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Roll 118

July 1-October 31, 1849



THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

Washington: 1963

Entd.

G. W. Crawford.

Rec'd 18 July.

Dr. Hunter.

War Department,  
Washington July 18. 1849

Sir,

On the 20<sup>th</sup> of March last I had the honor to acknowledge the receipt of your letter of the 16<sup>th</sup> of that month enclosing a memorandum from the Mexican Minister respecting certain plans and geographical drawings alleged to have been taken possession of by the American troops in Mexico, and in my communication of the former date I informed you that the proper offices had been written to for information on the subject. I herewith enclose copies of the replies of the several offices addressed on that subject, from which it appears that the geographical drawings taken at Zolaca were returned, and that nothing is known of those allegedly taken at Jalapa.

Very respectfully  
Yours etc etc

G. W. Crawford  
Secretary of War

Hon. John M. Clayton,  
Secretary of State.

Copy

Hon. George W. Crawford  
Secretary of War.  
Washington, D.C.

Philadelphia March 21: 1849

Mr.

I have the honor to acknowledge the receipt of your letter of yesterday's date, enclosing a translation of a memorandum addressed by the Mexican Minister to the Department of State respecting certain geographical drawings which were taken possession of by my order at Toluca, Mexico, in January 1848 when I was in command of that Department.

While at Toluca I had directed Genl. Charles N. Agnew of the Topographical Engineers to make a map of that part of the valley of Toluca, around the city, as would exhibit the roads &c by which the city could be approached, to contain such further information as he could obtain which might be useful.

While Genl. Agnew was thus engaged I received information that some military maps as well as geographical drawings which had been made by an officer in the employment of the Mexican Government were in the city of Toluca.

Thinking that they would afford valuable information I sent my Aid de Camp, Lieutenant (now Captain) S. S. Anderson (2d Artillery) with my interpreter Mr. Watson to obtain them. Subsequently directed him to make a list of them, to give a receipt for them, and to say that they would be returned at the proper time.

All of these maps which I considered might be useful, were placed in Genl. Agnew's hands with directions

to have been copied, some few of them remained in my office at Toluca.

I was subsequently ordered to the city of Mexico to attend as a witness before the Court of Inquiry in the case of General Pillow. These maps were all left there by me with instructions that when copied they were to be returned. When I left Toluca I expected to have returned there, but the Treaty of Peace having been signed, I did not do so.

Lieutenant Wagner could no doubt give information what became of these maps.

Colonel Johnstone, of the Regiment of Voltigeurs succeeded to the command at Toluca, and occupied the house of Mr. Plego, which had been previously occupied by me, in which my office was, where the few maps above referred to which were not in Lieutenant Wagner's possession were.

I think that Lieutenant Wagner or Colonel Johnstone can furnish the information which may enable the Department to recover them if they have been brought to this country.

I return enclosed the translation of the Memorandum of the Mexican Minister above referred to.

Very respectfully,  
From Abe Lee  
Geo. Cadwalader.

WASHINGTON AND NEW ORLEANS TELEGRAPH LINE.

No charge for address, signature, or date. Where there is but one name in an address or signature, the christian name in full may be used instead of initials. Numbers are to be written in words, in the fullest manner, and so charged, and are duplicated in figures without charge. All communications are strictly confidential. Prepayment is required in all cases, except where there is a special agreement for answers or newspaper messages.

The following communication by Telegraph, was  
despatched from New Orleans 3d. 9 o'clock, min., P.M.  
and received at Washington 6<sup>th</sup> 12 o'clock, 5 min., P.M.

Date New Orleans Aug 3d.  
For John Smith Blagdon

for Don Carlos de Espana  
the Spanish Consul has been  
arrested under the charge  
of being guilty of assault  
and battery & false imprisonment  
of Juan Garcia or Juan Francisco  
Rey the examination is now  
pending before M M Cohen Esq  
a Commissioner of the U States  
the examination has continued  
five days the testimony is  
unatisfactory & conflicting it is  
rendered probable that  
Garcia voluntarily returned  
to Havana under the promise  
of full pardon he was a man

Fifteen of the prisoners at  
Havana were permitted  
to go out under his  
charge to escape. He left  
here in the "Chowder"  
Mary Ellen an American  
refugee & was transferred  
at Havana to the  
Brig. Andrew King of  
New York passenger  
from New Orleans were  
detained by Quarantine.  
At Havana I will  
write fully by tomorrow's  
mail, will report to you  
the result of the examination  
when it is closed.

Very Respectfully

Lagan Hunter  
Watty Genl

# pay \$15.50

Rec'd 12 Augt: Entd  
Entd ~~for the above~~

Houston, L.

New Orleans August 3. 1849

Sir:

I received today your Telegraphic Despatch of the 28<sup>th</sup> Inst, and immediately informed you by the same mode that Don Carlos de Espana, the Consul of Spain had been arrested here on the charge of Absent & Kidnapping and Imprisonment of Juan Garcia, alias Juan Francisco Rey, and that an Examination in relation to that Charge was now being held by Mr. M. C. Kendig, a Commissioner of the United States.

I now proceed to repeat more fully in relation to the same matter.

Don Carlos de Espana and four other persons were arrested by the State Authorities and brought before a Justice of the Peace of the State of Louisiana & Answered to that Charge. I received official notice that this Examination would be held before the State Tribunal — I attended at the time appointed, not in the character of Public Prosecutor; but with the view of ascertaining if there was any truth in the rumors of the abduction of a man who was under the protection of American Law, and if the Consul had any agency in that abduction.

At the threshold of the Examination, in limine litis, Don Carlos de Espana produced his Exequatur as Consul, and at length pleaded to the jurisdiction of the State Tribunal. I then appeared and suggested that a Commissioner of the United States should examine and enquire into the truth of the accusation against the said Consul, believing as I did, that in cases

affecting himself the Federal Courts and Tribunals had exclusive  
jurisdiction. It was accordingly proposed that onto the Council  
the Examination should be held by the Government of the United States  
at the same time and place of the examination of the charge pre-  
ferred against the other persons who were acknowledged to be amenable  
to the State Authorities, inasmuch as they were all implicated in  
the same offence and as the State lawyers (and they were numerous)  
would be called in each case. In this I failed, and a Com-  
mission of the United States appeared and took his seat  
to hear the proofs at the Spanish Court.

Every thing uniting with the State Authorities in the Examination  
I have been unable to control the Inquiry, and to exclude  
the vast mass of irrelevant testimony, and the idle  
and unprofitable discussions of gentlemen engaged  
on the part of the State, which has tended to protract  
the Inquiry.

I enclose you herewith Reports of the Proceedings  
and Testimony, which tho' not entirely accurate will enable  
you to judge of the Case. From them you will perceive  
that the main facts against the Consul are these —

First — He applied to the Mexican Consul here some  
time past to give him information of Garcia or Her-  
mano, and applied for a Permit.

Second. It appears that Garcia was formerly  
a Turkey in the Peso of Havana; and permitted  
two prisoners to escape and himself fled the Island.

Third. The Consul sent for Trescasy, formerly  
a Police Officer, and proposed to him to arrest Gen-  
eral M. without proofs

Honolulu. It appears that Rogers, a Welsh, was employed by one of the defendants, a captain of the vessel, to effect the passing Garcia on board the schooner Mary Ellen, whereof the Council was Master, on the night of the 5th of July.

After The hearing of Rogers is confirmed by the testimony of Orton (See preceding, of this day).

Scots. The Mary Ellen cleared for Havana on the 3rd day of July - she was detained until the 5th - no safe, fooling reason or excuse for this detention - The master of the Mary Ellen is exonerated with the others.

In relation to the above fact, I will only remark that the character of Rogers, the most important witness is not very good.

On the part of the defense it is proven that Garcia, before his departure made the Council at his Office, that he had made a full confession and obtained a promise of pardon.

It is known by all the crew that of the Mary Ellen that Garcia was perfectly contented, free and unrestrained from the time of her departure from New Orleans until he left her.

That he remained on the Mary Ellen at Havana, in quarantine six days - was then transferred to the Brig Andrew Ring of New York, and the Mary Ellen immediately returned to New Orleans. &c &c

The Examination will be continued tomorrow. It is said today that Col Campbell, our Consul at Havana, on hearing of Garcia's reported abduction went on board the Brig Andrew Ring, and offered him his protection, which he declined, saying he was there by his own

free will. I am inclined to doubt the truth of this statement.

It is said by the friends of the Convict that Garcia went to Havana voluntarily under a promise of pardon, but was unwilling that his friends here and the friends of Horace Dudley should know that he intended to return.

I have thus given you a summarized analysis of the facts developed by the testimony in the examination, and will advise you of the result when it is closed. The excitement has greatly abated.

The Case is not free from difficulty; even if the Convict be guilty. Convicts are immune to the law of the Country in which they reside - See 1 Kent- 464.

The Federal Courts have no jurisdiction in Cases affecting Convicts. 3 Story Comm. 543. Commander-in-Chief v. Constable 5<sup>th</sup> Saig & Rawle 545, which was a case against the Constable for Convict for Rape. The Court declared Jurisdiction. But can the Federal Courts punish a Convict for a violation of a State Law? May I ask advice on this subject?

I have the honor to be  
very Respectfully Yours etc  
J. M. Clayton  
A. S. Attorney.

Hon. John M. Clayton  
Secretary of State  
Washington.

Rec'd 11 Augt.

Mr. Hill.

P. Hamilton,

" Office of U. S. Atto.

Mobile Augt. 4. 1849.

Sir,

I enclose to you a copy of a letter placed in my hands this morning by J. J. Walker Esq; collector of this Port. The Col. White mentioned is, I am informed, the man who went to Yucatan some months ago as a volunteer to fight the Indians - (He was in Mexico, during the late war, said to be a good soldier, but an adventurer.)

He seems to have for some time past been engaged in enlisting men for some unknown enterprise - He is at present engaged from 300 to 500 men: most of whom are now believed to be on Round Island - A small Island in the Gulf nearly opposite Pascagoula, in Miss. These men do not appear to be armed - but the collector has been informed, that a sum of money, amounting to nearly \$200,000 has recently been placed to the credit of Col. White in this city. Col. White's offers to his men are, \$8.00 per month and \$1000 a piece to the survivors at the end of 12 months.

Of how much importance this matter may be, I do not know, but the best, in my opinion should be apprised of it & the proceedings watched. There is no cutter on this station at present or it might be advantageously employed in this service - Would it not be prudent to send to those waters a small vessel from Pensacola? The men on the Island, I am informed landed there from 3 small vessels.

Very Respectfully obt. Servt

P. Hamilton  
U. S. Atto.

To Hon John M. Clayton

Secy State.

Copy -

Ramsey Island  
Augt 1<sup>st</sup> 1849.

J. J. Walker Esq

Collector

Mobilo

Sir,

Yesterday morning about 200 men were landed on this Island. I do not know how long they are to stay, or where they are to go - I suppose they will be of some trouble, as they seem to do just as they please - I claim it my duty to inform you of their presence here. I think they are commanded by a gentleman named Col. White.

Very Respectfully

Yours very truly

A. Delaney

Super R. I. Light

8

My informant called again to day -  
He has received another letter from  
New Orleans - The company which  
had been rendered shipwrecked the morning  
of the 29<sup>th</sup> before day light, to some place  
on the lake shown to elide -

Col Bishop of N.D. &

Chas S. Campbell

are to be officers in the expedition  
Whiting & Co have \$350,000 on hand  
to forward it.

Recd 9 Augt, 45. E. B. Bowen, Massachusetts  
and 14. Augt, 45. Mr. Maitre.

Boston August 5. 1849.

Sir

I beg leave respectfully to represent to the Department that on or about the 2<sup>nd</sup> of March 1849, I placed in the Spanish Consulate at New York a ~~Protocol~~ against any sale or settlement of the estates called the St. Anne & Ontario, lying within the jurisdiction of Matanzas: Isle of Cuba, which were owned and held in the Name of My Grandfather, Ebenezer Sage of Middleton, Conn, at the time of his death, said "Protocol" was lodged on the ground that being the oldest surviving Male heir, I claim them as heir at law by the Spanish law.

I further beg leave to state that on the 20<sup>th</sup> of March 1849, I placed in the N. Y. Consulate at Matanzas a copy of said Protocol, Certificate of birth on having learned that the estates had been sold at auction for the Claims held against them and that one of them had been purchased by a former Consul of Matanzas for a sum much less than its apprized value. on representing my claim to our Consul at Matanzas he addressed a letter to the Capt. General of the Island of Cuba on the subject in March last, and I am led to suppose in the delay that has occurred that my claim has not yet with the consideration it is entitled to by the laws of our Treaty with Spain

The estates were sold without my knowledge, or consent. the claims against them were never presented to me for payment.

The above estates were appraised by the Spanish Appraisers duly appointed by law at one hundred and forty one thousand and five hundred dollars at the time of my grandfather's death, that is to say the St. Anna at seventy two thousand five hundred dollars and the Ontario at Sixty nine thousand dollars the debts on them at about Thirty thousand dollars. The former sold for sixteen thousand dollars, less than a quarter its appraised value. the proceed of the Crops of these estates for the time intervening between the death of my grandfather and that of their sale I have never received any account of.

I place respectfully the above statement of facts before you trusting you will give such attention to my claims as you in your judgment may think called for.

I have the honor  
with respect  
to be Your most Obedient  
Ob. Carrington Powers

St. U S Army

Hon.

John M Clayton  
Secretary of State  
Washington

stc

New Orleans August 7<sup>th</sup> 1849.

Dear Mr. Clayton  
Secretary of State  
Washington.

Sir:

Rumors have been ripe in this city for some days past that Col. White is engaged in fitting out and preparing a military expedition and enterprise to be carried on against some State or People with whom the United States are at peace. I have been unable to ascertain the precise object of the expedition, and yet I doubt not that the object is unwholly and illegal. I am not in possession of sufficient information to authorize the arrest of Col. White, even if he were in this District, yet I deem it proper that you should be apprised of the fact that such an expedition is contemplated.

I enclose herewith a letter I have sent. dictated from T. Gibb, Mayor Esq. on this subject.

I have the honor to be  
very officially yours,

Loren Heaton.

A. S. Attorney.

and now he would consider all this as went with  
that - without going through the usual  
and ordinary process of inquiry. He said  
he had no objection to the Secretary of War's  
not sending such documents, but he hoped  
to have them forwarded to him with full  
and full information in addition to what he had  
in his hands. I said this was a point of interest to him.  
He said the velocity with which it appeared to  
him that should be made a consideration  
now - as it were to supersede the object of their  
parties concerned to consolidate the land  
of the United States and make obligations  
to a country youth which had caused to have  
some day's service to be done in this  
place of one who he believed had broken off  
from the rebels after remaining there some  
time - he came over to the Isaac T. Hopper  
Professor named from him - and says other told  
Hopper - who commanded a Company of  
American volunteers and had sold to him a  
regiment of volunteers for the service of the  
Confederate and any considerable information that  
had got it in sending him word to ascertain  
whether he could get out of his position  
at this place for a considerable number of  
years and under his command which had been  
providing here disembarked for the future  
steamer & and he came to him from Brownsville  
since that time small parties of them



long and silly letter - On the other hand it  
may be of sufficient importance to attract  
the attention of the Government - in which case  
you may make such use of this letter as  
you may think proper - I am aware that we  
are beyond the process issuing from the Courts for  
the District of Louisiana - but I know not the  
District Atty for Mississippi - and if I did know  
him - a letter would not reach him in time  
if anything is to be done - while you can  
communicate by Telegraph either with him  
or with the proper department at Washington -  
Perhaps I speak this matter of more importance  
than it deserves - but of this I fear appears  
a violation of our Laws and of the obligations  
we ought a friendly power is intended - I take  
so ~~special~~<sup>great</sup> personal as well as party interest  
in the success of my old friend Genl Jay in  
that I cannot remain silent, when I see that  
a movement is being carried on, which may  
subject his administration to just censure -  
while at the same time I perceive from the  
papers, that you are in your official ca-  
pacity prosecuting the representatives of  
a foreign power - for a violation of our  
laws -

Very Respectfully yours &  
Thomas J. Morgan

Entd

M. H. & Co Engles.  
NEW LINE OF TELEGRAPH. Aug 13. 49

# NORTH AMERICAN TELEGRAPH COMPANY

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HENRY J. ROGERS, General Superintendent.

Please reply by carrier promptly—write your despatch plain—use no figures—give address in full of person to whom sent—pre-pay—state if the answer is to be paid by you, and where you are to be found.

BY BAIN'S ELECTRO-CHEMICAL TELEGRAPH,

Dated New York Aug<sup>13<sup>th</sup></sup> 1849.

Hon. J. W. Clayton  
Sec. of State.

Mr Calderon received  
your note Saturday 10<sup>th</sup> afternoon  
Sunday morning started for  
Washington & is on way thither

Mr Engles

Entd.

Logan Houston Augt 14. '49.

WASHINGTON AND NEW ORLEANS TELEGRAPH LINE.

No charge for address, signature, or date. Where there is but one name in an address or signature, the christian name in full should be used instead of initials. Numbers are to be written as words, in the fullest manner, and so charged, and are duplicated in figures without charge. All communications are strictly confidential. Prepayment is required in all cases, except where there is a special agreement for answers or newspaper messages.

The following communication by Telegraph, was  
dispatched from New Orleans 14<sup>th</sup> 11 o'clock, 10 min. A.M.  
and received at Washington 19<sup>th</sup> 8 o'clock, min., P.M.

Date New Orleans August 14<sup>th</sup>

For New I M Clayton

Secy of State

Sir the examination in the  
case of Don Carlos de Espana  
Consul of Spain closed this  
day he was required by the  
U S Commissioner to give  
bail with securities in sum  
five thousand. for his  
appearance at Term of the  
Circuit Court of the U States  
the other defendants were held to  
bail by the state officer, I  
note by mail, Respy

J. J. B. 17. 60

Logan Houston

Rec'd 27 Augt.

J. Hamilton

Entd

New Orleans August 15<sup>th</sup> 1849.

Sir:

I answered to you yesterday by Telegraph that the Examination in the matter of Don Carlos de Espana, charged with the abduction of Jean Francois Ry was closed, and that the Commissioner of the United States had agreed him to Gov. Ball for his appearance at the next Term of the Circuit Court of the United States for the District, which commences 3<sup>d</sup> Monday in December.

From the report of the Testimony written over you will perceive the case is not free from difficulty both as to the fact and the Law: yet, under all the circumstances, I deemed it my duty to advise the Commissioner to require the appearance of Mr. Bourne before the Circuit Court.

I will venture to add that in my judgment the facts known afford good and sufficient reasons for withdrawing his Escapator, which to me would be much the most agreeable mode of getting clear of him.

I send you extracts of the Testimony and a very imperfect sketch of my remarks on concluding the case, from which may be gathered my views of the affair.

I have the honor to be very respectfully  
Your most obedient Servt

J. J. Heaton  
A. S. Attorney.

Hon. W<sup>m</sup>. Clayton  
Secretary of State  
Washington

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Office in WASHINGTON..... Cor. of Louisiana Avenue and Sixth-St.  
Office in BALTIMORE..... No. 2 Merchants Exchange, South Gay-St.  
Office in PHILADELPHIA..... Quincy Granite Building, No. 101 Chestnut-st.  
Office in NEW-YORK..... No. 5 Hanover Street, Cor. of Beaver-St.

By Telegraph, Dated Bedford 1849.

Received, Washington, Aug 15 1849, 1 o'clock 7 min. P.M.

To Hon J. M. Clayton

The President  
Spent the night here  
and left this morning  
in good health for  
Somersett.

D. S. Brooks.  
Operator

75 May

M. M. Reynolds.

Entd

New Orleans 1<sup>st</sup>, August 1849

Dear Sir

Enclosed I hand you a judgment rendered in "the Spanish Consul Case" you will perceive that all the parties have been sent for trial - the Consul to the U S court, the others to the Federal Ct.

For the convenience of all parties Messrs Bright & Leiden reexamined the case together, - each maintaining separate jurisdiction, - they did not unite themselves into a self constituted tribunal as has been said by some of the papers. —

I do not send you a copy of the proceedings, as they are very lengthy and are in the hands of the Federal Authorities - Mr. Huston U S Atty is in correspondence with the Government at W.

Should you deem it necessary to interfere and that the enclosed is not sufficient give me further instructions —

My opinion is that the Consul remanded Rey to go to the Havana, but at the same time, had individuals ready, should he want to force him on board.

My Compliments to your family and friends

R. M. M. Reynolds

M. M. Reynolds  
Drew in the case of the  
Spanish Wash. mission

Augt. 1849.

~~Mr. Marsh~~  
~~Reynolds~~  
Dear Isaac Johnson  
Bayon Saratoga  
Maine 3 West Feliciana  
Sarita

With Yrs Mr. Reynolds. &  
16 Aug. '49.

# The United States / The state of America

Don Carlos de Espana } Carlos de Espana  
Consul of Spain } James McCormick  
Fulgencio Loriente  
Manu & William Eagle

The court during fifteen sessions of  
not less than five hours each, commencing  
on the 27<sup>th</sup> day of July last past, and  
ending yesterday the 13<sup>th</sup> day of  
August 1849 have patiently & attentively  
heard the voluminous testimony of very  
numerous witnesses as well on the part  
of the prosecution as of the defense and  
the arguments of eight counsel, four on  
each side of this case.

And having carefully  
considered the same and the Laws  
which posit and prescribe the duties of  
examining and Committing Magistrates  
and the manner in which those duties  
are to be by them performed

Note that  
The accused are clearly guilty of the  
assault and battery and false im-  
prisonment wherewith they stand charged;  
but

That the testimony is such and so contradictory and conflicting as to render it proper & necessary to be enquired of by a Jury of the country.

United States Commissioner that the  
said Don Carlos de Espana qui bind  
with good and sufficient Security in a  
reasonable amount that is to say in  
the sum of Five Thousand dollars conditioned  
for his appearance at the next term of  
the Circuit Court of the United States, from  
the Fifth Circuit to be held in New Orleans  
on the third Monday of December eighteen  
hundred and fifty nine, and in  
default thereof to be committed to the custody  
of the Marshal of the Eastern District of  
Louisiana until he shall be delinued  
by due course of law.

And it is adjudged  
by the Second Justice of the Peace for the  
Parish of Orleans that said Donnes -  
Mc Connell - Fulgencio Alouette - Marci-  
and William Eagle qui like bind  
and security in the sum of Twenty-five  
Hundred dollars conditioned for their  
appearance at the next term of the first  
District Court of New Orleans; for default  
thereof they be committed to the custody  
of the Sheriff of the Parish of Orleans until  
they shall be delinued by due course  
of law.

Signed W. W. Cohen  
U.S. Commissioner  
George V. Bright  
Second Justice of the Peace  
for the Parish of Orleans

I certify that the foregoing is a true -

and correct copy from the original on  
record. New Orleans August 15<sup>th</sup> 1849

Geo D Bright

clerk

I certify that the foregoing is  
a true copy of the judgment  
rendered in the above case

M. M. Loken  
U. S. Commissioner

New Orleans. August 15<sup>th</sup> 1849

Rec'd 27 Augt.

Mr. Harlan

Sen. to E.O. Doc. 57, P. 11

New Orleans, Augt. 17<sup>th</sup> 1849-

Hon. John W. Clayton  
Secretary of State  
Washington -

Sir -

Your Communication of the 8<sup>th</sup> Inst. was received this morning.

I beg to refer to my previous letter under date of 7<sup>th</sup> & 8<sup>th</sup> Inst. on this subject, which I think have reached you. I have nothing to add to the information therein communicated, except that the movements referred to, are still in progress -

I shall continue to use every means in my power to obtain from them & more definitely information & to carry out the instructions of your Department -

I am very respectfully  
Yrs afft. S.Y.

Logan Hunter

by E. A. Bradford  
U.S. Attorney, Est. Dist of ~~La.~~

Recd 18 Augt.

Bonchard, Hubbard & Co.

New York 17<sup>th</sup> Decr 1849

Mr. Mackie.

Sir,

Captain S. of Wait of our Brig Mary Ann,  
arrived a few days ago from Sisal, in the  
State of Yucatan, has informed us that on his  
former voyage to that Port, He had met  
with Colonel White in the City of Merida  
who told him in conversation that He had  
taken the wrong side and ought to have  
joined the Indians against the Spaniards and  
that if he ever was able to return with  
a force to Yucatan, He would help the  
Indians.

With the highest consideration

Sir,

Your most humble servants

Honorable  
John M. Clayton  
Soy of State  
Washington D.C.

Bonchard, Hubbard & Co.

Recd 21 Augt. Entd

R. Ross.

W. S. Marshall, Esq. Atty.  
Maryland  
Baltimore

August 20<sup>th</sup> 1849

To John H. Clayton

Secretary of State

&c &c &c.

Sir

Yours of the 10<sup>th</sup> inst mailed at this place did not reach me for several days after its date owing to my absence at the Berkeley springs - I immediately upon receiving it came home and have made such inquiry as I have been enabled to do in the short time in reference to its subject. My information so far only embraces some very vague plans of persons not in position or in numbers to effect any thing deserving attention. The views of these persons I am led to believe too are directed rather to the Northern Provinces of Mexico and dependency upon some agitation there, than towards Cuba - I think there is nothing deserving consideration in this matter but I shall examine into it as closely as I can with every mind I may be able to command and shall report the result of further inquiry hereafter - I have through the collector here also learned of the contemplated shipment of arms to Cuba, but upon inquiry have no doubt it is a regular commercial proceeding. The fol-

-lector in the course of investigating this matter he  
ascertained that the arms are being purchased by  
a commission house here upon an order from  
a house in Cuba - He is satisfied of the good fa  
of the transaction as he assures me. I have supposed  
this Government would not interfere to prevent  
such a traffic even if informed that it was con  
duced so far as Cuba is concerned and that  
no other point of view was it objectionable. I  
have therefore not reported any particular  
of it. Whether upon further investigation my  
convictions change or not I shall write again on  
this subject as soon as I shall be satisfied with  
my conclusions.

With great respect your  
obt servt

W<sup>l</sup> Marshall  
Asst Secy for War

Received 24 Augt. M. D. Moore. S. C. Wm. 1849.  
Answered 28 Augt.

Boston Mass. Augt. 22. 1849.

Sir.

I have the honor to acknowledge the receipt of my own letter of the 14<sup>th</sup> Inst. in answer to mine of 15<sup>th</sup> Inst. complaining of the treatment I have received at the hands of the Spanish authorities of the Island of Cuba.

I beg leave to state to the Department that my letter of the 5<sup>th</sup> Inst. represented the main points of the ground on which I claimed the Estates called the "St Anna of Ontario" lying within the jurisdiction of Matanzas Island of Cuba.

That is to say, that Ebenezer Sage of Middleton, Connecticut owned and held in his name these estates at the time of his death, that said Sage had but one Son who died without issue, and that I being the Oldest Grandson of Ebenezer Sage claim them by the Spanish Law of entail, which prohibits the sale of real property, "that is to say the Land and negroes" for the benefit of Creditors.

The fact of the land being owned and held in the name of Ebenezer Sage of Middleton, Conn' is proved by the archives of the Court at Matanzas.

The fact of my being the Oldest Grandson of said Sage is proved by the Certificate of birth duly certified to by a Notary Public in the City of New York and endorsed by the Spanish Consul in that City. Said Certificate being lodged by me in presence of Roberts in the hands of Mr. Johnson U.S. Consul at Matanzas together with a Copy of Protest before placed in the Spanish Consulate at New York.

Mr. Johnson stated to me at the time I lodged the "Protest" that he would write the Capt Genl. of the Island of Cuba on the subject of my Claim. He informed this at the same time, that in the event of his not hearing from the

Capt. General that I should represent my claim to the Dept<sup>r</sup> of State in whose hands I had in fact placed it, on lodging my Protest in the Spanish Consulate, the then acting Consul M<sup>r</sup> Francisco Stoughton informing me that he would forward it to H. M. C. & H. Minister at Washington.

Supposing M<sup>r</sup>. Johnson as Agent for the Government would forward to the State Department a Protest of an American Citizen I did not enclose a copy of it in the letter which I gave myself the honor to address you under date 5th Inst. Should the Depart<sup>r</sup> require one from me I have obtained it from my Lawyer in New York.

Supposing that M<sup>r</sup>. Stoughton the Spanish Consul would forward the Original Protest placed in his hands by myself in presence of witness to the Spanish Minister at Washington, in accordance with his promise and that the decree awarding these estates to the Creditors would have been long since reversed by the Court at Madrid my services on Foreign Station have prevented the possibility of attending to this matter till last Feb<sup>r</sup> when having received the best legal advice in the U. States, I went to Cuba, and having taken the opinion of several lawyers there who stated my claim was good yet all expressed an apprehension of contending against the present possessor of the St<sup>r</sup> Anna on the ground that he was too powerful and that I had better represent my case to the U. S. Government.

I beg leave to state that in doing so I am under the impression but no points are necessary to prove my claim.

First - That the Estates of St. Anna & Ontario were owned and held at the time of his death by my Grandfather Ebenezer Sage of Middleboro Conn<sup>r</sup> a fact that is proved by the records of the Court at Matamusco.

Secondly - That I am the eldest grandson of said Sage and should have been consulted in the sale of these Estates being of age when my Grandfather died. The Certificate of birth proves that I am the oldest Male Heir and I assert

on honor that I have never signed any paper or been  
consulted in any sale or settlement of the above  
named Estates.

They leave to state to the Department  
that in submitting my claim to you for consideration  
I am influenced by the knowledge obtained in the Island  
of Cuba that though my case is so perfectly clear  
the lawyers whom I consulted urged as an objection  
to undertaking it the fear of coming in collision with  
Ex Governor Ora who now holds the St. Anna Estate.

I am Sir  
With Respect  
Your Most Obedt.  
Edwington Bowes  
Lt. U S Navy.

Hon. John M. Clayton  
Secty of State.  
Washington  
D. C.

Rec'd 31 Augt. W. H. Ric<sup>h</sup>  
L. Houston, Ad.  
Atty., N. Orleans.  
Entd. Mr. Walker. New Orleans, Augt. 23<sup>d</sup> 1849  
Entd. E. Td.

Hon. J. M. Clayton  
Secretary of State  
Washington -

Sir -

I have this moment re-  
ceived a package to your address, from Robert  
B. Campbell, Esq., U. S. Consul at Havana, accom-  
panied by a note in which he says that as soon  
as the paper enclosed should be deemed important to  
the interest of the Government here, I should com-  
municate with you by Telegraph & be governed by  
your instructions, as to forwarding them -

As the examination here has been closed & the  
Spanish Credit Committee - & in view also of  
the delay which attends communication by Telegraph  
from this point, I have deemed it best to for-  
ward the paper to you without delay -

I am, with great respect,  
Yours aff. At.

Loren Houston  
U. S. Dist. Attorney  
East. Dist. Ct -

by E. A. Bradford

Rec'd recd 31 Augt.  
31 Augt. 49

(Copy)

Consulate of the United States  
Havana, Aug. 18, 1849.

A. Huntington Esq.  
W. S. District Atty-  
New Orleans -

Sir -

This will be handed you by my friend, Dr. Gaze who has kindly at my request consented to take charge of Tom Garcia who goes passenger in the Brig Salvador Dymant. It is needless to say to you that Garcia is an ignorant timid man & will need both your protection & countenance, as I presume he has induced to believe that his life has been menaced by Tom, Dick & Harry -

Very Respectfully,

Yr. most obt. At.

(Signed) Robert B. Campbell

(Over) Dr. Gaze being a stranger in your City, I hope you will excuse the liberty I take in asking in his behalf such attention as your convenience may enable you to bestow him -

Very Respectfully

(Signed) R. B. C. —

Rec'd 23 Augt. 45.

Confidential.

M. Rice.

Answer? 24 Augt. 45

Navy Department

August 23d. 1849.

Sir,

I have the honor to request  
that this Department may be furnished  
with a copy of the orders and instructions  
given by the State Department to the Dist-  
rict Attorneys of the United States at New  
Orleans, New York and Boston in reference  
to a military expedition supposed to be  
fitting out in the United States with a  
view to the invasion of some power with  
which the United States are at peace.

I have the honor to be

Sir,

Very respectfully  
Yrs. Ob't. St.

Wm. Ballard Prentiss

Strictly Confidential.

Navy Department  
August 9th. 1849.

Sir,

Though the Government has no precise information yet, it has been informed by a communication from Brig'tl Major General Twiggs, "that 600 men, armed in New Orleans landed on the 31<sup>st</sup> ulto, on Round Island, three miles from Pascagoula; that they are unarmed and encamped under their Commissioners Col. White". General Twiggs was informed by Col. White, "that it was a party of Emigrants destined to California". The General further states "that large as was this body of men, he should have given the subject no consideration, but for the popular belief that an expedition is being fitted out in the South-West and West for the invasion of Cuba or to revolutionize the Mexican States of the Sierra Madre". "I know here" (the General remarks) "and in the City of New Orleans" "pertains to this body of 600 men, as a portion of the bands to be employed and which is to receive large reinforcements from the Western States." Other information less authentic has been furnished in which it is alleged, "that Col. White, is preparing an expedition against Cuba, that on the 28<sup>th</sup> ulto, he had raised 400 men in New Orleans, that he expected to raise in that City in all, 800 and corresponding numbers in Boston, New York and Baltimore, that the recruits at New Orleans are to be drilled at Cat Island, from which point, they are to embark in the Summer Party about the 21<sup>st</sup> or 25<sup>th</sup> inst. for the South Side of Cuba, and that a considerable number of the Military in Cuba, are said to be in communication with them. Colonel Buscotes of New Orleans and Charles C. Campbell, are to be officers in

this

the expedition, that Whiting & Co. of New Orleans  
paid, \$250,000 to forward this expedition".

"Any such invasion of either Cuba or  
Mexico is a violation of our obligations of neutrality  
and we are at peace with both governments.

"The United States are bound to respect  
the rights both of Spain and of Mexico and, "no  
person is permitted, within the Territory or Jurisdiction  
of the United States, to begin or to set on foot or  
provide, or prepare, the means for any Military Expe-  
dition, or Enterprise, to be carried on from thence  
against the territory of any foreign Prince, or State,  
or of any Colony, District or people, with which the  
United States are at peace".

"You are, therefore, di-  
rected, by the President, to inform, forthwith, with  
the force under your command, to the vicinity of  
Cat Islands and the mouth of the Mississippi River,  
and co-operate, with, the District Attorney of the  
United States and the Collector of the Customs at  
New Orleans and act in concert with them, visiting  
yourself of all such information and of all such  
means as they have at their command and vigilantly  
and actively observe, the movements and operations of  
any bands or assemblies of people; for the purpose  
of ascertaining whether, any hostile military expedition  
or enterprise, is being, or set, on foot, or any means  
provided against, the territory or dominions of any  
Prince, or State, or any Colony, District or people  
with whom the United States are at peace.

"Should you discover, and ascertain any such  
attempt, by any portion of our Citizens, to invade either  
Cuba or Mexico you will employ the force under  
your command, to prevent it.

"If you should receive, any information or discovery  
of fact, with regard to said movements you will  
not

not only take prompt measures to arrest it, but,  
you will give early information to the Department.

Should you, on reaching Cat Island and its  
vicinity ascertain that a hostile government is in fact  
and has proceeded against the Island of Cuba,  
You will appear with the force under your command  
to that Island and use all proper means in your  
power, by preventing their landing, so as to avert  
and prevent the violation of our obligations of  
amity and peace with Spain.

The duty assigned to you may become  
highly delicate and important. The Department  
rests upon your prudence, your sagacity and your  
discretion, for the successful accomplishment  
of the service to which you are ordered.

Very respectfully  
Yours &c.

[WM. BALLARD PRESTON]

Commander of  
Foxhall H. Parker  
Comdg. 16 U.S. Home Squadron  
Pensacola  
Fla.

Rec'd 7 Augt.  
Entd

A. D. Croppman,  
Mr. Vice-Mayor, N. Orleans.

Mayoralty of New Orleans  
37<sup>th</sup> August 1849

Comble J M Clayton  
Secretary of State  
Washington City -

Sir

Enclosed I send the honor to hand  
you copy of a Letter addressed to me by the Honble R. P.  
Campbell, U.S. Consul at Havana dated 9<sup>th</sup> Inst. touching  
the matter of the abduction of Juan Garcia alias Key. and  
in which reference is made to certain correspondence with your  
Department in connection therewith - And for your information  
I also take the liberty of enclosing copies of a correspondence  
which has taken place between the Spanish Consul at this  
City and myself, that you may be fully advised of the steps  
taken by me in reference to the violation of our Laws -

Hoping that my course in this matter will meet the  
approval of the Government, and asking the honor of having  
a reply remain with great respect

Your ob't servt  
A. D. Croppman  
Magistrate

*Copy*

Consulate of the United States  
Havana Aug<sup>r</sup> 9<sup>th</sup> 1849

Hon A. D. Cressman  
Mayor of the City of New Orleans  
Sir

The Capt. Genl of Cuba having informed me of his intention to send a copy of certain depositions made by Juan Faria alias Rey to the Spanish Consul in St. O I deem it advisable to acquaint you with the fact, that a detail of my proceedings, correspondence with the Captain Genl and copies of two authenticated letters of Juan Faria bearing upon his departure from yr City and arrival here have been prepared in the plicate to be forwarded by the first opportunity to the Secretary of State of the United States. The Secretary would I presume send you one of the copies if requested.

I have the honor to be  
with great respect

Yrs. Mo. obt. Seul.  
Sig<sup>r</sup> Robert B Campbell

Copy

Mayoralty of New Orleans  
19<sup>th</sup> July 1849.

Don Carlos de Espana  
Consul of Her Catholic Majesty  
New Orleans

Sir

As the Chief  
Magistrate of the City, I have conceived it to  
be my duty to address you, and request that  
at your earliest convenience you will com-  
municate to me, such information, as will tend  
to tell the present state of feelings of our citizens

Great excitement exists in this city, owing  
to the report that a Mr. Juan Francisco Ruiz  
has been abducted and sent to the Havana,  
in violation of our laws, and I deeply regret to add  
that your name is implicated in the transaction.

I have taken this step for the purpose of  
obtaining from you, a correct statement of this  
affair.

I have the honor to be, with  
great respect, yr mo: ob: sub:  
Sig: A. D. Crysman  
Mayor

Nueva Orleans à 20 de Julio de 1849

Señor D<sup>r</sup> A. D. Chapman

Mayor de la Ciudad  
de Nueva Orleans

Muy Señor Mio.

Si Com

Miembro queridísimo de esta Sociedad, me quisiera  
U. hacer el favor de venir á mi Casa, informan-  
dome en adelante de la hora que le sea mas  
conveniente, con la debida Consideración sin  
apresurarse comunicar á U dichos documentos

Me repito de U con la mas sincera Voluntad

Atento y Seg<sup>r</sup> Servidor  
Sig<sup>r</sup> C de España

*Copy*

Consulado de España  
Nueva Orleans a 20 de Julio de 1849

Señor Dr. A. D. Chapman  
Mayor de la Ciudad  
de Nueva Orleans

Muy Señor Mio.

Su Comunicacion

del 19 del Corriente mes me fué entregada ayer  
por la tarde, y contestando á la misma, tengo  
de informar a U que de mi propia Voluntad  
y Sin ser requerido de hacerlo, le envíe a su Excel-  
encia el Gobernador del Estado de la Luisiana,  
y al Señor Recorder de la Primera Municipa-  
lidad los documentos que refieren á la presun-  
tida Violacion de las leyes de los Estados Unidos  
en la persona de un tal Juan Garcia Alias  
Rey.

Si yo me determiné á comunicar dichos  
documentos, a los susodichos Señores, no fué  
porque me consideraba precisado hacerlo, pero  
porque en vista de las Calumnias publicadas  
en Ciertos periodicos de esta Ciudad, Creí que  
Mejor sería entregarlos de la Verdad.

Pero en su dicha Comunicacion U Requiere  
que se le Comunique dichos documentos porque  
Mi Nombre se encuentra en lo que U llama  
una transaccion.

Yo estoy dispuesto a comparecer a Cualquier  
queja que se haya legalmente contra mi, delan-  
te del tribunal Competente para llamarme á  
dar Cuenta de mi Conducta, pero no a ser reque-  
rido ex parte, por una autoridad que no tiene

jurisdicción en casos semejantes; Los Consulados no  
estando sujetos a otra que la de la Corte de Circunscripción  
de los Estados Unidos.

Si V. reflexiona sobre la prisión en que me  
pone su carta, y la requisición que contiene, Cr  
prenderá V. luego que mi obligación hacia mi  
Gobierno no permite que yo me presente delante  
de V en virtud de tal requisición; y que lo un  
que tengo que hacer, después de su dicha comunica  
ción, es de que darme quieto y ver si sé pro  
tegido por las leyes de los Estados Unidos, como  
Consul de su Majestad Católica.

Con la mas debida Consideración y respe  
cto de V.

Señor Mayor  
Su muy atento Servidor  
Sig<sup>r</sup> Carlos de España

Mayoralty of New Orleans  
25 July 1849.

Dear Don Carlos de Espana.  
Consul of Her Catholic Majesty  
New Orleans.

Sir

I have the honor  
to acknowledge the receipt of your communication  
of the 20<sup>th</sup> inst:

In answer to your official note, I cannot  
restrain from saying, that it is with regret that I  
perceive you have misconstrued the tenor of my  
note of the 19<sup>th</sup> inst:

I am not conscious of having demanded  
of you to jeopardize your official dignity as  
Consul of Her Catholic Majesty; but solely  
as chief magistrate of the City, requested you  
to communicate to me, such information as  
would satisfy me, that the reported violation  
of the laws, was erroneous and thereby tend to  
lull the excited feelings of our citizens. I cannot  
conceive how you could have arrived at the con-  
clusion, that I was traveling out of the limits  
of the power & jurisdiction vested in me by law,  
and was attempting to create within myself an  
ex parte Tribunal. The course pursued by  
me is not without a precedent.

The position in which you were placed on the  
receipt of my note, can only be attributed to  
the misinterpretation of my meaning or intention.

I shall avail myself of the first opportunity  
of complying with the kind invitation extended  
to me, in your unofficial note, and it will affi-

the great pleasure in paying my respects to you  
I have the honor to be with  
great respect your mo: obt: son  
Ldg: st. A. D. Crysman  
Mayr.

of Rec'd y<sup>d</sup>. Sept. 4<sup>9</sup>

New-Orleans, August 27. 1849  
C. G.  
Gagarrre Esq.  
(Secy of State)

Sir,

The Governor, considering the importance which the alleged abduction of Rey from New-Orleans seems to be assuming and the excitement which it may produce throughout the United States, and deeming it his duty to lay before your Excellency the documents which he has officially received in connection with this affair and which may assist you in coming to a correct conclusion as to the truth of the accusations brought against the Spanish Consul, Don Carlos de Espana, has requested me to communicate to you the enclosed documents:—The decree of the committing magistrate and a letter to him from the prosecuting attorney on behalf of the State, in this case—

With profound respect  
your obedient servant

Charles Gagarrre  
Secretary of State.

At the office of Mr. M. M. Thynnes,  
16. Augt 1849

To his Ex<sup>r</sup> —

The President of the United States  
Washington City

Entd.

Sagan Armstrong

New Haven, Augt. 29<sup>th</sup> 1849.

Mr. John W. Clayton -

Secretary of State,

Washington -

Sir - I had the honor to report to you  
yesterday by Telegraph the arrival of Juan Garcia, alias Rey -  
He came by the Brig. Salvador, in charge of Dr. St. Laze, of  
Havana, & whose care Gen. Campbell had committed him -  
I received by St. Laze a note from Gen. Campbell & a note of  
which I enclose a copy - Under the circumstances of  
the case, I thought it proper to apply to Mr. W. H. Allen Esq.,  
W. S. Commissioner, to commit Rey <sup>to the custody of the</sup> to the custody of the  
Marshall, in default of security for his appearance as a  
witness at the next term of the W. S. Circuit Court. This course  
was adopted with his full assent. I indeed when explained to  
him, at his request - although he could find security, it  
is probable, without difficulty. I am told that he pre-  
fers to remain in his present position - It may be  
proper to add that the Criminal of the Spanish Consul  
have informed me that this disposition of him, is agree-  
able to them -

Rey declares that he was forcibly abducted, but I have  
not considered it necessary to make any examination  
of him - He appears willing & even forward to make  
a statement of all the circumstances of the affair, & if  
desired, it can be taken in any mode that may be  
suggested; but in the absence of advice, in the present  
position of a matter of such delicacy, I have thought  
it expedient to take no steps beyond what seemed ab-  
solutely required of me -

I am respectfully

Your afft. St.

Sagan Armstrong

of C. A. Bradfurd

W. S. Atty - East Dist. Ct.

Entd.

Logan Hunter  
Augt. 29. 73

WASHINGTON AND NEW ORLEANS TELEGRAPH LINE.

No charge for address, signature, or date. Where there is but one name in an address or signature, the christian name in full should be used instead of initials. Numbers are to be written as words, in the fullest manner, and so charged, and are duplicated in figures without charge. All communications are strictly confidential. Prepayment is required in all cases, except where there is a special agreement for answers or newspaper messages.

The following communication by Telegraph, was despatched from New Orleans Augt. 29: 4 o'clock, min. P.M. and received at Washington Augt. 30: 4 o'clock, 40 min., P.M.

Date at New Orleans August 28

For Hon. Jas. M. Clayton

Rey Akis Garcia  
has been delivered up to  
Genl. Campbell who has  
sent him here he has  
just arrived per Brig  
Salvadora, I have placed  
him in the custody of the  
U. S. Marshall in order  
to secure his testimony.  
He says that he was  
forcibly abducted

Logan Hunter  
per E. A. Bradford

Logan Hunter, Esq.

Rec'd 7 Sept.

M. Keye.

Department of the Interior  
Washington

September 7th 1829

Dear Sir;

In reply to your enquiry of this morning, I have to say, that, in my opinion, the "Ida Gull" might be taken possession of and detained by the Land and Naval forces of the United States, under the provisions of the 6<sup>th</sup> and 8<sup>th</sup> Sections of the Act of the 20th April 1818; but that the vessel, not coming within the purview of the 3<sup>rd</sup> Section of the same Act, cannot be libelled.

I am, very respectfully,  
Yours,

T. Ewing

[T. EWING]

John M. Clayton,  
Secretary of State.

Sept-9.

J. P. Hall.

R. Rice.

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

September 8<sup>th</sup> 1849.

Sir,

In obedience to your orders, directing me to "arrest any vessel engaged in the expedition against Cuba," I caused the Sea Gull and New Orleans to be detained by the Naval forces of the United States, under which power they are now held.

I could not discover any authority in the Act of 1818, which could speedily effectuate the objects you had in view, except the 8<sup>th</sup> section, and I hope that the power therein conferred upon the President, to employ the "land or naval forces" in such an emergency, will be found clear to justify our acts.

Under this conviction I called upon Capt. McKeever, Commandant

-mandant of the Navy Yard at Brooklyn, for a force adequate to make seizures; and he thereupon detailed four officers and fifty men for this particular service in view. With this force, the Marshal of the District, by my order, proceeded to the Quarantine grounds, in a steamer, took possession of the Sea Grill, (a vessel of considerable size, having a propeller as auxiliary to her sails,) brought her up to the Navy Yard, and placed her under the guns of the North Carolina, where she now lies. He then, by a like order from me, placed an officer with a small body of marines on board the New Orleans, (a large sea-going steamer, lying at Coopers Hook,) to detain her in the harbor until further orders.

I did not take possession of the Florida, as she was in no respect

respect ready for sea, and because I thought the seizures already made would be sufficient to accomplish all your purposes.

Since these arrests have been made, I have been called upon by the owners and agents of the Sea Gull and New Orleans, in relation to this matter, and they have very frankly admitted all the facts necessary to justify our proceedings.

With regard to the Sea Gull, she is to discharge her cargo (which consists entirely of arms and munitions of war) under the supervision of a proper authority, and her owner will give bond not to violate any law of the United States in relation to our neutrality. Upon these terms, and upon a solemn assurance that the expedition is effectually broken up and abandoned I shall restore this vessel to Mr Cole.

Cook.

With regard to the New Orleans, she was under a charter party, fair enough on its face; but secretly she was intended for the use of the expedition, and of this there is ample proof.

The seigures, however, have broken up their plans: and the charter party has been abandoned on all sides.

The owners will stipulate in any form I may require, that she shall not violate any act of Congress; and put her into the legitimate business for which she was constructed.

I shall, however, leave a marine officer on board of each vessel until the expedition is fairly and fully dispersed.

With regard to Capt Carr I shall leave him for the present as

as he now is - under bail to appear  
when called for - having the assurance  
and pledges of his friends that all  
persons engaged in the expedition  
will leave the City without delay.

I hope these conclusions  
will meet your approbation; but  
if not, you have merely to give  
me additional instructions, which  
will be implicitly followed.

In this matter I have  
to say, that to Col. Crane and Capt  
McKeever I am indebted for the  
prompt manner in which they  
met my requisitions, while the  
Marshal in person, without hesitation,  
executed all my instructions with  
entire propriety.

I have not deemed  
it necessary to go minutely into  
details, because I suppose that  
you have received them all from  
Mr. Harvey, who has a clear knowledge

[Special Agent James E. Harvey]

of all the facts.

Such expences as have  
been incurred will be defrayed  
by the Marshal and charged in  
his accounts.

With great respect  
Your obedient servant  
I. Prescott Hall  
U. S. Atty.

Hon. John M. Clayton  
Secretary of State  
Washington.

Recd 16 Sept.  
45 19 Sept.

H. J. P. U. S. Attn

Senate Ex. Doc. 57 16-17

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

September 15<sup>th</sup>, 1839

Sir

In relation to the part to be taken in the contemplated Cuba expedition, by the Sea Gull and New Orleans, I suppose the facts to be these; that the Sea Gull was to transport the arms and the crew of the men, to some point of union upon the coast of Cuba or some of the numerous keys on the north side of that Island.

In point of form the New Orleans was chartered by Wood her part owner, to C. L. Cole for a voyage from the port of New York, to charges "or to any port or ports in the Gulf of Mexico, or in the Caribbean Sea;" the voyage not to exceed thirty days.

But in terms, she was not to violate any law or treaty of the United States, or enter the waters or ports of

the Island of Cuba.

Before the voyage was formally abandoned, Hale assigned his charter party to R. A. Parish Mfr. of Philadelphia, and he filed a libel yesterday against the New Orleans for a breach of the contract and seeks to recover back the money advanced.

If a trial is had, direct proof may probably be obtained as to the expedition and the parties engaged in it.

I am, with great respect  
Yours obt Servt:

J. Prescott Hall

U.S. Attorney

Hon:

John W. Clayton  
Secretary of State

..... & .....

P.S. The assignment by Hale to Parish is  
dictated by Lewis Cane and T. L. Pickett

Rec'd 27 Sept.

Hall J. P.

Mr. Hale

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

September 25. 1849.

Hon. J. M. Clayton,  
Secretary of State,  
Washington.

Sir,

The Sea Gull has landed  
and discharged all her cargo, (except  
provisions and stores,) a memoran-  
dum of which I annex hereto.  
The vessel is repairing her engine,  
and is to be a Packet between  
Virginia and Philadelphia. It  
will be perceived by her cargo,  
what her destination was.

Very respectfully  
Your obedient servant

A. Prescott Hall,  
U. S. Atty.

# Discharged cargo of Steamer Sea Gull.

38	Boxs of Muskets, marked	No.	8
7	" Military Belts	"	1
10	" Rifles	"	3
3	" Caps	"	6
15	" Bales of Clothing	"	11
5	"	"	7
7	" Shears	"	11
3	" Hats	"	5
2	" Swords	"	16
1	"	"	13
2	" (unknown)	"	2
1	" Flints & Caps	"	14
1	" Howitzers	"	19
2	" Pistols	"	4
4	" marked McGuire		
80	Musket Cartridges. In	"	9
10	Rifles	" R "	10
9	Musket	" In "	9
1	Rifles	"	10
1	Case of Canister Powder.	"	15
1	" " " "	"	12

203 boxes -

Rue 13 Oct. 49

S. J. Penn.

Mr. Hunter.

Custom-House, New-Orleans,

Collector's Office, Oct. 1<sup>st</sup>, 1849.

Sir:

Being under the impression that the enclosed letter has been received at this Office under enveloppe from the Department of State, and Mr. Clifford having arrived in this Country, I respectfully beg leave to return the same to the Department; as I am not informed of Mr. Clifford's place of residence.

Gov. John W. Clayton,  
Secretary of State.  
Washington.

I have the honor to be,  
very respectfully  
Your obedt<sup>t</sup> Servt<sup>t</sup>  
Sam. J. Penn  
Collector

Navy Department,  
Bureau of Com., Eq. & Rep.  
1st November, 1848.

## STEAMERS' LIGHTS.

### TO PREVENT COLLISION.

*When under Weigh,* a { Bright White Light at the Foremast Head.  
Green Light on the Starboard side.  
Red Light on the Port Side.

*When at Anchor.*—A Common Bright Light. The Lantern so constructed as to show a good light all round the Horizon.

1. The Mast Head Light to be visible at a distance of at *least 5 miles* in a clear dark night, and the Lantern to be so constructed as to shew a uniform and unbroken light over an arc of the horizon of 20 points of the Compass, viz: from right ahead to two points abaft the beam on each side of the Ship.

2. The colored side Lights to be visible at a distance of *at least 2 miles* in a clear dark night, and the Lanterns to be so constructed as to shew a uniform and unbroken light over an arc of the horizon of 10 points of the Compass, viz: from right ahead to two points abaft the beam on their respective sides.

3. The side Lights to be moreover fitted with inboard screens of at least 3 feet long to prevent them from being seen across the bow. The screens to be placed in a fore and aft line with the inner edge on the side lights.

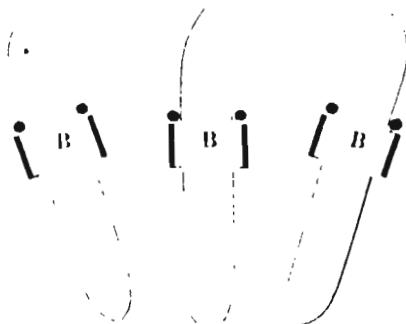
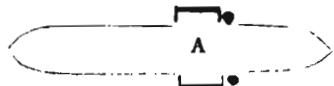
### DIAGRAM.

*The following Diagrams are intended to illustrate the working of the above Plan:*

#### 1ST SITUATION.

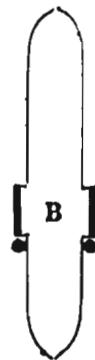
In this situation the Steamer A will only see the *Red light* of the Vessel B, in whichever of the three positions the latter may happen to be, because the *green light* will be hid from view. A will be assured that the *larboard* side of B is towards him, and that the latter is therefore crossing the bows of A in *some direction to Port*. A will therefore [if so close as to fear collision] *port* his helm with confidence, and pass clear. On the other hand, the Vessel B, in either of the three positions, will see the *red, green, and mast-head lights* of A, which will appear in a triangular form, by which the former will know that a Steamer is approaching *directly* towards him—B will act accordingly.

It is scarcely necessary to remark that the *mast-head light* will always be visible in every situation till abaft the Beam.



### 2ND SITUATION.

Here A will see B's *green* light only, which will clearly indicate to the former that B is crossing to starboard. Again A's *three* lights being visible to B, will apprise the latter that a Steamer is steering *directly* towards him.



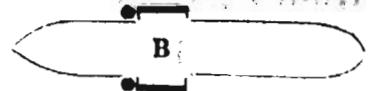
### 3D SITUATION.

A and B will see each other's *red* light only. The screens preventing the *green* lights being seen. Both Vessels are evidently passing to *Port*.



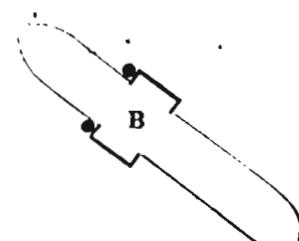
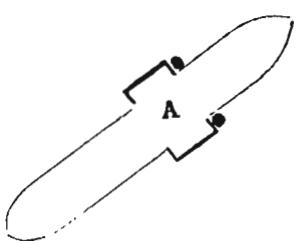
### 4TH SITUATION.

Here a *green* light only will be visible to each; the screens preventing the *red* lights being seen. They are therefore passing to *Starboard*.



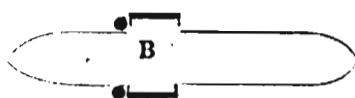
### 5TH SITUATION.

This is a situation requiring caution—the *red* light in view to A, and *green* to B, will inform both that they are approaching each other in an oblique direction. A should put his helm to port, according to the standing rule mentioned in the next situation.



### 6TH SITUATION.

Here the two colored lights, visible to each, will indicate their *direct* approach towards each other. In this situation it ought to be a *Standing Rule* that both should put their helms to *Port*. This rule is already pretty generally adopted; but it would add to safety if it were made *imperative*: for it is evident, that without some rule of this kind, well understood and practised, it will be impossible to guard at all times against accidents in the situation of the two Vessels here given.



'The manner of fixing the Colored Lights should be particularly attended to. They will require to be fitted, each, with a *screen* of wood or canvass on the *inboard* side, in order to prevent *both* being seen at the same moment from any direction but that of *right-a-head*.

This is important, for without the *screens* any plan of bow-lights would be in-effective as a means of indicating the *direction of Steering*.

This will be readily understood by a reference to the preceding illustrations, where it will appear evident, that in any situation in which two vessels may approach each other in the dark, the colored lights will instantly indicate to both the *relative course of each*—that is, each will know whether the other is approaching *directly* or *crossing the bows*, either to *starboard* or to *port*. This intimation is all that is required to enable vessels to pass each other in the darkest night, with almost equal safety as in broad day, and for the want of which so many lamentable accidents have occurred.

It might prove of infinite service, combined with the above plan of lighting Steamers, if all *sailing* Vessels were provided with a Green and a Red Lanthorn, to be shewn by hand on the Starboard or Port Bow, according to the side on which the Vessel might be approaching.

*If at anchor*, all Vessels, without distinction, to exhibit a common Light.