, they exaggerated the number of their slaves (which we do not believe at all as we were present when some lists of gangs were

made) the same objection may also be applied to the last Census, as the space of five years cannot have altered so remarkably the supposed inclination of our proprietors, as to have made them lose their fondness of being considered Cressids or Rothschilds, if they should prefer to be compared to their princely forerunners of the day. therefore, the fact of the remarkable decrease in the number of slaves, is proved, though we may agree to consider it somewhat less than 5% a year, which is of very little importance, if we bear in mind that 10 years more or less is nothing, when the result at the end must be, the complete disappearance of our present labouring hands -

It is my opinion that the whole truth has not been exhibited above, for it is a notorious fact that from 1842 to 1846, the slave trade was carried on to a considerable extent, & probably from 20 to 40,000 negroes were imported which must be added to the mortality during that time -

(Private) R.

Havana December 7<sup>th</sup> 1849.

Honble John M. Clayton.  
Washington City.  
My dear Sir.

I stated to you some time since the banishment of four creoles from this Islands for circumstances connected with a ball in Matanzas, and now enclose herewith the decree of the Government in relation to the Philharmonic Society of that place.

I had an amusing, though an annoying time with the passengers for California in the last trip of the Ohio from N. Y. There were some 500 to go in the Falcon for Chagres. No difficulties were suggested to me during the day that they were in Havana, but being with the officers of the Guaratoga at a ball given by the Captain General on the night of the 19<sup>th</sup> ult. I was sent for at 11 $\frac{1}{2}$  and at 12 to hear complaints of their crowded state, subsequently on two occasions between 12 & 1, to be informed that sundry of

the passengers were arrested for being  
in the streets in violation of law after  
11 o'clock. These were on my application  
to the "Mayor de Paris", immediately  
placed at liberty. But arrests be-  
came so frequent that I was obliged  
to apply for an order to be given to  
all the Commissaries that no person,  
who only spoke the English language  
should be arrested for that night.  
This order was kindly and promptly  
dispatched, and all the passengers  
were enabled to leave on the morning  
of the 20<sup>th</sup> without this precautionary  
order, I should probably have had  
some hundred on my hands without  
a change of clothes, or means until  
the next trip of the steamer.

With great respect & esteem

Yr Mt. Obedt servt.

Robert B. Campbell

Art. 1<sup>st</sup> The Society shall be immediately closed, and all the furniture sold at Public Auction for the benefit of the Public Hospitals.

Art. 2<sup>d</sup> The outstanding debts of the Society shall be liquidated by its members, each one paying his portion.

Art. 3<sup>d</sup> The house occupied by the Society shall be put in the same state of repairs as when first leased by its owner, the members paying all expenses out of their private means.

Art. 4<sup>th</sup> The Gymnasium shall be closed, and the wooden apparatus belonging thereto shall be cut down to serve as fuel for H. M.'s <sup>P</sup>roofs.