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MISCELLANEOUS LETTERS OF THE
DEPARTMENT OF STATE

Roll 122

August 1-September 30, 1850



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1963

Entered

P. Hamilton

WASHINGTON AND NEW ORLEANS TELEGRAPH LINE.

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The following communication by Telegraph, was

Despatched from _____ o'clock, min., M.

and received at _____ o'clock, min., M.

Dated Mobile 5th Aug. 1850

For _____

Hon. Saml. Webster

The County prisoners are in port - what course shall I take with them?

P. Hamilton
U. S. Attorney

529

C/Chas. J. Miller

Dated Aug 6, '50

rec'd dfr favor of H. P. Upton
from to Sept. State

Aug 8, '50 filed

see letter to him of
"Aug 8, '50"

id 15 Augt.

Entered

P. Hamilton

7 Aug. 1850

Office of U. S. Atty.

Mobile Augt. 7. 1850.

I have to report to you, the arrival of forty two men, recently released by the Authorities of Cuba, and generally known as the "Cuban Prisoners."

I was first informed of the arrival of these men, by a communication from Comr. V. M. Randolph of the U. S. Ship, Albany, on Sunday last the 4th inst. He entered the Bay of Mobile, on Friday the 2^d inst. Having received no instructions from Washington of the course, Government desired to be pursued in relation to the men, on Monday last, I addressed you a telegraphic message, announcing their arrival, and requesting advice. To that despatch I have as yet received no reply.

On yesterday, I accompanied Mr. Bingham, the U. S. Marshal, to the Albany, and the men were transferred to their office by Comr. Randolph. They were brought to the city, and still remain here. They are nearly all of them destitute of money and of clothing, & most of them are a long way from their homes, and at this season of the year, there is but little chance of their obtaining employment, if they remain here.

By communication from the U. S. Atty. at N. Orleans, I gather, it is not the wish of the U. S. Government to detain these men, with any view to a criminal prosecution against themselves, but to obtain from them any & all information, that would tend to aid the Government in the prosecutions now pending against Lopez and others.

Acting upon this view, I have not made any charge
against these men, but have applied for an order to
detain them for examination under the Act of the
Congress, approved Aug. 8. 1846, regulating proceedings
in the District Courts of the U. S. To-morrow
morning at 10 o'clock has been appointed, for the men
to appear before his Honor Judge Gayle, Judge of this District
to determine upon the binding them or some of them
to appear as witnesses in behalf of the U. S. in the
cases pending.

Of the forty two men, Seventeen, have written
in a written statement, showing that they enlisted at
Cincinnati, upon an undertaking to go to California
to work the Quartz Rocks - The agent, who procured their
organization, is a man of the name of Hardy - Capt
Hardy they call him - He proceeded to New Orleans
at their own expense, and there shipped on the Barque 60961

- now they declare they were entirely ignorant of any
other object being in view, than an expedition to Calif-
ornia, till near the mouth of the Mississippi River, when the
arrival of some 4 armed men, that were put aboard the
vessel excited their suspicions. Their statement also goes to
-flicite Col O'Hara, as largely concerned in the undertak-
ing against Cuba, & having been guilty of gross oppression
towards these men.

I will furnish you a copy of the statements of
these Seventeen - the original, I propose to send J. M.
Esq. U. S. Atty. at New Orleans, to whom it may be
desired.

Of the remainder of the forty two men, all of them
at New Orleans, with some knowledge of the object.

view. All but one or two left in the "Carole" - They all
refused to proceed any further, after reaching the
island of Kootenay. These men do not seem inclined to be
communicative. Some of them promised to furnish
a statement of what they know, but I think they
have been deterred from doing so, through the influence
of one or two of their number. I have told them, I would
be glad, to have as full and frank a statement, as they
can make - though I could not ask them to criminate
themselves - but at the same time, that if they would
state frankly all they did, and know and saw, I would
not use it to their prejudice. I presumed, I was but ex-
pressing the wishes of myself and the President, when I
thus spoke, and when I told them the object of the Gov-
ernment, was not to oppress them, but through their aid
to perform a duty it owed to the civilized world, in the
punishment of the leaders, & organizers of the late un-
lawful expedition.

There is one man, named A. B. Howe,
who says he is a lawyer, that I think, and in fact, was
informed by Capt. Randolph, of the Albany, know a
good deal of the history of the expedition. Capt. Randolph
told me that, at Havanua, this man turned State's Evidence,
made full disclosures. Probably, his statements were among
those furnished to the Govt at Washington by the Spanish
Minister. Now, this man assumes a very different position;
he is willing he says to tell, the mode in which he and all
the men were treated while prisoners. he says, the U. S. Govt
should demand redress and all that. At one time he de-
nied he knew any thing of Lopez, or of the expedition -
subsequently, he admitted he knew of these things, but that

he must consult his friends, before he wants let me know whether he wants say any thing. This morning he seems determined to be silent, - and say nothing about the Rivers his rights - that if he submit to the penalty, he can be silent & say nothing -

I understand that at Havana, while under examination he made full disclosures and implicated quite a number of men.

Enclosed I furnish a list of these men and have also of the servants that state they had nothing to do with the expedition.

These last think of furnishing a statement of their detention and loss of property and money, that they were subjected ^{to} by the Spanish authorities. Most unjustly they are certainly to them very great hardship, if their story be true and I have no reason to doubt. How far you will find it proper to make any representations of these losses & injuries to the Spanish Government, is ~~rather~~ not for me to say. But if the Spanish Govt. would be liberal to these men who were guilty of any wrong actual or intended, it would in my opinion, do more to prevent any future attacks, than costly barrages & expenses in works of defence.

Very Respectfully

Your most Obedt. Servt

J. Hamilton

U. S. Atty.

To Hon. Dick Webster
Secy of State.

List of the Country Prisoners who left the United States with the intention of going to California

Name.	State, Citizen of
John Brown.	Ohio.
William McIntosh.	Ohio.
Thomas M. Armstrong	Ohio.
Henry Stephens	Ohio.
John M. Finch	Ohio.
William Smith	Ohio.
James Foley	Ohio.
William Patten.	Ohio.
John W. Winter.	Ohio.
Alexander Miller	Ohio.
James McGowan	Ohio.
William J. Lake	Ohio.
John Gibbs	Ohio.
James M. Martin	Kentucky
Levi Brown	Kentucky
John Estell	Louisiana
Henry S. Smith	Louisiana
E. B. Davis.	Illinois -

This man was on board the Susan Lord, but declares he slipped under the belief, he was going to California. The remainder were on the Georgiana.

List of Convicts
Prisoners, who declare
they intended to go
to California.

List of County Prisoners

- | | |
|--|--------------------------------|
| 1 Phineas Welsh | 22 Ans H. Blackstone |
| 2 J. W. Burnes | 23 Jas Folger |
| 3 John Estill | 24 Wm Pinton |
| 4 Alex M ^c Kally | 25 Ans W. Winter |
| 5 John Cronch | 26 Alex Miller |
| 6 Wm M ^c Antosh | 27 Jas Bennon |
| 7 Wm J Hollend | 28 Jas Tappley |
| 8 James M. Martin | 29 P. Connors |
| 9 Thomas M. Armstrong | 30 Wm L. Hardy |
| 10 Levi Brown | 31 Jas M ^c Gowen |
| 11 David Kelgen, ^{King} Smith | 32 Antonio Francis |
| 12 Joseph Reid | 33 Joel Hogg |
| 13 Henry S. Smith | 34 Jas O'Hannel |
| 14 Henry Stephens | 35 Ans M. Colson |
| 15 Alex P. Colson | 36 Chester B. Matthews |
| 16 Ans M. Finch | 37 Wm J. Lake |
| 17 Ans S. Carter | 38 C. B. Davis |
| 18 Wm Brown | 39 S. Heaverstraw |
| 19 Wm Smith | 40 Arthur M ^c Curie |
| 20 Chas M. Parris | 41 Ans Lible |
| 21 Geo W. M ^c Daniel | 42 A. B. Moore |

17 Augt. Entered

117 U.S. Atty. P. Hamilton
Aug 9. 1850

Office of U.S. Atty.
Mobile Aug 9. 1850.

Sir,

I now report that this morning I had the
Country Prisoners, or such of them, as seemed to me
likely to prove material witnesses in the trial of the
indictments now pending in Louisiana against
Narciso Lopez, brought before his Honor Judge Bayle,
U.S. Judge for this District, and they were recog-
nized to appear at the next term of the U.S. Cir-
cuit Court for Louisiana to testify in those cases.

Judge Bayle saw fit to demand only their in-
dividual recognizances, without security.

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

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

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

Very Resp.
Your most Obedt. Servt.
P. Hamilton
U.S. Atty.

To Hon. Saml Webster }
Secy of State }

Hon^{ble} Daniel Webster

Secretary of State

Washington

Washington

J. P. Hall

Cuba expedition

New York August 15th 1849

Wm M. Meredith
Secretary of the Treasury

Sir,

Mr Maxwell the Collector of this Port, has shown me a communication from you in relation to an armament or expedition supposed to be fitting out here for a descent upon Cuba or some place upon this continent adjacent to that Island. We have no knowledge or information upon the subject except such as is derived from your letter, the proclamation of the President and the newspapers of this morning, and are therefore somewhat embarrassed as to the mode of obtaining evidence upon which we may act.

A person by the name of McCallough it is said has lately purchased sixty thousand rifle or superfluous muskets of the Government of the United States, and it may be that there is an intention on his part to ship them to New Orleans. The Collector and myself will

will endeavor to keep an eye upon his
movements, as well as all other suspicious
persons; but allow me to suggest
whether you cannot point our enquiry
in such directions as may lead us to
some direct evidence of facts upon which
we may proceed according to law, instead
of groping in the dark with surmises
and conjectures alone for our guides?

Should you think it proper
or expedient to communicate further
upon this subject, your instructions
were best directed to the collector
himself, upon whose suggestion I write
this letter.

My own private advices from
Cuba are, that the men of property and
consideration in that Island are content
with their present condition and will
countenance no movement having for
its object the overthrow of the power
of the Spanish Crown; - but upon this
point my information may be
unfounded.

With very great respect
Your obedient servant

Prescott Hall
U. S. District Attorney.

Recd 19 Augt

Entered

Will. A. Graham
16 August, 1853

Navy Department,
August 16, 1850.

Sir:

I have the honor to transmit herewith, for your information, a copy of a despatch from Capt. D. S. Newton, Commandant of the U.S. Navy Yard at Pensacola, dated 8th instant, together with copies of the papers therein referred to, relating to the transfer of "the Contag prisoners" to the U.S. Marshal for the Southern District of Alabama.

I have the honor to be,
Very respectfully,
Your obt. servant
Will. A. Graham

Wm. Daniel Webster,
Secretary of State.

Copy

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Commandant's Office
Navy Yard, Pensacola
August 8th 1850

Sir:

I have the honor to report the return here, this morning, of the U. S. Schooner of War "Albany," from Mobile; and to transmit herewith enclosed, a copy of Commander V. M. Randolph's report to me, of this date, together with a list of the names of the forty-two persons designated "the contraband prisoners," the original of which list is on file in my office, signed by Charles Bingham Esq. U. S. Marshal for the Southern District of Alabama, to whom the forty-two persons in question were delivered, in conformity with your order of the 20th ultimo, received here, on the 31st. via Mobile by Telegraph, and mentioned in your letter of the 30th ultimo, received on the 7th instant.

I have the honor to be
Very respectfully
Your obedient servant
(signed) John Thomas Newton
Comdr

To the Honorable
The Secretary of the Navy }
Washington }
}

Copy

U.S. Ship Albany
Pensacola, August 8th 1850.

Sir:

In obedience to your order of the 31st of July, I proceeded to Mobile, with the "Albany," under my command, and delivered in charge of the U.S. Marshall, the forty-two "Contoy" prisoners, and received from him a receipt for the same, which is herewith enclosed. Having performed this duty, I have returned to Pensacola, to await further orders.

I am very respectfully
Your obt. Servt
(Signed) W. M. Randolph
Commander

Commodore
John Thomas Newton
Command. U.S. Navy Yard
Pensacola, Fla.

List of Contoy prisoners.

1	Thomas Welsh	22	John H. Blackstone
2	Geo. Burns	23	James Folger
3	John Solitt	24	William Pinton
4	Alex. McAlley	25	John M. Winter
5	John Brown	26	Alex. Miller
6	Wm. McIntosh	27	James Bennett
7	James M. Martin	28	James Tappley
8	Wm. P. Holland	29	P. Courner
9	Thos. M. Armstrong	30	W. L. Hardy
10	Levi Brown	31	James M. Gowen
11	David Helgen Smith	32	Antonio Francis
12	Joseph Reed	33	Joel Hoag
13	Henry S. Smith	34	James O'Donnell
14	Henry Stephens	35	John M. Colson
15	Alex. P. Colson	36	Chester D. Matthews
16	John M. Finch	37	Wm. J. Lake
17	John L. Carter	38	E. B. Davis
18	William Brown	39	S. Hornerstraw
19	William Smith	40	Arthur McGuire
20	Charles N. Paris	41	John Libbs
21	George W. M. Daniel	42	A. B. Moore

I hereby acknowledge to have received from the
U. S. Ship Albany, the above named contoy pris-
oners.

(Signed) Charles Bingham

U. S. Marshal

Southern District of Albany

U. S. Ship Albany
Mobile Bay, August 6, 1850

High Secy of State
Sept. 4 1850

Joseph Hall
25 August, 50

Camden, Waldo Co. Maine
August 25, 1850

Sir

The becom Mrs Jacob Groffan
is the mother of Mr Joseph Groffan late Mate
of the Bark Georgiana taken by the Spanish
Government condemned, and her two first
officers Capt Benson, & Mr Groffan were pris
oners in chains in Cuba

Mrs Groffan is now at Washington
to do all she can to effect his release and
restore him to his family and friends, who
are greatly afflicted

I have been acquainted with
Mrs Groffan & her family for nearly forty
years, and know her to be a worthy good
woman, and her family respectable

All assistance & services her will
be gratefully acknowledged

The only apology I can offer for this
being & take in addressing you in her
behalf, is the slight acquaintance I have

Share with you while in Congress
1835-1837 -

With respect & esteem
I am the honor to
Very respectfully
Yours obediently
Joseph Hall

To the President of the
United States.

Recd 22th August 1850
Ampt 28 Aug
Culver
John West
Middle Rd 26 Aug 1850

Hon: Daniel Webster

Scpt of State

Dear Sir, I have a letter from my son, Mr Jas H. West, under date of Aug 1st, in which he communicates intelligence of the first fatal result of the outrage under which he and his employees have been suffering. Poor Bramden is dead. He was one of the three, who were so cruelly treated on their arrest, and then imprisoned in Villa Clara Prison. After suffering there five months, he was discharged on bail, and in a very short time expired. He has left a family in Ohio. My son has, in addition to all his other losses, and expenses on his account, contributed for his support while in prison \$250.00.

I hope his destitute family will not be debarred from the benefit of his claim. I have also to state, that I have received, and propose to forward to Mr Barringer, the affidavit of Capt. Jordan, in which he declares, under oath, that he skipped the powder to be used for specific military purposes, which he states; that the knowledge

of its being on board the vessel was carefully concealed, and that my son has no participation or knowledge whatever in regard to its landing, his first knowledge of the fact being after the powder was discovered on shore. -

I have also communicated to Mr. Murray a detailed account of my trial, arrest, examination, and acquittal by the Tribunal of Sages de Grande, which I obtained from an American merchant of that place, who was present, and participated in the proceedings as private interpreter. He confirms every fact as already embodied in the documents of the case. -

I should be happy to receive the copies of a portion of the correspondence, which I left at the State Department subject to your order.

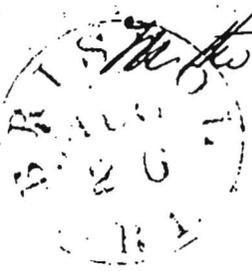
I have the honor to be
most respectfully,

Yr. Obedt. Servt.

Wm. H. Hunt

"

FREE



Hon. Daniel Webster

State Department

Washington
D.C.

To the Hon. Daniel Webster
Secretary of State

The undersigned, a citizen of the United States, dwelling in the City of Boston, respectfully asks leave to call the attention of his government to the following facts, connected with the forcible seizure, in May last, and subsequent confiscation by the Spanish authorities at Cuba, of the brig Susan Lord - whereby he has been deprived of his property to a large amount, and thrown out of employment, besides having been subjected to great expense and much suffering, while in the pursuit of an honest and lawful vocation.

In October 1849, your memorialist entered into an engagement with the owners of the aforesaid brig, Messrs. Jos. Lord, Joseph Lord Jr. and James Trereell, of Weymouth, Mas. to take command thereof, and to share mutually with said owners, the profits or losses that might accrue, in the prosecution of the regular business of said vessel. A copy of this agreement, for the purpose of showing the true nature and design of the same, is herewith transmitted: see document A.

In the month above stated, the undersigned sailed from the port of Boston, for Dresden, Me. - there took in a cargo of Shooks, and proceeded to Havana; sailed thence for Cardenas, and loaded for Savannah; left the latter port, with 300 casks Rice, for New Orleans - was dismasted on the passage - put into Nassau, N.P. to refit, and at length arrived at New Orleans in April 1850.

On

On the 30th of said month of April, your memorialist entered into a contract for the charter of said brig to be employed between such ports in the gulf of Mexico, as the charterer might direct. The character and intent of the agreement will fully appear from a perusal of the document accompanying this memorial, marked B — being the copy of communication to the owners aforesaid, stating the object of the then pending voyage.

The undersigned further represents, that, in pursuance of the foregoing contract, he set sail from said port of New Orleans on the 2d day of May, 1850, with passengers and provisions bound for the port of Chagres; that, some three or four days after getting to sea, he was ordered by the charterer of said brig then on board, to proceed into lat. 26, and lon. 87 — at which point having arrived on or about the 10th of May, the steam Creole came up, and took on board the passengers of said brig. Your memorialist, when on the point of shaping his course for the port of Boston, under a belief that the charterer had abandoned his contract, was requested to go on board the Creole. He accordingly without any preparation whatever, went; and was then and there against his own expressed will, detained by Gen. Lopez and his companions, under pretence that his services were wanted as pilot. Finding himself thus forcibly detained, he hailed the San Louis, ordering his mate to return to Boston. This order was not heard; but a louder one being issued by the charterer or some one under his direction, for the said brig. to proceed to the island of Ugueres, she sailed thither; where she was seized by the authorities, and has since been condemned.

Your memorialist further declares, that on being informed of the order to proceed to lat. 26, and long. 87, he cautioned his mate to take good care of the brig's log-book, for the avowed reason that we knew not the character of the men into whose hands we had fallen, or were about to fall. Having himself, at several times, made trading voyages to the port of Cardenas, and this fact being known to the persons who had thus restricted his liberty, he had no resource but to comply with their order to pilot said steamer into that port. When arrived, your memorialist did not leave the steamer, but remained until the return of the party which landed, and was taken thence to Key West, where he was landed and left, destitute and penniless, and finally returned to his family in Boston, without funds or resources of any description.

Your memorialist solemnly declares that the whole of the above detailed proceeding on the part of the government of Cuba, in reference to said brig, and to his property on board thereof, is contrary to the acknowledged laws of nations, and that the plea under which the aforesaid seizure and confiscation were made, is false, and without any foundation in fact. He was in the regular and legitimate pursuit of a business in which he had toiled very many years. He had no part nor lot in the alleged attempt to revolutionize Cuba. He had never taken on board a warlike implement, or munitions of war, of any name or nature, save a musket and pistol, which he procured in Boston previous to his departure in Oct. 1849; nor is he aware that any of the passengers from N. Orleans were professed of arms, or bound on any hostile expedition. Of the

object of the order given after leaving New Orleans by
Chaitein, the undersigned was at that time entirely ignorant,
by the terms of his agreement could he refuse to obey
it, as the point to which he was directed lay immediately
in the route to Chagres, his destined port, for which he
had cleared at the Custom House in New Orleans. Your
memorialist would here refer to the documents accompanying
marked C and D, in proof of his declaration touching
the nature of this his last voyage in said brig.

The undersigned would further present, in the premises
the document marked E. This is an inventory of most
the effects belonging to him, made in the absence of his
and papers - all which were left on board the aforesaid brig
when your memorialist was deprived of his command in
manner above related, and all which has been unlawfully
taken and held by the authorities of Cuba, as in like man-
ner also stated. Appended to said inventory is an estimate
of the losses and damage by him suffered, by reason
of the transaction in question - the whole amounting to up-
wards of \$2700, and constituting the sum of his hard-
earnings during some twenty years of maritime life. For
this he claims indemnity; and he hereby confidently
appeals to the government of his country, for justice,
relief, and redress in the premises.

Simeon Prindleton

Signed and sworn to, this twenty sixth day of August, A.D. 1812
at Boston, Massachusetts - before me,

Jano. H. Jackson, Notary Public,
Justice of the Peace

Recd 29th Aug. Mr Mackay
Joy's Building, Boston, Aug. 26, 1850.
Hon. D. Webster,

Sec. of State
Sir,

Saml. H. Sears

Herewith I transmit, by request, the memorial, with accompanying documents, of Capt. S. Pondleton, late master of brig Susan Loid, recently seized and condemned by the authorities of the Island of Cuba.

The case of Capt. P. is one of peculiar hardship. He has been deprived of his little all, while in the peaceable prosecution of a lawful business which he has followed during most of his life, without molestation until the occurrence of which he complains. He has long been well known as an upright, industrious and reliable citizen of Boston, the father of a numerous, amiable, and intelligent family, who are thrown into great distress by this unjustifiable confiscation of his property. He has now laid his claim candidly and confidently before his government, not doubting that he will be duly protected, and that a just measure of reparation will be obtained for the outrage to which he has been subjected.

I have also taken the liberty to forward two newspapers — one containing an abstract of the Report of the "Auditor of War and Marine" at Havana, presenting his reasons for the seizure in question; the other, a curious reply of Capt. Pondleton, showing the fallacy of those reasons, under a proper understanding of the facts. The latter may serve further to elucidate some of the general statements in the memorial. If Capt. P. could procure the papers and accounts which have been taken from him — and without which he is unable to settle with the vessel's owners — they would confirm, in all essential points, his whole representation: or, if

he could obtain the testimony of his mate and the two
others of his crew, still wrongfully and cruelly detained in
confinement at Havana, many of the prominent facts set
forth in his memorial would also be amply corroborated.
But he trusts that sufficient cause has been shown for the
prompt action of the government in his behalf. Should ob-
jections be required, they can be furnished, when informed, thro'
the undersigned, as to their description or character.

Your kind attention to the subject will confer a
great favor on the memorialist, and also oblige

Very respectfully

Your obt. Servant
James H. Frank - Secretary Pub
Atty for D. Pendleton

Capt Simcoe Pendleton

Boston

Mass

17

usually

Tru. Copy

New Orleans May 1st 1860
Mr. Dutch. Lond.

Sir

I write these few lines to
inform you that as there was no freight for the
Northward that would pay my expenses here at
New Orleans. I have chartered the Brig for to take
load of passen gers for Charges. Which is the only
thing that has offered to me that would pay any
freight at all. There is Russell's here that are taking of
freight for nothing and others that are paying
from fifty to a hundred dollars for ballast to get
the Northward with. The charter which I have
taken will probably take twenty days or a month
to fulfill. The following is a copy of the agreement
from all men by these presents that J. F. Ferson, Purser
of the Brig Susan Lond. of New Orleans
and now moored in the port of New Orleans. Under this
day chartered to James M. Bradburn agent for C. R.
West of the City of New Orleans the said Brig Susan
Lond. with all her carrying capacities, on her decks
her hold and resermainy only such room as is
necessary for the accomadation of said Pigs Officers
of crew for and in consideration of the sum of six
hundred dollars per month which said six hundred
for the first month commencing this day and ending
over.

on the first day of June, and having it herby acknowledged to have been received by me from said Agent as full compensation for said month services to be performed by said Brig. The said agent is to put aboard said Brig such number of passengers as he may deem expedient together with provisions water casks filled with water cooking apparatus and fuel for said passengers to cover their provisions with all fee of expense to said Brig. It is further understood that said Charterer is to have said Brig towed to sea by Steam and Pilot and over the bar free of expense to said Brig. It is further agreed that if said Brig should be employed by said Charterer a longer period than one month then said Charterer is to pay said Vantage for such time thus employed at the same rate as above stipulated. Should said Brig be discharged and released from this charter previous to the said first day of June then said Brig is entitled to the said Six hundred dollars already paid her Master. It is further understood and agreed between the parties that said Brig is to be employed between the ports of New Orleans, Chesapeake, Vera Cruz, or such other ports or places as said Charterers may direct in the Gulf of Mexico Caribbean Sea. It is further understood and
over

agreed that said Charter is to pay all foreign
port charges for said Priz in whatever foreign port
said Priz may be required to enter by said Char-
ter. It is further agreed that if said Priz should
be discharged at any point or place when ballast
could not be procured then the water casks put
on board said Priz by said Charter are to be left
on board for the purpose of ballast. It is further
understood that should said Priz be ordered
to return to any port in the United States under
said Charter then said Charter is to pay all
charges incurred by said entrance into such port
It is further understood and agreed that said
Master is to man feed and sail said Priz at
the entire expense of said Priz

This drawn and signed by the said parties
at New Orleans the first day of May 1850

Signed in Duplicate

Lincoln Ricketow

James W. Bradlove

Capt for C. R. Wheat

By mouth Oct 26 1849

Whereof agreement made this day by & between Vincent Pennington of the first part & Joseph Lored of the second part to wit. Vrs. The said Pennington agrees to take command from this date, of the Brig Simon Lored, & victual man & sail her for one half she shall earn & pay one half of all Port charges & Pilotage with such other charges as one usually should between the Master & Owners.

And he further agrees to use his best endeavors to promote by every lawful means in his power the interest of the owners while in their employ & to see that nothing connected with the vessel is left or neglected.

And the said Lored on his part & for the owners agrees to be content to receive one half of the nett earnings of said Brig provided said Pennington withfully performs all the services intended & implied appurtenant by this agreement - It is further agreed that the Cabin shall exclusively be for the benefit of the Master & Officers.

Simon Pennington
Master of

Memorandum of articles, the property of Simon Pondleton,
left on board brig Susan Lord, May 10, 1850

1 large chest Sea Clothing	value \$	65 00
1 trunk fine Clothing		35 00
1 Chronometer		300 00
1 chronometer = watch, left hanging in cabin		145 00
Quadrant, charts, spyglasses, thermometer, scale & dividers		75 00
1 portable writing desk, containing valuable papers; together with money therein, and in said chest and trunk, amounting, as nearly as can be ascertained or recollectd, to		730 00
47 extra Water Casks	@ \$3.00	141 00
3 cords Wood	" 5.00	15 00
4 100 feet lumber	" 15.00	60 00
Matresses, and Bedding in Cabin		30 00
extra hammer, 1.00; harpoon line, 2.00; 2 deck buckets, 1.00		4 00
1 extra Spar, 42 ft. long		5 00
3 lashing planks, 27 ft long		5 50
1 grappling iron, 2.00; 2 codfish lines, lead & hooks, 1.25		3 25
1 double barreled gun, 12.00; 1 brass pistol, 3.00		15 00
1 large coil of Cordage for stays &c		95 97
Sails, purchased at auction, viz. 1 mainsail, 1 gaff topsail,		
1 maintopmast staysail, 1 foretop gallantsail,		
1 Studding sail — the whole worth		100 00
Provisions — viz. 20 Bbls Pork @ 12.00		240 00
3 bbls Beef, and 1 do pork		48 00
1 bbl Molasses, 8.00; 12 Stans, 14.40.		22 40
3 Bbls Flour, 3 Bbls Bread		33 00
	Ant. carried forward	2068 12

Amount brought forward	2068 12
2 bbls. potatoes, 6.00; 1 Keg Butter, 5.00	14 00
1 do. allial; 100 lbs. Rice	8 00
1 box Codfish, 4.00; Beans & Split Pease, 3.90	7 90
6 lbs Tea, 3.60; 100 lbs Coffee, 10.00; 100 lbs Sugar, 5.00	18 60
Salt, pepper, vinegar, spices, & other small stores	7 75
1 large tub Tamarinds	3 00
	<u>2127 37</u>

Estimated damage, from loss of vessel's earnings, viz.
 from June 2 to Aug. 2 1850, at \$400 per mo. = 12.00
 was half to said Penultion 600 00

Effects belonging to Luther Page, seaman, deceased, viz.
 1 Chest of clothing, and \$22 in cash — the latter
 in said Penultion's desk, and the whole in his possession. — } 60 00
 Total — \$ 2787 37

Simoon Penultion

Commonwealth of Massachusetts.
 Suffolk Co: Boston, Aug. 26, 1850. Then personally appeared
 Simoon Penultion, late master of brig Susan Lord, and made solemn
 oath that the foregoing is a just and true account of the property be-
 longing to him, in which he is interested, or for which he is responsi-
 ble to the best of his recollection, belief, and knowledge, which was on
 board of said brig, on the date stated in the caption of said account.
 Before me, Jam. H. Frady, Notary Public, &
 Justice of the Peace.

"A"

District of Belfast

Port of Camden

This certifies that on the twenty fifth of February, in the year eighteen hundred and fifty, the Bank Georgianna of Lincolnton, of two hundred, forty three ⁶⁸/₁₀₀ tons burden, was, on the certificate of the Master Carpenter & Surveyor, Enrolled at this office, being named, and the following named persons were entered on the record of her Enrollment as owners to wit: Reuben Benson, of Camden, State of Maine, Israel Decord Jr., Austin D. Knight, Hugh Colman, Sam^l Hackley Jr., of Lincolnton State of Maine, Nicholas Perry, Archibald Buchanan, Abbridge S. Wright, & Horatio Alden of Camden. I further certify that on the said 25th of Feb, the said Bank Georgianna cleared from this Port for the Collecting Port of New Orleans, with a cargo of Lime, Castum, & Leather. I further certify that Reuben Benson Master of said Bank: Joseph A. Grassam, Wm of Bank, and Robert James Smith & Charles B. Hopkins are citizens of the United States, and resi-

debits, of the town of Camden, in the
County of Waldo and State of Maine.

Given under my hand and
Seal of office at the Port of Camden
District of Belfast. this eleventh day
June in the year eighteen hundred
and fifty.

New Orleans April the 23 1850

Dear Sir I take this opportunity to write
to you to let you know I am well
hoping that you are enjoying the same
good health you requested me to write to
you about freight and so forth there is
nothing doing here at present I have
chartered the Barge one month with
the privilege of three to go to Shugers
with Passengers for 5000 dollars per month
and all Port Charges # Paid which is the only thing
I have had to pay since I arrived the Barge
performs a good deal better than I expected
I have had to sell your oakum for 5 cts
which I will account to you for
Expect I shall get ready to go you the
river to now night which is unexpected to
me to leave so soon please tel my wife
that you the had a letter from me
and that I think I shall not have to write
to all that I want to I shall send some
money to morrow if anything happens

Respectfully yours

Rufus Benson

#

Cash # means five hundred dollars

I know that Capt. Poodleton was detained as stated
in the foregoing statement on board of the Steamer Greble
Key West May 22nd 1850 - Ruben H. Grant - College

To all whom it may concern
I certify that the vessel
and cargo of the said vessel
W. Bridgton of said place & the said
crew Pendleton on the 30th April 1851
Master and agent of the Brig Susan Bond
for the term of one month & a longer
said vessel during at the rate of two hundred
dollars per month. Said Brig Susan Bond
at the Gulf of Mexico in that
was cleared, in or about the first day of
May 1851, for a voyage to Havana and
providing the life and subsistence on the 2nd
May 1851, however on board passengers and
provisions after getting out to sea the
said vessel, or said Brig, into
latitude 20 and longitude 7 when she remain
ed until the Steamer Creole came up
on 10th May 1851, when the said vessel
and the passengers was a part of the pro
visions on her to be placed on board the
said Steamer Creole, after receiving transferred
the passengers and provisions on board the
Creole, the said Pendleton Master of the
said Brig Susan Bond was called over
to the Steamer Creole where he was detained
on board by order of the commander of the
Steamer Creole. The Mate of said Susan
Bond was ordered to follow on to the Mate
of Creole, where if he remains in order
then he was to carry the said Brig to her
owners in City of Boston from two hundred
more worth of provisions left on board said
Brig besides her stores which to be ship property
of said Master, Pendleton. From under my hand
and seal at Key West 22nd May 1851
C. R. [Signature]

At the request of Capt. Pundleton of the
brig Susan Edie, J. C. R. Wheat of the
City of New Orleans do declare on
oath that I chartered the said vessel
at New Orleans, through my agent, on
the 30th of April 1856 for the term of one
month for six hundred dollars, and
longer if I should desire it, and that
in pursuance of said Charter the said
brig was cleared from the port of New
Orleans about the first day of May A. D.
1856. She left that port on the second
day of said May with passengers and
provisions for Chagres, with myself in charge
of them. So soon as we got to sea I or-
dered the brig into Latitude 26th and
Longitude 87th, and under my orders she
proceeded to this point where, on the tenth
of May aforesaid the Steamer Creole
came up, and I ordered the said pas-
sengers and most of the provisions from
the brig to the Creole. At the same time
Captain Pundleton, master of the said
brig, was called on board ^{the Creole} ~~the brig~~, and
was there detained by ^{my orders} ~~my orders~~, and
contrary to his views and wishes, be-
cause his services were wanted. The
brig was then dismissed under the
orders of the mate thereof.

I make this statement in justice to
Capt. Pundleton who has been an
unwilling passenger in the Creole.

The above Interdiction made C. R. Wheat
at the time of signing

The within was subscribed and
sworn to before me at Noyah this 22^d May
A. D. 1850.

James Filoz.
Noty Public.


You wd. Please met to Mr
Lott Secord on this we have gon to
tel him that if the ~~Cosby's~~ ~~that year~~
~~in the Bay of Mexico and the Pensacola~~

Consider Sugaros in the Bay of Mexico
and they want Entry insurances put
the must to the Best that he thinks
that Insurancian and Consult the best of the
ers - and if he think of titing has go
witho insurancie and wants Settle the
time for to find out how far the
Amount and not with out
Rufus Benson

New Orleans 28th May 1830
Mr. Isaac Turner

Herewith we enclose you
a part of a letter received from Captain Rufus
Benson of Bank Virginia under date of April
27th but which by some unknown delay did
not come to hand until a few days ago. In
our last to you under date of May 9th re-
mitting Draft for one Hundred Dollars, we
mentioned Captain Benson leaving, he
left for Charles on the 26th ulto. We enclose
his letter that you may better understand
the subject of it. You will please advise
us on receipt of this, of its arrival and
the

Yours Respectfully
H. A. Caswell
of New York

“C”

255V 54 VMD
22/4 10670 8021

Recd 20th August.

Senators Hamlin & Bradley
and others.

Washington August 26. 1850.

Hon^{ble} Daniel Webster
Secretary of State

Dear Sir,

Mrs Sarah Graffam of Camden, Maine, is now in Washington, for the purpose of interesting the Government to obtain the release of her son Joseph, A. Graffam who is now detained as a prisoner by the Spanish Authorities at Cuba. It affords us great pleasure to assure you that Mrs Graffam is a most worthy lady, and of intelligent and highly respectable connections; and in her behalf we join, urgently and respectfully, to request that you will exercise such power, and give her all the aid to effect that object, which shall be just and proper. Prompted by the love and devotion of a mother, she has come alone, from that distant State; she has come to procure the discharge of her son from imprisonment, in a foreign country, a son upon whom she has relied for a support in her declining years.

We are unable to state definitely, all the facts of the case, as they are not in our possession. We understand however, they are substantially as follows: Her son Joseph, A. Graffam was Mate of the Parque Georgiana of Maine, which we believe to have been chartered in good faith, for a voyage from New Orleans

to Cuba, as will appear by the papers now on file in your Department relating to said vessel. That vessel was seized, as you are aware, with armed men on board by the Spanish Authorities. All persons on board have since been discharged, except the officers and crew. It is reported that they have been condemned, and are now in prison in Cuba. We are not advised of the grounds upon which they have been convicted. It is however presumed to be on the principle that the vessel is alleged to have been engaged in an unlawful transaction, and that her officers must have been known to the fact. If such is the case, we submit, if that could apply to the mate or crew, as they were fully under the control and solid direction and command of the captain, and they should not be held responsible for his acts. But we believe the Master of said vessel was grossly deceived by the persons who chartered her, and that the Charter was made in good faith, a voyage from New Orleans to Cayes, as will appear from the papers on your files already referred to, as well as from other evidence.

Under this view of the case, we deem just and right that our Government should pursue such a course as it shall deem expedient in the premises to secure the release of said Craftman. It may, at least, direct our Consul in

Cuba to take such steps as will ensure such a result
as will ^{as to} submit the case to the consideration of the
Spanish Minister.

We have the honor to be,

Respectfully,

Your Obed. serv^{ts}

H. Corbin

E. W. Franklin

J. P. Fuller
Julien Saville

Wm. G. Littlefield

Wm. G. Littlefield

Charles Stetson

M. O. W.

Recd 28th August. Mr. Morse

Private.

Washington August 26. 1850

Gov. Daniel Webster

Secy of State.

Sir.

Having addressed to you an official letter of this date, in behalf of a citizen of Maine, now in prison at Havana, by the name of Graffan, to which we ask your early attention, we now beg leave, with great respects, to suggest, that Mrs Sarah Graffan the mother of the prisoner, who is now in this City, may be permitted to be the bearer of such communication upon this subject, as may be dispatched from your Department to the American Consul at Havana or other functionary in the Island of Cuba, at the expense of the Government.

We have the honor to be with high

considerations Yr. obt. serv^{ts}

Wm. G. Little

W. H. Austin

Oliver Perry

W. H. Little

Charles Stetson

Cullen Santille

J. D. Fuller

John Otis

Entered

Albert Canning
11 Aug. 1850

Boston Aug. 10 1850

Hon. Daniel Webster
Department of State

Washington

Dear Sir,

I am personally acquainted with most of the persons who have signed Mrs. Graffam's

Certificate, and have the pleasure to say that they are Gentlemen of great respectability and worth, and that any statements they may make may be relied upon with confidence

I am with great respect,
most truly, Yours

Albert Canning

We the Subscribers hereby certify that we are personally acquainted with the bearer of this Mrs Sarah Craffam. She is the widow of Capt Jacob Craffam who died several years since and was a highly esteemed and upright citizen.

Mrs Craffam has always sustained an excellent moral character.

Her Son Joseph A Craffam, in connection with Capt Rufus Benson of Paoli Georgia, was unfortunately involved in the Cuban expedition and is now in confinement in the island of Cuba.

Mrs Craffam is now attempting to effect the release of her son and as far as possible to assist Capt Benson, and we sincerely recommend her to the sympathy, kind consideration and respectful regard of all those upon whom she may, in the prosecution of her object, be under the necessity of calling ~~for~~ for assistance.

Her circumstances, and those of the persons above named, are such as to render it necessary to make this call upon the benevolent & humane.

Camden Maine Aug 8th 1850.

Wm. C. Thomas

Hiram Small

Nicholas Berry

Saml G. Adams

J. J. Jones

J. C. Stetson

E. K. Grant

J. W. E. Norwood

Joseph H. Estabrook
Joseph H. Estabrook, Jr.
Warren Conant
Hiram Hall
Thomas Rogers
Edward Cushing

St. Domingo, 18th Aug 1820

Dear Sir, I received in this City, Monday afternoon, a tedious
copy of your excellent address and address, Sir, I understand that
the three men who were taken together and suspected of
treason have been released. I hope to hear of Benson and the
others and belonging to the Bank of Genoa, and the other
- being as you say, and as the press give it, the same are
concerned to the Chinese gangs for England, years ago, it is so,
and some timely aid is offered by our Government, and indeed
what and what their two remaining wives must go down to
Geneva, ~~and~~ inquiring, what have they done more than
others, there has been between five and seven hundred men
taken by our Government, and the activities of Cuba and
the only satisfactory ones that have been found
and some have been a great deal of sympathy I demand since
of God and try to assist me, and indeed Sir, I understand
Send out another dispatch, either demanding or petitioning
Spain to give them up, my dear Sir they are just as
wretched as these poor friends, as the three were had been one
and liberated, and if you could see their wives and families
and that would be away with you, especially if you have a
dear Mother and beloved children, I hope Sir please pardon all
liberty I have taken, for I have been a widowed
woman almost to desperation, and try to help me if
possible, I will go with you to Cuba if Government will
provide a way and send in a request and plead my sins
and my poor ones, and if I cannot procure his release

I will give my self up to the Spaniards authorities and
become their vassal if they send my Son to his family
for why should I see his wife from a way and see before
my eyes I never can I have had a beloved husband in
these distant Climates but I never had such a hard rendering
young children as this, Come of the best of Sows the hope of
seeing you, has now in Gods 3 Months we have had
Chinca, and we looking Every day to hear of his return
but to our great grief when the news came they were condemned
to the Chain gangs for Eight years, So please pardon
if we be the recipients of this, I intend you to keep me a little
telling your news, and God's will to be something for
for my heart is on the Eve of despair, yours truly with due
Respect

Sacato Jaaffero,

I am at the widow's Place
Boarding house

Please return this certificate if you cannot make any

Use it if you are unable to

Recd 30th Aug. Mr. ^{Entered}

{ James Ridgway for
J. Prescott Hall
28 August, 1850

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

August 28th 1850.

Hon. Daniel Webster
Secretary of State
Sir

In answer to your telegraphic despatch of this date (received in the absence of Mr. Hall, I have the honor to transmit enclosed a certified copy of the charge delivered before the Grand Inquest by Judge Betts in May last upon the neutrality laws. It is a hastily corrected copy, in unwritten one will be forwarded as soon as it can be prepared.

With the highest respect

Your obedient servant

James Ridgway for
J. Prescott Hall
U. S. Atty.

Charge delivered May 27 1850

Gentlemen of the Grand Jury.—Your foreman on Saturday afternoon apprized me that you proposed meeting the Court this morning for the purpose of submitting to its consideration the questions which have been now propounded in your name, and asking the instructions of the Court in the matter.

I thought it advisable for the more clear understanding of the remarks I shall offer you, to present them in writing, and I have accordingly this morning, made a hasty sketch of the substance of what I propose saying to you.

The intelligence announced by the morning papers, of the abandonment of the first attack attempted on Cuba by the Expedition from the U. S., and the return of those engaged to this country, would seem to indicate that all further expectation of prosecuting the enterprize had been abandoned. But, if this be so, it does not absolve those who have been concerned in it, and who have lent themselves to promote the illegal expedition, or to provide or prepare the means for its execution. Your duty in respect to their past conduct remains the same as if the enterprize was still in active and determined prosecution.

In answer to the enquiry addressed by the Grand Jury to the Court, respecting their powers, I would state, that in my judgment you have the authority to institute an investigation into all alleged criminal violations of the law, without having specific complaint laid before you, and also without being directed in the matter by particular instructions from the court.

The practice in this respect varies in different States, and without detaining you with any argument upon the subject, it will probably meet all you desire to know from the Court, to state that in this District and Circuit, it has always been the accepted rule, that the Grand Jury could, of its own power, institute examinations and direct bills of indictment in criminal matters without any previous action of a magistrate or the District Attorney, or a formal complaint by an informer. However, to avoid all delinquency on the part of the Grand Jury, in relation to the particular matter brought to the attention of the Court, I shall advise your body to take immediate cognizance of this subject, and institute the most searching enquiries to ascertain whether there has been any violation of the laws of the United States, interdicting any hostile movement or any enterprises against the Island of Cuba, being a Colony or a portion of a territory at peace with this country. The act of Congress of April 20th, 1818, prescribes the law of neutrality which our citizens are bound to observe and regard to foreign nations.

The provisions are strict, but no more so than comport with the high character for justice and good faith towards others, which it is the policy and aim of this government to maintain. In leaving to every citizen, as an individual, the indisputable right to expatriate himself at his option, and connect himself with any other nation or people, this government must still possess the unquestionable right to prohibit its citizens, individually or in associations with others, entering into engagements or measures, within the American territory or upon American vessels, hostile to other nations, and which may compromise our peace with them.

It would be most deplorable if no such controlling power existed in this Government, and if men might be allowed, under the influence of evil, or even good motives, to set on foot warlike enterprises from our shore, against nations at peace with us, and thus for private objects, sordid in themselves, or under the influence of fanaticism or wild delusions, bring upon the country at their own discretion the calamities of war. The will of the nation is expressed in this respect, by the statute of April 20, 1818. It attempts to guard against the infraction of the peace and rights of friendly powers, by our own people, or by acts done within our territory by inhibiting therein all proceedings of a warlike purpose or tendency against any foreign Government or people with whom the United States are at peace. The only provisions of the statute which come within the scope of your inquiry, to which the court, and to which your attention shall also be directed, are contained in the 6th Sec. of the Statute which makes it a high misdemeanor for any person within the territory or jurisdiction of the United States to begin, or set on foot, or provide, or prepare means for any military expedition or enterprize to be carried on there against the territory or dominions of any foreign Government, or State, or of any Colony or District or people, with whom the United States are at peace.

hear —

power —

power

United

This language is very comprehensive and peremptory. It defines, as a national offense, the first efforts or proposals to get up a military enterprise within this country against a friendly power. It does not wait for the project to be consummated by any force or any organization of force, or declaration of war, but strikes at the first acts manifesting it, however faintly. The offence is committed by beginning the expedition. Such beginning would be the first inchoate step taken, with a view to the enterprise, by either engaging men, munitions of war, or means of transportation, or funds for its maintenance, and even farther, it is not necessary that the means shall be actually provided, or procured. The statute makes it a crime to prepare these means. This would clearly comprehend the making ready, and the tender or offer of such means to encourage or induce the expedition, and may probably include also any plan or arrangement having in view the aid and furtherance of the enterprise.

by any formal array

this secured

Under the provision of the law, you will therefore inquire whether any person or persons have been concerned within this district, in getting up a hostile expedition against the Island of Cuba, whether by them, or through their agency or influence, and have been recruited, enlisted, or employed to carry it on; whether armunitions of war, money, or transport vessels have been provided here for that object, or officers commissioned, or vessels freighted to transport armunitions of war or men to the field of action. Pretences and colorings will be employed to mask the real object the parties to such criminal projects contemplate, but if you discover the purpose really to be, to supply the means of hostile aggression against Cuba, then all persons connected with it, and for that object, and if these facts or proof fasten on any individual a participation in such acts, it is your duty to indict him for the violation of the Statute, and present him for trial before this court.

It must be manifest to you, gentlemen, that the criminal design, if undertaken, will be managed with much disguise and caution. It is not probable that soldiers will be promoting it, without being answerable for the violation of the United States laws in the undertaking, the same as if their proceedings had been openly and avowedly intended for a hostile invasion and warring war on that community. [The Statute in the 8th section, which he said gave the President of the United States power to arrest and detain all vessels starting upon an invading expedition to any country; further stated that there was nothing particular in this section that remained to be said.]

The idea may be entertained that citizens of Cuba are exempt from the operation of the statute, and that they can lawfully get up a military expedition in this country to act within their own, without infringing the neutrality of the U. S. States, being themselves subject to answer for any offence. This is not so; our duty as a neutral and friendly nation, is to prevent all hostile acts within the jurisdiction of the U. S. against powers with whom we are at peace, as well when set on foot by foreigners, as by our own citizens.

Such, also, are the express provisions of the act of Congress, "any person" committing the offence within our jurisdiction is responsible under our laws for his conduct. Your inquiries, therefore, are not to be limited to acts of the citizens of the U. S. only, but must extend to those in violation of the law of Congress, committed by every person within the territory of the United States. It may not be improper to remark, that whilst all persons are amenable to the laws for acts done by them in violation of law, yet they possess the right to speak and publish their sentiments respecting foreign governments, their measures, institutions, subjects or people, and cannot, ~~therefore~~ be made liable to a criminal prosecution, however offensive or injurious such proceedings may be to foreign governments or people.

We may regret that any course was taken by the public prints, or in debate at meetings of our citizens, calculated to create jealousy and animosity with friendly powers, and spread the impression that we, as a people, are animated by feelings of hostility towards them, and are disposed to encourage and even engage in open acts of war upon their territories; and it is not less to be regretted, that foreigners should use that privilege on our soil, against their own government and country, and yet the right of individuals or collective masses, to declare and publish, unreservedly, their opinions in these matters cannot be

the 8th section relates to the fitting out, arming or attempting to fit out and arm vessels or increasing the armament of cruisers or vessels of war in service of military expedition or enterprise shall we regard or in just and be in the President of the United States with ample power to arrest and detain such vessels to be dealt with according to law, as there is nothing that section which will particularly demand your attention.

therefor

repressed or called in question, through any action of the Criminal Courts.

Should it therefore appear in the proof taken by you, that no act has been committed, tending to a hostile invasion of Cuba, by persons within this district, they cannot be made amenable to criminal prosecution for writing or speaking in ~~any~~ terms of hostility and ungenerousness, against the government of Cuba, its institutions or people. If guilty of the acts pointed out and defined by the Statute, they are liable to indictment equally, whether Americans or Cubans.

~~And where the Statute does not expressly say, and that being otherwise, and not read, the Statute does not say, it will be taken up this morning.~~

unreserved.

George M. [unclear] deputy clerk of the District Court of the United States do certify that the foregoing has been carefully compared with

Rec'd 17 Augt. 1837. Copy -

Cuban Broaders

Facts relative to the expedition against the Island of Cuba

The undersigned engaged by Capt Hardy, do hereby certify to the following facts.

Residing at our respective cities of residence and pursuing our daily avocations each according to his respective trade; during the month of April we noticed an advertisement announcing that said Capt Hardy required about two hundred men for the purpose of going with him to California; stating under what terms we were to engage & also mentioning the route to be pursued. Stating that he was to take all necessary machinery in the operation of working quantity of gold to the amount of five thousand dollars to the ton could be obtained; promising to pay each man engaging with him four thousand dollars at the end twelve months, also seven dollars per month as a contingent fund. - Said Capt Hardy also stated in a public meeting in Covington Kentucky that he was raising a company to go to California on the above mentioned conditions and was also interrogated by one present at the meeting (who went with him) as to the route and destination of the company he proposed to raise. The answer he gave, was the following; that each man should go to the city of New Orleans at his own expense and then he would enter immediately into the service of the Stockholders of the Company; and proceed immediately to Sanjos Santiago from thence proceed by the old Spanish trail en route for California through the Northern States of Mexico. The undersigned under these representations accepted of the offer. The testimony herein given as regards the public meeting held at Covington a Ky. was attended to by the party whose name will be found in the enclosed

(will be found by the perusal of the Subscribers, who are)

the first appearance to this; the first part coincides with those who seem to have had a similarity of coincidence as if the facts they assert, being neighbors and residents of Cincinnati.

Having sailed from New Orleans and then entering into preparations for our intended journey, we after some days of suspense were informed by Capt. Hardy, that he was now ready to convey us to our destination and proposed going by the way of Phagres; we accordingly embarked on board of the Bergue Georgiana on the twenty fifth of April. Having all got aboard our vessel was towed to the Belief; arriving there on the morning of the 28th at which point we remained during day and at or during two o'clock P.M. we observed five come aboard and various implements of war, upon seeing which we declared to each of our respective Acquaintance that we would not go on to the Island of Cuba, ^{with an invading army} Our own sense for expressing our sentiments thus to each other was on account of hearing rumors on the 26th of ^{the company} men then collected being intended for the purpose of forming an army under the lead of General Narciso Lopez at the head of which he was to march into Cuba at some soon point; this fact having become public and current among ^{the negro} it caused a great deal of excitement and murmur - the officers becoming acquainted with this & observing this feeling of disregard for the expedition on the increased boldness of our own stated the facts relative to their intentions with regard to the invasion of Cuba; and by the use of argument and figurative speeches tried to overcome the scruples of such as did not wish to join.

MEN (?)

The leading man on board of our vessel was Col. Herrow and of him we were informed that General Narciso Lopez had got up the present expedition for the purpose of liberating the oppressed natives of Cuba and that if such an end could be achieved by a few

O'HARA

have men whose glory and honor will be reckoned to their names hereafter, their deeds of valor will be handed down to posterity, recorded in history and be an example to all of patriotic sentiments; that by their examples should move the ears and regenerate the hearts of generations yet to come.

On some this mode of proceeding had the intended effect and others remained firm to their intention of disengaging themselves from the expedition. Since Col O'Harrow perceived that there were men who were resolved on returning home proposed to them getting on board of the tow boat when she came alongside on the following morning to convey us over the bar - but to our surprise on the following morning when the steamer came alongside & took hold of the hawser by which to tow us over the bar several of us made the attempt to get on board of her but our intentions being observed by the officers under Col O'Harrow in opposition was raised to this and to accomplish our stay with them the steamer immediately left the side of the Georgiana, we then concluded that the proposition of the previous night, was made merely to quell our dissatisfaction and that this putting of us off was done with the ostensible purpose in view of detaining us by force if ~~necessary~~ ^{impossible} - Having been towed over the bar we proceeded to sea - this was the 27th of April - and continued to sail until the 6th of May when we anchored at the Island of Contoy; we then remained until the 8th when Col O'Harrow having engaged a Pilot to take the Georgiana to a neighboring Island called Muzeros we sailed for said Island; but on account of contrary winds were unable to make our destination & accordingly returned to our former anchorage; this was on the 11th and remaining thus anchored the steamer Cocle bore in sight on the morning of the ~~13th~~ ^{13th} of May, Col O'Harrow and Capt Hardy going on board, on their return to the G. the Cocle proceeded to the Island of Muzeros; and from thence returned by

The 18th of May and proceeded to embark ~~all~~ all those men
 that had during our trip from Belize to Comtoy joined in
 the expedition under General Masape Lopez for the purpose of
 invading Cuba - The officers on board the Georgian have
 promised us that we should not be taken against our will and
 Emigration to the United States should be given us, which Gen
 Lopez satisfied on the 18th at the time of taking aboard such
 our men as had agreed to go on with the expedition - leaving
 board provisions, and agreeing with Capt Benson of the George
 to take all such men back to the States that would not go along
 with him. - The Steamer Coriol sailed on the morning
 of the 18th May and left us anchored at Comtoy Harbor at 10
 o'clock we were anchored on the 15th of May when the Spanish
 Steamer of War Pizarro and Brig of War Habanero were
 in sight at or about 4 o'clock P.M. Having hoisted their an
 chor, the Commander of the Pizarro General Armer
 sent his boat and lieutenant on board of the Georgian
 said lieutenant having had an interview with the Captain
 of the Barque Georgian ordered him to take his
 Captains papers and go with him on board the Pizarro
 another person by the name of Davis being present during
 the interview of the lieutenant & Captain - and said
 speaking the Spanish language & having made use of some
 ish expletives and thereby called the attention of the
 Lieutenant towards him ordered the said Davis also
 to go on board, the two men being in, they proceeded
 on board of the Pizarro where we were treated in the
 manner as we already perceive the N. York Herald of
 Sun, N Orleans Delta, Picayune and several others
 had noticed in detail.

(Signed)

- Henry Stephens Cincinnati
- John H. Finch " "
- William P. Brown " "
- John C. Brown " "
- Levi Brown " "

John Folger Cincinnati
Thos M Armstrong "
James M Martin Kentucky
John W Winters Cincinnati
David A Ringen Smith La
William Smith Cincinnati
John W Gibbs "
Wm J Lake "
James Mc Gowan "
William McIntosh "
Alexander Miller No Orleans
Ed B Davis Ill Chicago

Boston Sep'r 2 1850.

To Mr. Geo. Graham
Secretary of the Navy

In behalf of Capt Benson of the Cuban private "Sergiana"
I would submit to you the following statement:

The writer a resident of New Orleans late of the firm of
Olney & Clark Merchants in said city, rec'd from a party
they an order for a vessel for Chagres.

Capt Benson of the "Sergiana" was there upon spoken
to by me, and introduced to the Genl who wished to charter
him ostensibly for Chagres. Neither myself nor
Capt Benson knew of the unlawful business for which his
vessel was wanted, and it is my opinion that he chartered
without any knowledge whatever of the relation which said
charter had to the late expedition against Cuba; as a
support to this opinion I would state that he rec'd for the
use of his vessel only \$500 per month, & his expenses paid,
the vessel valued at about \$10 to 15,000 of my money, ever
under my right.

It is possible the possession of these facts by you
may be of some service to Capt Benson, who, I feel
confident is an innocent man, ^{innocent} & free of any intention
to aid this late Cuban expedition.

With profound respect

Yours Truly, Saml. J. May Jr.

Saml. J. May Jr.

Rec'd 6 Sept.

S

Wm. A. Graham
5 Sept

Dr. McKee.

Navy Department.

Sept. 5 1850.

Sir:

I have the honor to transmit herewith, a letter "in behalf of Capt. Benson," addressed to this Department by Wm A. Clark, and dated "Boston, Sept. 2, 1850."

There is nothing on file in this office in reference to the subject, which is presumed to be one for the action of the State Department.

I am, with high respect,

Your obedient servant,

Wm. A. Graham

Hon Daniel Webster,

Secretary of State.

E

J. Prescott Hall
10 September 1850

Rec^d 12 Sept.

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

September 10th 1850.

Sir,

I have the honor to acknowledge the receipt of a copy of your circular of the 3^d instant; together with its enclosures, relating to another attempted invasion of the Island of Cuba.

With the greatest respect

Your obedient servant

J. Prescott Hall

U. S. Atty.

Hon. Daniel Webster
Secretary of State
Washington.

Sept 10

Sept 11

G

Joseph Sturgis
10 Sept. '50

Washington Irving Hotel

Sept 10th 1850

Sir

I am directed by the Gov. of the State of Georgia in the event of the passage of any act by Congress admitting California as a State into this Union, to obtain, and forward to him an official certified copy of the same

If not inconsistent with the rules of your Department I would be pleased to obtain a copy at as early a period as will suit your convenience

I am very respectfully
Your obt. Servant

Joseph Sturgis
Agent for
Georgia

Hon.

General Noble

Secretary of State

President

Recd 18 Sept.

John Pettes
14 Sept, 50
Office of U.S. Marshal
Newcomer Va, Sept 14 @ 1850

Hon. Dav. Webster
Secretary of State

Dr Sir:-

Your circular of 3rd September, calling my attention to the Proclamation of the late President Taylor, in relation to the affairs of the Island of Cuba, has been duly read, contents noticed, I should say, nothing commended my observation, looking like preparative for an attack out breaks upon that Island, you will be immediately notified.

We have at this place one of the most extensive Gun making establishments in the country, and they no doubt would have more or less orders from their customers in New York, should anything of the kind be in agitation.

Yours Respectfully & truly yours

John Pettes

enclosure

New York

18th Sept 1850

For C. M. Conrad

Deputy War
Washington

Dear Sir

During the
investigation of the "Cuba Expedition"
by Mr Sumner at N. Orleans. I was
the principal means of his obtaining
information respecting the whole of that
infamous affair -

I hold it as a duty I owe to the
dignity of the U. S. to inform you that
the original Expedition as first arranged
is now nearly matured and from
the very best & most reliable information
I understand a large force of Sea Forces
with all the munitions of War for over
2500 Men are expected to leave the
U. S. for Cuba early next month -

"This City is the Head Quarters of the
Secrets" of "Sey" under whose auspices
the Expedition is fostered - If you are

not fully advised of the extent of the
intended descent on Cuba. I think I
can give you important information

This is strictly confidential and I
am anxious you should not mention
my name to any one excepting it is to
The Hon Dan Webster. -

On my return South I can keep you
advised of the progress making by the
Inroads -

I shall leave here on Sat. Morn
or probably Friday via the Southern
Route, and should you wish to see
me previous to my return Home

Telegraph me at "Delmonicos"
Hotel -

Very truly
Yours
J. A. Beard

~~W. B. RICHARD~~

J. A. BEARD

Rec'd 23 Sept.

War. Department - Sept. 19th
1858.

Dear Sir,

I have just read the enclosed. The writer is a citizen of New Orleans who from his habits and associations is very likely to obtain the information he refers to -

I do not know what information you may have obtained through the aid of Mr.

Prescott Hall in relation to this matter since we last conversed about it but

tho' you deem it advisable that I sh.

see the contents of the letter sent. The enclosed dispatch to the Telegraph office

you are so perfectly &

Yours &c
Wm. Conrad

20

Dispatch, Washington, Sept. 19, 1850.

"Call and see me on your way home."

Wm. A. Beard Esq. Belmont.

Delmonico's Hotel

New York

Rec'd 24 Dec.

W. M. A. Clark

W. M. A. Clark
Boston Sept 21st 1850

Gov. Graham

Secy of the Navy

Sir

The present is to inform you
that in case you have need of my testimony
in the affair of Captain Benson of the Cuban
prize "Barclay Teague" a letter addressed
to me at Boston care of John Clark
Pres^{nt} of the Equitable Safety Ins. Co. will
have my immediate attention

I am Sir with great respect
Yours Obedt

W. M. A. Clark

Mr. Horatio J. Harris.

Rec'd 5 gett.

Vicksburg, Missi. Sept. 21. 1850

Sir:

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

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

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

Very Respectfully,
Your Obedient Servant.

Horatio J. Harris.

U.S. District Attorney,
Southern Dis. Missi.

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

Rec'd 25 Sept.
by mail to Ben Caldwell
The note of 15th Brit. 250.
on 16th Oct. 59

M. O. Roberts

Office of the United States Mail
STEAM SHIP COMPANY.

New York, Sept 28th 1850

Gen. Daniel Webster,
Secretary of State,
Washington,
D.C.

I have the honor to inform you that, during the last month, arrangements were entered into between this Company and the British Royal Mail Steam Packet Company, by which the lease of the wharf and depot of the latter at Havana, was transferred to this Company. By the terms of the agreement immediate possession was to be given.

On the outward passage of the "Georgia" in the month of August, although the ship did not attempt to come to the wharf, it was understood that on her return voyage from Chagres, on compliance with the usual regulations, she would take her berth

at the Dock. When, however, on the arrival of the ship at Havana on the 29th ultimo, Captain Porter was peremptorily refused by the authorities of that port to be allowed to bring his ship to her wharf, but was compelled to lay out in the Harbor and receive a large cargo of freight and coals from lighters, at great inconvenience and delay; so much so as to retard the arrival of the U. S. mails at this port twenty four hours.

It is proper that I should state that, in order to conform to the Spanish laws governing the Island of Cuba, it became necessary for this Company to petition the Captain General of that Island, for a formal recognition of the transfer of the lease and for a special order permitting this Company's Steamers to land and receive cargo at the wharf alluded to. This petition was made by the Agents of the Company at Havana, and it was pending the decision of the Captain General, that the Georgia, on her last trip, was refused permission to use the wharf. Of course

we could not complain at this temporary refusal, but we thought that when a decision was finally made it could not, in justice, be anything but favorable to the prayer of the petition. By the Ohio, which steamer arrived yesterday, I am advised that the Captain General of Cuba has peremptorily refused, without giving his reasons therefor, permission for the Steamers of this Company to land at their wharf. Consequently, unless some interference be had on the part of our government, the inconveniences and delays which the Steamers of this Company are subjected to at Havana will necessarily retard the arrival of the U.S. Mail, both here, at New Orleans and at Hayes.

It is respectfully suggested that the privileges denied to this Company have been freely enjoyed by the British Royal Mail Steam Packet Company and by the subjects and citizens of other nations, and that we beg the aid of our government in the enjoyment of privileges guaranteed to nations equally favored by the respective governments.

If it is compatible with the views of the Department to address the Captain General or the American Consul, at Havana, on this subject as soon as the return outward of the Ohio (which is much desired by this Company) the despatch can go out in that ship, if received here at 3 o'clock P.M. on Thursday the 26th instant.

Dear Sir,

With the highest respect,

Your most obedient

W. C. Roberts.

Agent, in New York
of the U.S. Mail Steam
Ship Company.

Rec'd 9 Oct. '50

Richard G. Smith
Sept 25. 50

U. S. Marshals Office
St. Joseph Sept 25th 1850

Sir

I have the honor to acknowledge the receipt of of Circular, with copy of the proclamation of the honored & lamented President Taylor, in reference to the armed expedition against Cuba, from the Department of State by last mail, should occasion arise, I shall endeavor faithfully to discharge my duty - but if there is any thing of the kind afoot in this section now, it is being conducted with the utmost secrecy and I am disposed to believe, that the last disgraceful failure has excited almost universal disgust

I would beg leave on this occasion in connection with the duties of my office most respectfully to ask of you, that such books and acts of Congress may be forwarded to me, as Marshals may be entitled to by law, situated as I am, as none from any thing like an extensive library, and separate, owing to the peculiar organization of the district, both from the Judge and District Atty, questions frequently arise which it is very difficult for me to decide, My District being a new one, no books

or Acts of Congress have been transferred
to me, and I would be glad if there is
an authority for it: as I think there is by
Resolution 3^d of April 1818 & Act 2^o of
April 1818 Sec 4 that I could be furnished
with a copy of the United States Statutes
at large and any and all other books
that might facilitate me in the discharge
of the duties of my office

Asking for myself on this subject
your kind consideration

I am very Respectfully &c
So. Geo. K. Smith
Hon^{rs} Daniel Webster M. J. Marshall
Department of State W. Dist. Louisiana

Rec'd 10 Oct. 50

Horatio J. Harris
27 Sept. 50

U. S. District Attorney's Office,
Ficksburg, Missi. Sept. 27. 1850.

Sir:

I inclose you "The Mississippian", of this date, in which you will find the Proclamation of Gov. Quitman, convening the Legislature, in special session, on the 15th day of November next.

Regarding it as a step which may lead to momentous consequences, I have thought it proper to advise you of it, at the earliest moment.

I refer to my letter of the 24th inst., and have to repeat what was therein said.

I am very respectfully,
Your obedient servant,
Horatio J. Harris,

U. S. District Attorney.

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

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PROCLAMATION,

BY JOHN ANTHONY QUITMAN,
Governor of the State of Mississippi.

WHEREAS, The people of Mississippi have repeatedly, in public meetings, in popular conventions, and by Legislative resolves, claimed and asserted their equality of right with the other States of this Union, in and to the free use and enjoyment of the territory belonging in common to these United States: and have frequently and publicly declared their fixed determination, at all hazards, to maintain those rights, so essential to their freedom and equality.

And, whereas, By recent acts of Congress, the people of Mississippi, in common with the citizens of all the slaveholding states, have been virtually excluded from their just rights, in the greater portion, if not all, of the vast and rich territories acquired from Mexico in the late war; and thus, by unjust and insulting discriminations, the advantages and benefits of the Federal Union, have been denied to them.

And, whereas, The abolition, by Congress, of the slave trade in the District of Columbia, and other acts of the Federal government, done and threatened, leave no reasonable hope that the aggressions upon the rights of the people of the slaveholding states will cease, until, by direct or indirect means, their domestic institutions are overthrown:

Now, THEREFORE, That the proper authorities of the State may be enabled to take into consideration the alarming state of our public affairs, and, if possible, avert the evils which impend over us: that the State may be placed in an attitude to assert her sovereignty, and that the means may be provided to meet any and every emergency which may happen:

I, JOHN ANTHONY QUITMAN, Governor of the State of Mississippi, exercising the powers in me vested by the Constitution, do hereby convene the Legislature of this State, and do appoint MONDAY, THE EIGHTEENTH DAY OF NOVEMBER next, for the meeting of both Houses of the Legislature, at the Capitol, in Jackson, the seat of government of this State.



In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed, at the city of Jackson, the 26th of September, A. D., 1850, and of the sovereignty of Mississippi, the thirty-fourth.

By the Governor:
Jo. BELL, Sec'y. of State.
J. A. QUITMAN.

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