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MISCELLANEOUS LETTERS OF THE
DEPARTMENT OF STATE

Roll 128

November 1-December 31, 1851



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Received from

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for

I have to present to you in the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858.

of the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858. The report of the Board of Directors for the year ending 1858.

I will only add that I am, some degree indebted to you for the information you have given me. The fact that by a recent decision of the Accounting Commission of the Treasury Department it has been determined that no vouchers are allowed in the United States for expenditures made for office purposes. I am all your for service in the "Cuba" "Provision" "Act" by a court was affirmed by the Chief Justice, and Chief Justice be veritable by members of the Bar of the highest rank.

and my Colleague and assistant in these proceedings was allowed
and paid Five Thousand Dollars for his services.

I will not venture to intimate what in
my judgment ought to be allowed, but shall submit the whole
matter to the enlightened judgment of the President.

I have the honor to remain
With high regard, Your obedient
servant
Wm. F. Attorney

Hon. Secy. Nelson

Secretary of State
Washington

Recd 14th Nov Sir Markoe Philip Talbot
2 Nov

New Orleans Aug 2nd 1854

Dear Mr Webster

I beseech you in the name of humanity to
behold with me while you read my humble petition my extreme distress
and its mention to address me in your position I feel confident of
your ability to exact a promise of Pardon from the Spanish Minister
at Washington the opinions of your friends here confirm mine and
stimulates me to advise you.

I advise to the Father of our Country
President Filmore which was mainly responded to by the Editor addressed
nothing would be omitted which could be done to procure the Pardon of the
Orlean Prisoners Dear Mr Webster I have had one child he is one of
the unfortunate numbers he is all that makes life dear to me he
is more dear to me than than life on liberty

he was reduced and
was not long others who should have remained better but had it not been for
our pecuniary circumstances he would not have gone I am heartily
pained by his being only comfort when I doubt look upon his
wretched form just reposing into slumber the Savage of his father
to his long since gone to the land of Spirits tonight I felt I wished
God that he had given me that power to rest upon such days and
firmly.

but alas had it not been death the best account
I have seen of the Prisoners are sentenced to the mines if they
do not work they will probably never again see the face of Day and
I give you one glimmering spark of hope which I ever again behold
(Dear James) my dearest sister while I advise and think of

Recd 14th Nov Mr Markoe

Wm Webster
2 Nov

New Orleans Nov 2 1851

Dear Mr Webster

I beseech you in the name of humanity to
leave with me while you read my humble petition my extreme distress
induces me to venture to address you in your position I feel confident of
your ability to exact a promise of Parole from the Spanish Ministers
at Washington the opinions of your friends here confirm mine and
stimulates me to advise you.

I advise to the Father of our Country
President Filmoy which was kindly responded to by Mr Estlin who said
nothing would be omitted which could be done to procure the Parole of the
Cuban Prisoners

Dear Mr Webster I have had one child he is one of
the unfortunate number he is all that makes life dear to me he
is more dear to me than life on liberty

she was seduced away
from me by others who should have known better but had it not been for
her unbecoming circumstances she would not have gone I am leaving Parole
with grief to see my only comfort where I would look upon his
small feet from first stepping into manhood the sway of his father
He has long since gone to the land of spirits tonight I felt that God
had had given me that power to recline upon in old age and
firmity.

but alas had it not been death the last accounts
I have are that the Prisoners are sentenced to the mines if they
ask. When they will probably never again see the face of God and
we give me one glimmering spark of hope will I ever again behold
(Dear James) my heart sickens while I dare not think of

The fate of those noble young men I feel for those matters I think
back and feel kind when I think of the Gallant young Christman
and his comrades had they been related to me I could have felt and
done I am a Kentuckian but state or Country makes no difference
in this case.

Will think from what I heard of you that you
will give me some congratulations if you can command any on
reasonable grounds. My son was minister the 9th of last Feb
not 29 as stated his name James M. Wilson born in Vincennes Pa.
he was beloved by all who knew him for his quiet unassuming
manner prominent and unsuspecting raised in Texas where his father
died when he was a child I have raised him in sorrow and tears
and now think what has become of my dear Oh Mr. Webster I can
write my heart with my hand trembles my eyes are blinded in
tears in the name of my heavenly parent I entreat you to
hear will you and give me comfort if you can I am sick
daily under this burden if I have presumed upon you I beg
you forgive me my sorrow has induced me to mention.

My dearest blessings

rest upon you and crown your
efforts with success yours in
sorrow

Ophelia P. Sulistat.

Mother of

James M. Wilson.

Room 5th Floor

J. Mackay Geo. W. Bartlett
3 Nov.
111 Market St.

Boston, Nov. 3, 1857

Hon. Danl. Webster

Secy of State of the U.S.

Dear Sir,

On the 23^d of August, 1857
I addressed you, relative to expenses imposed
upon me by the Governor-General of Cuba,
on account of my Passport, which I applied
for, to C. B. F. Adams of this City, on the 5th of
May, last—

Please inform me upon the
point urged in my letter, and much oblige

Truly

Geo. W. Bartlett

State Rec^d Nov- 3rd 8. Wm. E. Lehman
To be referred with papers to Spanish Minister
Nov. 6. W. E.

copy of letter the enclosures Phila: Nov: 3 1851
Mr Calderon 6th Nov 51

To His Excellency

Millard Fillmore

President of the United States

Sir,

Mrs Emma L. Lamb

has visited Washington City a few days ago to ask
the intercession of the United States Government in be-
half of her husband Edward R. Lambdin supposed to
be in confinement in Havana: While there she called
upon the Spanish Minister who interested himself much
in her behalf and desired that the President of the
United States might be requested to refer the papers to
him before the 8th inst.

I herewith send the papers and respectfully
desire that you will refer them to the Spanish Minister
in accordance with his wishes

Very respectfully
Your friend & servant
Wm. E. Lehman jr.

Received Nov 21st 1851
James M. Wayne

Savannah November 4th 1851

I have received the tenth volume
of Howard's Travels. Will you
be good enough to let an
the Eleventh in the Department
and my annual in Washington

I am for the paper
James M. Wayne

P. S. Dear Sir

Recd 15th Nov 51

Mo. A. Watkins

New Orleans, Nov. 6. 1851

Hon. David Webster,
Secretary of State,

Dear Sir,

I take the liberty of enclosing you copy of a letter, recently received from Super. Dn. Pros. Geo. Havana, in reply to a communication made through those gentlemen, to His Excellency, the Capt General of Cuba, asking permission to remove the bodies of the 51 Americans, executed on the 17th August last, to the U. States. From the tenor of the first letter, rec^d from D. P. G. we had reason to believe that permission for the removal would have been granted, without the usual formalities, of making the application through our own Government, or through the Spanish Minister at Washington. The incidental delay, is of no consequence, but the friends of the deceased, are naturally anxious to know, as early as possible, whether their petition will meet with favorable consideration -

The undersigned was one of a Committee, appointed by the citizens of this place, to apply to the Capt General, for the object above stated, and will, for himself, and on behalf of the other members of the Committee, be under obligations to you, for such attention as you may give the subject, either in your personal or official character -

Should the application be made by our Govern-
ment, or through the Spanish Minister, any
communication upon the subject, to the Capt.
General, can be addressed, under cover, to me

I have the honor to be,
with great respect,

Yr. Very Obedt. Servt,
J. W. Watkins

Members of Committee -

Genl E. L. Tracy

Col James ^{ROBERT W.}

C. M. Waterman

John A. Watkins

R. Falcon

Havana 24 Oct 1851

John Matthews Esq.
Care of Secret Ministry
New Orleans.

Dear Sir,

We addressed you on the 17th Oct. In a recent interview with His Excellency, the Captain General, we brought before his notice, the contents of your letter of the 8th inst. in relation to the remains of the men who were executed last August. He informed ~~us~~ that, the application must come through U.S. Government, or thro' the Spanish Ministry at Washington.

With regard to ~~the~~ Peralta, all that we can learn is, that he was attacked & killed by some peasants, while in the woods.

(Signed.)

We remain truly,
Dr. Sir. Yours obt. Serv.
Drake Parke

Copy

Recd 13th Nov Mr Webster.
Apr. 11th Nov

Lucie Combs

Longington Nov 7/57

Dear Sir,

I take leave to enclose you a brief note from a Cuban Prisoner who is well known to me - He is a warm hearted honorable young man - the only surviving brother of a deceased sister - their parents being dead - I have authority - in writing, from unquestionable authority in Cuba - for saying that he this companion, Becul, ^{RANSOM BEACH} were fallen in with & captured in on open boat - some thirty miles or more from the island - out of sight of land - and not consequently within the legal limits of the jurisdiction of the Captain General or of his Minister the Duke of Spain.

But under the excitement produced by the invasion of Gen Lopez - I apprehend he will, with the rest, be sent to Spain to perish in confinement or at hard work.

I have showed his letter as well as my authority for what I state to Mr May who has promised when at Washington to see the Spanish Minister & talk with him on the subject - My duty to young Breckenridge as well as to humanity & justice, seem to demand of me to ask your powerful interference in this matter -

Very respectfully
Yr Obedt Servt
Lucie Combs

Recd

Daniel Webster

City of State
Washington
D.C.

Recd 15th Nov to Mr Markoe Francis Dow Patterson

15 Nov

Mobile 7th of Oct 1851

Samuel Webster

Sr

I take the liberty to appeal to you as my
Countryman feeling assured that you must feel
an Interest in those unfortunate and misguided
children that so boldly tried to take Cuba
amongst these unfortunates is my only son
Charles Augustus Downer he went without
my knowledge and my first news was his capture
I started for Havana but did not reach
that place till he had been sent to Spain
the Governour Conche's said to me that if I had
got there in time he would have given me
my boy as it was he kindly joined me in
a petition to her Majesty to get him sent
back. I now beg of you to write to Mr
Bussinger or any one of influence to help a
mother get her last son help me out I beg
and also I had constant access to Reproves

For follow well may this countryman be proud
that they fully have themselves the children of
the great Washington from their unflinching
courage in their hour - I have become acquainted
with J. S. Thacker he has been self sacrificing
the cause of our unfortunate children clearing the
proceeding for them comforting them and in the
doing all that man can do he is one that
should glory to call countryman I presume
him to you he has a right to the freedom
of America he is one of her brightest stars he
never done aught to break his allegiance to
country and is only a sufferer in the course of
countrymen by his humanity and attention
shown the displeasure of the government so he
that also may be taken that nothing more
ought to him than perhaps treatment from
that I find excuse to my writing but gratitude
for the kindness shown my son and all the
friends I trust shall see that you will give
my prayer is regard to my boy and take in
deduction the case of Thacker and make the
boy a true of encouragement

Wm. McK. Proctor 25

of Francis S. De Potter

Recd 10th Nov E John Southwell
Mr Murkee. Brownsville, Texas,

Nov. 12, 1851

To the Hon. Daniel Webster,
Secy of State,

Sir,

At the earnest solici-
tation of Maria Christopher Southwell,
(late Herb) I take the liberty of addressing
you in behalf of her son, William K. Herb,
who was induced, by one Houston, of New
Orleans, by whom he was employed as Clerk,
to join Lopez's expedition against Cuba, and
was one of the number sent to Spain. He
was born in Savannah, State of Georgia,
is only 16 years of age, - If, through your
influence, he could be restored to his dis-
tressed and aged mother, it would draw
forth her lasting gratitude.

I am, Sir,

Yours very respectfully

John Southwell

Recd 15th Nov 51

J. Durant Hall
13 Nov 51

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

November 13th 1851

Sir,

Some correspondence has taken place between the Department of State and this office in relation to the Spanish Steamer of War Pizarro, - arrested here under a civil process out of the admiralty for an alleged collision on the waters of New-York with an American vessel -

In obedience to instructions from the Attorney General while acting as Secretary of State, and in accordance with a suggestion made by me, - I have filed a paper in the District Court in my official capacity denying its jurisdiction over the matter; and upon this paper (a copy of which is enclosed) and an affidavit made by the Spanish Consul as to the National character of the Pizarro, - I have given notice to the libellant's proctor that I shall move to dismiss his libel for the causes therein mentioned.

This motion I hope to bring to a hearing
on Saturday next, - and upon the authority
of *McFaddon v. The Schooner Exchange*
(7 Branch 116) I cannot doubt that the
application will be successful.

very respectfully

Your Obedt. Servt.

J. Percott Halls

U. S. Attorney

Hon D. Webster
Secretary of State,
Washington.

Received Nov - E

J. Hoffman
20 Nov

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

November 20, 1857-

To the Hon:
Daniel Webster

L L L

Si

Mr. Hall informs me, that J. L. Sullivan has, to day, notified him, that he will be ready for his trial at the ensuing Term of this Court, commencing the first Monday of December next. that he did not wish any postponement, or any favor from the Government. - Mr. Hall has notified me, that he will require my time and attention, during next week in examining our witnesses and carefully preparing for the trial. - In a case like this, for many reasons the Government

ought not to be beaten. -

I have already devoted to this case much time and labor in conjunction with Mr. Hall and argued with him the important questions involved in the Demurrer interposed by the Defendants to the Indictment - questions which had they not been decided in our favor by the Court, would have been fatal, not only to this Prosecution, but in my opinion, to the peaceful relations of our Government with all Foreign Nations -

Under these Circumstances I take the liberty of requesting that you would send me such trial fee, as in your opinion the importance and magnitude of the case will justify. -

I am,

With great Respect
& Dry Duty

Yours
T. H. Hall

Recd 2d Nov

Wm Warr
20 Nov

New York. 108 Bleeker St.

Nov. 20th 1857.

To the Honorable

Daniel Webster,

Secretary of State of the U. S.:

Sir:

A day having now been fixed (the second Monday of next month, or Dec. 8th) for my trial under the indictment pending against me for an alleged violation of the sixth section of the Act of Congress of 1818, commonly called the Neutrality Law, I have the honor to submit to your consideration an exception which I feel called upon very respectfully to take to the association of extra counsel with the District Attorney of the U. S. against me in the trial of the said indictment. I understand that the District Attorney expects to be reinforced on the trial by the well known eloquence and ability of Owen Hoffman Esq. At the period when Mr. Hoffman was retained to assist in the prosecution, at the outset of the proceedings, in April last, the District Attorney was suffering under severe illness. No such reason for the introduction of extra prosecuting counsel on the trial of this case now exists, the public prosecutor never having appeared, in his health, spirits, or confidence of success in a prosecution.

Permit me to take the liberty of suggesting that such addition of distinguished extra counsel, to the regular and sufficient provision made by the law for public prosecutions by the federal authorities, is calculated to impose upon a party accused an extra burden of hardship, unfairly onerous to him in either event, whether convicted or acquitted. It forces him to a corresponding increase of expense in the employment of corresponding counsel. I have already felt the burden of this in some degree, though I have not

before complained. I now very respectfully beg leave to call your attention to the subject; and in a case purely political in its nature, after it has passed into the domain of the judiciary to which branch of our triune system the sworn public prosecutor belongs, as a semi-judicial officer who has been nominated by the President and confirmed by the Senate, — a case, too, in which I have full knowledge that paid agents of the Spanish Government are actively busying themselves, as ^{other} extra volunteer aids to the prosecution, in laboring to drum up, and even to seduce and bribe witnesses, — I venture to hope that I shall not be subjected to the further hardship of seeing the Executive Department of our own come down into the court room, from its distinct sphere of impartial elevation, with its weighty purse and weightier party influence, to bear the appearance of marking a special interest in a private case, a particular zeal to effect a conviction, by adding on an extra engine of superior power to the regular machinery of prosecution already provided by law. I respectfully submit to the extra, or assistant, or quasi District Attorney thus created by mere process of a draft on the public treasury, (such addition not being required by any sickness or disability of the officer of the law) would be an additional prosecuting counsel representing, not law; but the simple individual authority which would have seldom and paid him with the public money; the prejudices, the wishes and the interests of that stimulating power, and not that mere impartial justice which to the sworn public officer ought to be more sacred, than professional victory can be dear, or party triumph desirable. In other cases than the present, it is obvious that such a practice might easily lead to gross abuse and oppression. The accused would only have a fair and equal chance if able to measure purses with the government; and though innocent would find himself abused.

unjustly fined in advance, in the form of extra counsel fees made necessary by the extra array of forensic battery brought to bear against him, by a tyrannical administration, bitter against principles and ideas which to him may have been good and dear, and eager to effect a conviction if ingenuity and influence could twist law into application to his case; or willing at any rate, whatever the result, at least to harass and injure him in the effort.

I am not only willing, but impatient, to be tried by the regular sworn and Senate-confirmed public prosecutor, who in every attribute of physical and mental vigor is abundantly able to do his duty and his whole duty in the case; but I object to be tried by any body else besides, at the expense of an outlay of public money uncalled for by any legitimate right or reason, as it seems to me, and unauthorized by any appropriation by law. And so fully, Sir, do I rely upon the enlightenment of the high authority to which I thus take the liberty of frankly but respectfully addressing this objection, that I cannot allow myself to doubt that its well-grounded force will be recognized; and that the District Attorney will be directed to conduct his case himself alone, as he is well paid by law for doing, without falling back upon the public treasury to furnish him other extra eloquence, power and influence, than that which already he can himself, in ample degree, bring to bear upon the minds of the court and jury.

Soliciting the favor of an early a decision and reply as may be convenient, in order that I may know what I have to count upon,

I have the honor to be, Very Respectfully

Your obedient servant,

J. L. O'Sullivan

Recd. Nov + E Will A Graham

Navy Department

Nov 21. 1857

Sir

I have the honor to acknowledge the receipt of your letter of yesterday date, enclosing a transcript of the concluding paragraph of a note of the 13th instant, addressed by the Department of State to Mr. Calderon, the Spanish Minister, relative to the attacks on the Office of the Spanish Consul, and the property of Spanish subjects at New Orleans, and to inform you that the necessary instructions have been sent to Commodore Parker, Commanding the Home Squadron;

But it may be proper to remark, that our vessels of War stationed in the Gulf of Mexico, will not be able to approach the City of New Orleans, and the wishes of the President can only be carried out by the Navy, in case the Consul of Spain should arrive, in a vessel of his Country, in the waters of the Gulf of Mexico, where the vessels of the Home Squadron may be cruising.

I have the honor to be

With high respect

Your Obedt. servt.

Wm. A. Graham

Hon Daniel Webster
Secretary of State

Copy.

War Department
Washington November 19. 1857

Sir.

On the arrival at New Orleans of Mr. Laborde, lately the Spanish Consul at that port, or of his successor, you are ordered, as a mark of the respect entertained by the United States for him and his Government, and of their sense of the great injustice done to him, and of the insult and indignity offered to his country by a lawless mob, to salute the flag of the vessel in which he shall arrive (if it be a Spanish vessel) by firing the customary number of guns.

Very respectfully,

Your Obedt Servt.

Embourad

Secretary of War

Brevet Major General

R. E. Twiggs

Comd'g Western Division

New Orleans.

27.7 Nov 1851
The
Dec. 8
Dec. 8
James V. Storer
27.7 Nov
Call to see you at your
Havana November 28 to 1851. M.L.

To his Excellency Millard Fillmore President of the United States of America

Honoured Sir

The undersigned mother of Mr. S. Fincher begs leave to call your attention to the following facts respecting her son. I would in the first place state that he was born in Portland, Maine, the place of his parents & is therefore an American citizen. He has this day sailed for Spain. On the 16th Oct. while in the usual pursuits of his business was arrested & detained by the police, his property & papers seized, & on the 21st of the month he was placed in solitary confinement in the city prison & on the 24th in a dungeon at the Punta-Castle & during all this time & until the 7th inst was not permitted to see him. On the 7th he was allowed to see his friends for a few hours each day, when to my surprise he was not able to inform me of the cause of his arrest & imprisonment. On the 11th he was informed that on the following day he would be brought up for sentence. On the 12th a court-martial assembled consisting of seven military officers one of them being the President. Before whom the Fiscal (prosecuting attorney) read the several charges against him & without evidence. He not being present, but under a guard of soldiers in another part of the building, he did not hear the charges, or know their substance. After the reading he was brought before the court & asked by the President what he had to say for himself in defence - to which he replied that he had been denied a copy of the charges, & had not been allowed counsel in his defence - that he asked time to enable him to bring evidence to prove his innocence of all crimes, or charges against him. But all in vain, after various questions were asked in an insulting manner, he was again sent to his dungeon, where on the 21st the Fiscal accompanied only by his clerk appeared before his grating & read to him the sentence approved by the military of war because "the criminal had done nothing to disprove the accusations against him" & signed by the Genl^l General without remark. This

sentence is Eight years hard labour at Ceuta in Africa with payment of costs for the crime of Treason (delito de lesa majestad). He was then taken to the Morro Castle & two days after when I called on the Cap^{ty} General to ask that he might not be sent away while the illness of his father prevented his seeing him, I was abruptly told that he would sail in a few hours time for Spain & he has sailed this day for Cadix in the Ship "Hispania Cubana", there to have his sentence put into execution. The undersigned most earnestly supplicates your Excellency, as the head of the government of my station to hearken to the entreaties of a mother, that justice may be done - I ask not for mercy - but, that the rights of an American citizen may be promptly attended to, & that such instructions be sent to our minister in Spain & Consul at Cadix, to procure his immediate release & his return to his country.

My many years residence here, gives me a knowledge of Spanish character & the indecent haste to send my son away before the arrival of steamers from the United States, adds to my fears of the consequence of even a few hours delay. It having frequently occurred that on a pardon or release being granted, it was pretended that the prisoner had died or could not be found & he was left to linger his life in a dungeon. I also beg that a copy of all the proceedings, (which were denied to my son) may be demanded & that should it prove he has been most unjustly dealt with (as I firmly believe) that there may be also demanded pecuniary satisfaction, for the loss of his property & his business from this government, which, against all treaty stipulations has committed this gross outrage upon him, an American citizen. I also pray your excellency's attention to the enclosed copy of my son's wishes expressed to our Consul & that they may be compared with his dispatches to the government, as my confidence in his exertions for my son have been much shaken by his manner of proceeding.

I would send the originals written by my son, but fear to risk them by sea as he wished them preserved.

I humbly ask your kind attention to this appeal, which I cannot
make in person, in consequence of the illness of my husband, having
the fullest confidence that it will not be made in vain.

I subscribe myself, your excellency's
humble servant—

Fanny D. Furusher

Recd of the Secy Mr Webster,

Logan Huntton
Nov 29.

Office U. S. Attorney
New Orleans Nov. 29 1851

Hon. Daniel Webster
Secretary of State

Sir,

In accordance with instructions from the Department of State of Aug. 25th 1851, I instituted inquiries to ascertain the extent of the outrages committed upon the Spanish Consul and other Spanish Residents in this City, during the riots which occurred about the first of August last.

The result of those inquiries has heretofore been communicated to you.

With the view of bringing to merited punishment those persons who so flagrantly violated the laws, and outraged public property on the occasion referred to, on the 8th Inst. I addressed a note to the District Attorney of the State of Louisiana for this City, giving him certain information which might aid him to bring the offenders before a judicial tribunal.

The answer to that note, I now have the honor to inclose to you. I doubt not that all proper efforts will be made for the vindication of our laws.

I am, Sir, with high respect
Yr obt. Servant
Logan Huntton
U. S. Attorney

(Copy)

Office of the Attorney

New Orleans November 1857

Dear Sir

Your communication relative to the late riots and the attacks made upon the Spanish Consul's Office, has been received and will be duly attended to. My intention is to lay the matter before the Grand Jury at the very earliest opportunity when all necessary steps will be taken to have the guilty parties brought to trial.

I am dear Sir

Your most obt. Servt.

W. W. Reynolds

Dist. Attorney

1st La. Dist.

L. Houston Esq.

W. J. Dist. Atty

Recd 10th Dec + E. J. file - Wm Boyd 5 Dec
Dec. 10 City of Portland

Clerks Office. Dec. 5th 1851

Sir,

Pursuant to a vote of the City Council
I have the honor to transmit the enclosed
Copy of Preamble and Resolve, relative to
the case of John S. Thresher Esq.

I am Sir,

with great respect

Your Obedient Servant.

Wm Boyd

City Clerk

To The President
of the United States

State
Dec. 10.

City of Portland
In Board of Aldermen
December 4th 1851

Whereas John S. Thrasher, born and educated in this City, removed with his Parents some years since to Havana in the Island of Cuba, has been, by order of the Spanish Authorities, deprived of his liberty; his person and property seized; has been tried by a Military Commission and sentenced to the Spanish galleys for eight years in Africa - from his dismal dungeon at Punta Castle, he loudly calls upon us for aid: -

Therefore

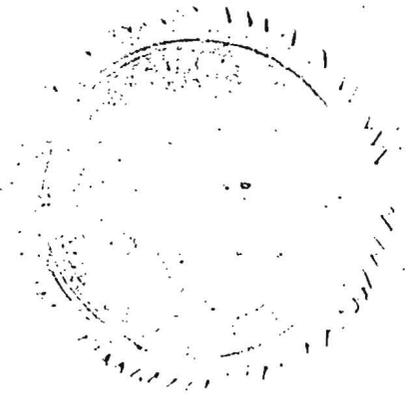
Resolved: As the unanimous opinion of the City Council of this City, that immediate, energetic and persevering measures should be taken by our Government at Washington, in his behalf -

Voted: That the City Clerk transmit an attested copy of this Preamble and Resolve, with the signature of the Mayor, and the Seal of the City, to the President of the United States -

State of Maine - City of Portland -
City Clerk's Office, Dec. 4, 1851.
A true Copy of Preamble, Resolve and vote
is passed by concurrent vote of the City
Council, this day -
Attest: Wm Boyd, City Clerk

In testimony whereof, I Neal Dow, Mayor
of the City of Portland, have hereunto set
my hand and affixed the Seal of said
City, this fourth day of December in
the year one thousand eight hundred and
fifty one →

Neal Dow.



Recd 6th Dec +

F

9. Prescott Hall
5 Dec

Confidential

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

December 5th 1857.

My dear Sir,

It is quite obvious from the President's message that the late expeditions against the Island of Cuba have entered into the diplomatic correspondence of the Government and make up an important chapter in our annual history.

There stands now upon the calendar of crimes to be tried in this District at the present term the case of The United States against O'Sullivan, Lewis and Schlesinger. The first two are ready for trial, the last was captured with Lopez' men and is now among the prisoners in Spain. The cause is set down for Tuesday the 16th day of December instant, and I should be glad to know whether it is the

the wish of the President and his Cabinet to prep the trial through at once, or whether delay, for any purpose or to any extent, may be deemed advisable.

If the Government is to interfere and procure the pardon of Schlesinger and his associates in Spain, it may not be their policy to try O'Sullivan and Lewis, - and it may nevertheless be thought advisable to prep the cause on for trial without loss of time. If I receive no instructions upon the subject during the early part of next week, I shall proceed with this case as with any other - in its proper order.

With the highest respect
Your obedient servant

J. Prescott Hall

U. S. Atty.

Hon. D. Webster
Secretary of State
Washington

State
Dec. 10.

Senate Resolution
Exec. 160 1851 9 Dec.

In the Senate of the United States,

- December 9. 1851

Resolved, That the President of the United States be requested to lay before the Senate, if not incompatible with the public interests, all the information in his possession touching the imprisonment of Mr. John S. Thrasher in the dungeon of the Punta Castle in the City of Havana and Island of Cuba.

Attest

Asbury Dickins.

Secretary

Recd 14th Dec Mr Markoe for file

Washington 7th Dec 1857

To the Honorable
Daniel Webster
Secretary of State

Sir

I have the honor to
place before you a letter from Sparked
Thyny Esq Merchant of Havana and
former partner of John S Thresher of
whose condemnation by the military tri-
bunal of Cuba you will have heard & tho'
to my regret as I have been informed not
with that formality incumbent upon the
author of an appeal to his Government
and Country signed by Mr Thresher which
has appeared in the public prints. Permit
me Sir, to assure you that from informa-
tion derived from my wife who reached
here two days since and who saw Mr
Thresher several times before his embar-
king for Spain, that I am almost sure
the first copy of that paper was sent to

you Sir, and that its non appearance at
the State Department is owing to one of those
acts of the Cuban government connected
with their perfectly Organized System of
'espionage' with some of the details of which
my residence of a quarter of a century in
Harana has made me in a degree fa-
miliar. Permit me therefore Sir, to
make the address in question Official
in its Character by filing a Copy of it with
this letter, and to say that Mr Thrasher's
peculiarly distressing condition may plead
in extenuation of any apparent deficiency
in his respect for the Executive of his Govern-
ment or for yourself personally.

There are circumstances con-
nected with the arrest and condemnation
of Mr Thrasher which I should greatly pre-
fer explaining to you personally whenever
it will suit your convenience; I will
now only remark that he is a man of
unblemished integrity and of high and
chivalrous American feelings; from a
very modest position in life he has risen
himself solely by self application to a
prominent position in Society, and is an
exemplary Son to almost helpless parents.
It is notorious also that whilst the rem-
nants

nants of the deluded followers of Lopez
were suffering from numerous privations
and in fetters in the dungeons of the "Fuster"
Mr Thresher although himself then under
the "surveillance" of the police was the only
American who came openly to afford them
that consolation and assistance which it
never was the design of the President's pro-
clamation they should be denied in extrem-
ity however justly that measure denounced
the illegality of any such Expedition. I
am aware Sir, of the custom of clothing
with all the attributes of Worth and ex-
cellence the characters of those for whom
we seek to obtain official grace and
favor under circumstances similar to
those of Mr Thresher, but I can but
assure you Sir that I speak from a
personal knowledge of him during 15
years, and that as my friend with whom
I have been closely associated for that
long period I will take the responsibility
of answering for the truth of his assertion
that he was in no way connected with
this Lopez Expedition.

Mr Tynny is brother to the
Reverend Mr Tynny of New York and brother
in law to Mr Newton of Pittsfield Mass.
Hamel

names which I believe are well known to
you. Mr. Thacker was for years Confid-
ential agent to Mr. Greeley of Boston now
Collector of Customs there. For myself
I am known here to the Honble Mr. Conrad
Secretary of War, and ^{also} to Mr. Lodge Esq
Assistant Secretary of the Treasury being
at this moment employed there under his
auspices and instructions.

In behalf then of the friends
of Mr. Thacker I take the liberty Sir, of
urging upon you the adoption of the most
speedy and effectual ^{measures which} may seem to you
proper and expedient for the release of
an American Citizen from the sufferings
and deprivation to which he has been
so unhappily condemned.

With great respect & Consideration

I have the honor to be

Sir

Your most ob'dt,

A. West



Recibido en el día de Sanabana 10 de Dic.

Diciembre de 1851

Muy Sermio: para favorecer mas y mas el Comercio de los E. U con la Isla de Cuba, nada seria mas apropiado q el establecimiento de un Telegrafo Submarino desde Cabo Sable (Florida) a Key West y de aqui a Punta de Hicacos (en el Puerto de Cardenas) Isla de Cuba en su costa norte) que son Ciento y cincuenta millas y aumentando hasta doscientas millas p^{ra} la onda del cable electrico q a mil y quinientos \$ milla su costo sera de Trescientos mil pesos por lo q una Empresa particular ayudada del Gobierno Federal lo realizaria con facilidad con aprobacion de la Camaraas teniendo cada Gobierno el derecho de nombrar el empleado q reciba los despachos telegraficos.

Charles Tracy

Haverhill Dec 14th 1851

To the Hon^{ble} Daniel Webster Secy of State

Dear Sir,

Having seen several different accounts of the case of Mr John T Thresher in the northern papers, many of them not correct, I have presumed on the liberty to state to you the facts of his case - and will in the first place give you some account of him. He was born in Portland Maine, in the year 1818. (his parents being natives of the same State) he came to this city just about the year 1834 - remained here a short time in the counting room of John Holladay Esq, he returned to the U.S. and in the year 1837 came again to this city, and in the winter of 37 & 38. he entered my counting room, as clerk, in 44 I took him in as partner of my house, in 47, the term of partnership having expired he retired from business, and went to the United States, where he became engaged with the house of Greely & Gould of Boston, that house having failed, he became somewhat involved, & lost the greater part of the capital he took from here when he left my house - He then went to New York and established himself in Sugar & Tobacco business - not being successful in that, he again returned to this city early in 1850, with the hope of entering again in commercial pursuits, which he did to some extent, until the month of August, when an opportunity offered for him to take the management of a daily paper, which had been established for some years, called the "Free Industrial" on his application to the authorities, to become the "Empresario" (editor) it was refused, on account of his being a foreigner, he then presented the name of a friend, with whom he made an arrangement to become the nominal editor, which was accepted, at the same time he was notified that if he would take out letters of naturalization he might become the editor, this he refused, & his paper went on under the name of the nominal editor - He was very successful and the number of subscribers had doubled the first six months and the demand for his paper was such, that in February he was obliged to go to New York to get another & larger printing press. In getting out his passport, he was charged \$4. by the Government

being the charge paid by foreigners, Spanish subjects paying 6
\$ 2. I mention this to show that the government considered him
foreigner, in September 1850, when he applied for permission to edit
paper, and in February 1851, when he applied for a passport.
The censorship here prevents anything being published, which is
given offence to the Government, so that his paper could take no
political course, was he that wish, still it was called a crime for
and certainly was patronized by the Creoles, in their advertisement.
This no doubt was the cause of the opposition to it by the old party
and their organ the "Tribuna de la Marina". The landing of Lopez & his
party, as well as the revolutionary movement in the eastern part of
the Island, increased this feeling towards the Creoles, to a perfect hatred
and they determined to break up the "Tribuna" - they decided
it was the organ of Lopez & Thresher is his agent, of which they could
bring no particle of proof - They then, by working on the fears of the Creoles
got him to resign, & then lodged information with the Government that
the paper was published without an Editor - orders were given for its
suspension on the 1st of September. This was a heavy blow to the
prospects of Mr Thresher, besides the cause of great pecuniary loss.
He kept his press, office, and apparatus connected with the his es-
tablishment hoping to arrange for another editor, until the 16th of
October, and during this time he used his exertions in raising money
amongst his friends for the relief of the suffering prisoners, and was
successful in getting \$ 3500. This act of kindness was misapprehended
by the Government, and he was forbidden to see them, but got a
Mr Smith from the English Consulate - to divide it amongst them in
clothes & such other necessaries as they required. He was accused of
corresponding with parties connected with the expedition in the States
and his letters were opened at the post office, nothing in them could
be found to sustain the accusation - The chief of police was then informed
that his letters were received on board the Steamer, by private hand -
two days previous to the arrival of the Georgian from New Orleans
two police officers, in citizens dress, were ordered to watch him, and to
follow him on board when she arrived, and observe all he did, and on
tending to assist him & bring him to the chief of the police, this was
done on the 16th of October. He was searched and no letters, or papers
of any kind found on his person, he was then taken to his boarding

house, where nothing was found - & from there to his printing office
where he slept & hid his desk, papers &c - On his desk they found
letters (envelopes) with the seal unbroken, directed to L. S. Foster
the Chief of police requested him to open it. he said the letter
was not directed to him & he knew nothing about it, but he
would open it, under the responsibility of this office, which was
not done then - His papers & letters were taken possession of by the
Police, & government interpreters were employed to examine them
and Mr. Throckmold during this time from the 16th to the 21st was
detained by the police - on the 21st he was placed in solitary
confinement at the prison - & on the 25th he was removed to a cell
at the Punta Fort, where he remained in solitary confinement until
the 7th of November, when he was permitted to see his friends two
hours each day - I called to see him, and he most solemnly assured
me that he had no communication in any way with the members of
the island, that the accusations against him were false, and with-
out foundation, that there was no paper or letter in his office
that could in any way connect him ^{with} the charge of treason, or
conspiracy of any kind against the government. The letter sealed
& found on his desk, he knew nothing about, but presumed it was
tried to catch him - as the envelope contained a sheet of paper with
figures, mysterious words &c. which was received from the Clerk of
the Georgia, by a person connected with Fulton's hotel, and he still
binding Mr. Throckmold left it on his desk. On the 11th he was informed
that the next day he would be brought up for sentence, and at
1 o'clock the following morning he was taken from the Fort and
brought to the Georgia barracks, in the city - was kept below in
the guard house, whilst the proceedings were read in a
room above, after the reading was finished, he was brought up
before the Military Court, and asked by the president, why he
did not be present in his defence - he very politely replied, that he
had no counsel allowed him to examine the charges, that the
lawyer he had requested to act in his defence had not been allowed
to see the "actors" he demanded, that he should be allowed to
have counsel, & have the privilege of seeing the charges, & to bring
in proof of his entire innocence, he also protested that as an American
citizen he could not be tried by a court martial in terms of justice

He was ordered back to the dungeon at the fort, and on the 2^d
the Fiscal came to the gate of his dungeon, and read the
sentence, which is eight years in chains at Cadix, and to pay
the costs - approved by the "Auditor de Guerra" - because the
"Criminal did not disprove the charges" - he was the next
morning removed to the Minor Castle - and on the morning of the
24th was put on board of the Spanish Ship, "Hispania, Cubana"
which sailed for Cadix at 7 o'clock. I saw him on board for a
few minutes, he feels as innocent of the charges, as a child
trusts that his Government will interfere in his case, and
demands that justice may be done him - The Court evidently
chose to consider him as a Spaniard, as the president asked
questions respecting his "Carta de Domicilio" Mr. Thresher was
in my country room when he took his letter of Domicilio
I think it was in the year 1842. An order was published in
the "Gaceta", a government paper, that all foreigners should get
such letters - and we employed an agent, who brought them
to us, for an ounce of \$2.50. - My impression that we signed no
paper whatever, at all events we had no idea of signing any
thing that would forfeit our rights as Americans, These letters
state that the parties can remain five years, at the expiration
of which time, they can leave the country, or take out letters
of Naturalization, Mr. Thresher left in 1847, being about five
years - therefore his "Carta de Domicilio" was null and void, when
he returned in 1850, he did not apply for another - and was
considered a foreigner by the Government, in September 1850 and
in February 1857 - but they chose to try him in November 1857.
as a Spanish Subject - condemning him without hearing the
charges read, on principle of depending himself or allowing him
the least chance to prove himself innocent - I have been informed
by one of the ^{Spanish} lawyers - who was present at the reading of the
letters, that there is not the slightest evidence, to prove that
Mr. Thresher, has by word or act, done anything to bear out
the accusation of treason - even if he could be charged with treason
to a government to whom he owes no allegiance, the trial & copy
of these proceedings may be demanded by the American Government,
as well as other American gentlemen, established in business in

tes. They feel very anxious, to have become clear with the former
respecting your "Carta de domicilio," we took them according to a letter
from that all foreigners must obtain them, presuming that it
was something connected with the police regulations - we had not
the remotest distinct idea, of recognizing our allegiance to the U. S.
or to any Spanish subject. - My Carta de domicilio, is dated Sept
1845 - and is in these words: - "Por cédula D. Carlos Jyrig. ha hecho
constar por los medios correspondientes que profesa la religión Católica
romana, y concurriendo en él las demás calidades y circunstancias
exigidas en la Real Cédula de 21 de Octubre de 1817. Por tanto: el
esposado D. Carlos Jyrig. que es de nación de los Est. Unidos de Estad.
Unidos, de edad de cuarenta años, de profesión del Comercio: le con-
cede esta Carta de domicilio con la cual podrá establecerse en el
lugar de esta Isla que le concierga ejercer su oficio ó profesión y
de gozar de todas las gracias y prerrogativas concedidas por S.M. en la
esposada Real Cédula; debiendo presentarse con esta Carta a la Comisión
del Gobierno encargada del asunto para lo que corresponde, y dentro
por el término de cinco años, pasados los cuales ha de solicitarse la
de naturalización, ó usar este Colono de su libertad de salir de la
Isla según le convinieren. Dada en la Habana, firmada, sellada y
rependada por el inscrito Secretario de S.M. y efectivo de la Capitanía
General, en cargo de lo político y anotada en su libro correspondiente.
Nota A este individuo se le concede al término de dos años para
que presente los documentos que acrediten profesa el catolicismo. -
Signed - Leopold Obermuller.

It is now over six years I have had this Carta de domicilio, and
no one has ever called for it, and I should have thought nothing
about it; had not this case of Mr. Threshers come up, which
has certainly alarmed all of us. You will perceive that by this
document - that at the end of five years, we can take out letters
of naturalization, or have liberty to leave the Island, none of us have
for a moment thought of being naturalized - and can we be under
at a moment's warning to leave the Island? and at the same time
to be considered Spanish subjects, and owing fealty to the Queen of
Spain? We feel placed in a very peculiar position w respect to our
business, & Commercial relations, and we would most respectfully
ask your attention, as to the manner, we stand to the Spanish Gov.

under these "cartas de domicilio" - I also enclose a copy of Mr Throsh's letter to the American Consul - in which he requests him to present certain views of his case to the Capt. General.

I also add here a copy of a note memorandum given me by a Spanish lawyer, bearing on Mr Throsh's case, and which I handed a copy to Mr Brown to present to the Capt. General -

"The note is, law 9. title 6. book 11. of the 'Novissima recopilacion' says - "The allegiance which is renounced by a domiciliated person does not reach his domestic affairs, his person, nor relation with"

The note 8th of the preceding law orders that persons, shall be judged on foreignness by proofs in "juicio ordinario" and that they be consulted by the Superior tribunals. The Cedula of 24th October 1780 orders, that foreigners shall be judged in tribunals ordinarios, following the reciprocity laws of other nations - Estatuto puntual de Saneamiento vol 2^a - page 113. The Royal Cedula of 24th Oct 1787 which Zamora cites, and which is reproduced by the Royal Order of 1801, and Cedula of 18 Feb 1805. directs "that foreigners shall not be tried by other tribunals, than the "tribunales ordinarios", & that they shall have claim against the Gobernadores for infraction" - We think it strange if these papers were presented to the Capt. General, as

Mr Throsh wishes, that he should have approved of the proceeding & sentence - It is the general feeling amongst his countrymen, that Mr Brown could have used some influence with the Capt. General had he been so disposed -

Trusting that your attention will be directed to the contents of this communication, and also assuring you that we have the greatest confidence that you will attend to our position under these "cartas de domicilio".

I subscribe myself, your very Obedt Servt

Chas Lyng.

P.S. The writer, is the son of Dudley Atkins Lyng of Newbury port - and has been established here since the year 1836, in Commercial pursuits -

copy

Punta Prison

Havana November 15/851-

Allen H. Owen Esq.

Consul for the U. S. A.
Havana

Dear Sir

In a state of complete uncertainty as to the course my trial is taking since the presentation to the Council of War of my solemn protests, and my judgements being entered without allowing me every fair & legal means of defence (which I herein do most solemnly aver has not been allowed me) my nominal defender or advocate never having in any manner consulted with me as to the best line of defence to adopt, nor even asked what Counter testimony I could bring forward, nor ever having consulted with my legal Council as to the points of law) and myself under the necessity, to secure justice, to request you to bring forward my rights as an American Citizen & to press with all due firmness upon the government my complete non-animosity to the charge of Treason, which the being forward against me the incongruity of trying me by a Court Martial in a time of profound Peace; & the injustice of refusing me these a fair & free defence.

Besides the extent I will ~~mention~~ state of the law in regard to white naturalization in this island, by which domiciliary letters are granted to foreigners without affecting in any degree their allegiance to, & rights of protection from their own government; & which domiciliary letters are essentially different in their nature from letters of naturalization, there exists in my own case a peculiar & significant fact, to which I beg leave to draw your attention, that you may bring it immediately before the government of this island, & and now if necessary.

About the middle of August of last year (1850) francescanton muller of presentation the paper entitled "Pape Industrial de la Habana" & presented to the Censorship an Editor, other than myself, & who was a Spanish subject

I understood myself only the printing & publication of the paper. Not re-
best known to the government, an order was issued by the Capt. Gen-
which I would present here but I was refused a copy thereof by the off-
who made it known to me, by the which order I was prohibited to
publish any paper in this Island unless I first took out letters of natu-
ralization. Within the prescribed term I replied to the order in a memo-
which I presented to the Capt. Genl, declining to take out letters of
naturalization & stating that I ceased to publish the paper, which for
that time passed out of my hands.

In the proceeding you will perceive there is a decided recognition
on the part of the government, of my entire want of allegiance to the
Catholic Majesty, & of the complete validity of my rights as an am-
can. Citizen. Notwithstanding, I possessed at that time the same
American letters under which they now pretend to a right to accuse,
try & sentence me as a Spanish Subject, & have not, since then,
by any act, or by the operation of any known law, lost my rights
of nationality & allegiance to the U. States of America.

I state these facts from memory merely, being in distance & without
facile access to my papers & I am not certain but that the terms
of the order to which I have referred, may not, in their wording pre-
sent the facts in a stronger light even than what I have placed there.
I call upon you therefore, as Consul of the U. S., & representative
of our common country & government, to bring these facts forcibly
& urgently to the knowledge of the government of Cuba; to protest form-
ly & energetically against the infringement of the rights of an American Cit-
izen in my person, & the denial of justice to me; & to ask from the Cap-
General that there be accorded to me a proper & sufficient time to make
my defence; that I be furnished with full copies of all the proceedings & evidence
in my case, to the which I am entitled by law, & by treaty; & that I may
be freely furnished with copies of all documents that I may deem nec-
essary to my perfect exculpation from the charges brought against me.
I must also request you to urge upon this government the incompleteness

ability of considering me at one moment an American Citizen & at another a
subject of Spain; the impossibility of my holding allegiance to two powers
at the same moment; & that the government here, having viewed
me in the light of a foreigner, & as not holding the allegiance of a
Spanish Subject, allow me to prosecute my accusation & defence
against the charges now lying against me, with a full recognition
of my rights as an American Citizen

From the information I can gather of the proceedings
of the court, in my case, I have reason to fear a hasty & unjust
decision against me. I would therefore respectfully urge upon
you immediately energetic action in my behalf

I have the honour to be,
Your very Obedt. Servt.
(Signed) John S. Thatcher

Princetons Prison

Havana November 15/51

Alonzo J. Owen Esq.
- Counsel for the U.S. of A.
Havana

Dear Sir

Will you do me the favour to
remitt to me copies of the letters I have addressed you previous to this
date, & since my arrest, & also of the correspondence relative to me
that has passed between yourself & the government of this Island &
I urge

(Very respectfully -
Your very Obedt. Servt.
(Signed) John S. Thatcher

There are true copies sent to me by Mr. Hinckley
Wm. Lyng

Copy

Puntas Prison

Havana, November 15/1851

Allen J. Owen Esq.

Consul for the U. S.

Havana

Dear Sir

In a state of complete uncertainty as to the course my trial is taking since the presentation to the Council of war of my solemn protest against judgement being entered without allowing me every fair and legal means of defence (which I cherish to most solemnly ever has not been allowed me, my nominal defender or advocate never having in any manner consulted with me as to the best line of defence to adopt, nor even asked what Counter testimony & facts bring forward nor ever having consulted with my legal counsel as to the points of law), I find myself under the necessity, to secure justice, to request you to bring forward my rights as an American citizen and to press with all due firmness upon the government my complete non-amenability to the charge of Treason, which they bring forward against me; the incongruity of trying me by a Court martial in a time of profound peace; and the injustice of refusing me there a fair and free defence.

Besides the evident & well known state of the law in regard to the
colonisation in this island by which domiciliary letters are granted
to foreigners without affecting in any degree their allegiance to, and right
of protection from their own governments, and which domiciliary letters
are essentially different in their nature from letters
of naturalisation, there exists in my own case a peculiar & significant
fact to which I beg leave to draw your attention, that you may bring
it immediately before the government of this Island & our own if
necessary.

About the middle of August of last year (1850) I sent as a matter
of speculation the paper entitled "Jornal Industrial de la Habana" to
be presented to the censoring or Editor, other than myself and who
was a Spanish subject & undertook myself only the printing & publi-
cation of the paper. For reasons best known to the government an
order was issued by the Capt. General (which I could present here but
I was refused a copy thereof by the officer who made it known to
me), by the which order I was prohibited to publish any paper in this
Island unless I first took out letters of naturalisation. Within the
prescribed term I replied to the order in a memorial which I presented
to the Capt. General declining to take out letters of naturalisation &
stating that I consented to publish the paper, which from that time
passed out of my hands. In this proceeding you will perceive
there is a decided recognition on the part of the government, of

my entire want of allegiance to ^{Her} Catholic Majesty, and of the complete validity of my rights as an American Citizen. Notwithstanding I possessed at that time the same domiciliary letters under which they now pretend to a right to accuse, try and sentence me as a Spanish subject, and I have not, since then by any act or by the operations of any known law, lost my rights of nationality and allegiance to the United States of America.

I state these facts from memory, merely being in duress & without facile access to my papers and I am not certain but that the terms of the order to which I have referred, may not, in ^{their} wording, present the facts in a stronger light even than ^{what} that I have placed them.

I call upon you therefore as Consul of the U. S. and representative of our common country & government, to bring these facts forcibly & urgently to the knowledge of the government of Cuba; to protest firmly & energetically against the infringement of the rights of an American citizen in my person, & the denial of justice to me; to ask from the Capta General that there be accorded to me a proper & sufficient time to make my defence; that I be furnished with full copies of all the proceedings & evidence in my case to the extent I am entitled by law & by treaty; & that I may be fully furnished with copies of all documents that I may deem necessary to my perfect exculpation from the charges brought against me.

I must also request you to urge upon this government the impropriety of considering me at one moment an American citizen & at another a Spanish subject, the impossibility of my holding allegiance to two powers at the same moment, & that the government here having viewed me in the light of a foreigner, and admit holding the allegiance of a Spanish subject allow me to prosecute my education & defence against the charges now lying against me with a full recognition of my rights as an American citizen.

From the information I can gather of the proceedings of the court in my case, I have reason to fear a hasty and unjust decision against me. I would therefore respectfully urge upon you immediate & energetic action in my behalf.

I have the honor to be

Your very obt. servant

State Dec. 16,

Thirty-second Congress.
First Session.

House Resolution
15 Dec.

Congress of the United States

In the House of Representatives

December 15th 1851.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, any information he may have received respecting the seizure and confiscation of the Barque "Georgiana" of Maine, and Brig "Susan Loud" of Massachusetts, by the Spanish or Cuban authorities; together with all applications and correspondence in reference thereto; and that he inform the House, what measures, (if any,) have been taken for the indemnification, by the Spanish government, of the captain, owners, and crew of said vessels.

Collected.

John Robb
Chief Clerk

John H. Finney
Clerk

State Mr. Marshall & House Resolutions
Dec 16. Thrasher - 15 Dec

Thirty-second Congress.
First Session.

Congress of the United States

In the House of Representatives

December 15th 1857.

Resolved, That the President of the United States be requested, so far as in his judgment may be compatible with the public interest, to communicate to this House, any information in possession of the Executive, respecting the imprisonment, trial, and sentence of John S. Thrasher in the island of Cuba, and to his right to claim the protection of the Government as a native born citizen of the United States.

Hollist.

Thi Robt

Chief Clerk.

To Saml W. Torrey Secy

Recd & read Dear Mr. Forster
Copy communicated to Mr. Alden, 1st March, '52.

J. Prescott Hall

Southern District of New-York,

U. S. DISTRICT ATTORNEY'S OFFICE.

December 20th 1851.

Sir:

In the matter of the Spanish Steam
Vessel of War the Pizarro libelled in July last
for collision, I have the honor to report that
I have this day made and argued a motion
to dismiss the libel, and quash all proceedings
against this vessel, for the want of jurisdic-
tion on the part of the Court. Judge Betts
took the papers, and holds the subject under
advisement.

With great respect.

Your Obedt Servt

J. Prescott Hall

U. S. District Atty.

Recd 27th Dec Mr Markoe, Clanfed O'Carte
22 Dec

Concord Dec 22nd 1851.

Sir the object of this communication is to call your attention again to the case of John S. Throther, who has judging from what I can learn, been entrapt by a premeditated plot, to make him a terrible example to others, and is now on his way to Spain, sentenced to the mines by the unmerciful rulers of Cuba - In your dispatch to Mr. Bomberger published in the papers of this day, you regret that Mr. Throther has made no communications to the department to enable you to see the precise ground of his complaint, and I deeply regret it too Sir, as I think had the circumstances of his arrest, with all the particulars of the proceedings toward him, been laid before the department, he never would have been sent to Spain, and his release from his fees, would have been demanded, as his right, rather than a pardon as a criminal. - His silence may by some be attributed to conscious guilt, but I who know him so well think differently, being a fearless man, and conscious of his own innocence, he had not a doubt of his being soon set at liberty - As soon as he was allowed to see his friends, after his arrest, (which I think was three weeks) and the use of pen and paper he wrote to his connections in this Country, ~~and then~~ in apparent good spirits, begging us not to be alarmed for him, that he was arrested and accused of Treason

and that after twenty one days of hard work, ^{they} could not
any way make him out a criminal, that the worst that
could be done to him, would be to send him out of the Island
in which case he should come to the United States,
You will perceive Sir up to that time he was quite easy on
terminations of his case, on the 12th of November, four
days after the date of his letter, he was brought up for
trial. I copy now from a letter written by a resident ^{of} ^{Italy}
at Havana and received by the last steamer -

Nov 21. Last week it was suddenly announced in
the official paper, that John Shrother would have a
public trial the next day, according to our treaty with
Spain, it being a new thing here, many ~~of~~ ^{of} ^{the} ^{people} went to
the place, and from my blind of a high ~~of~~ ^{of} ^{the} ^{place} ^{view}
over their heads, I saw the whole parade. To show
what this public trial was - he was conducted under
arches below, with a guard of ten soldiers, while up
stairs they opened the court martial, by reading the
charges, after which he was brought in and asked
what he had to say. You probably Sir, will re-
lect, that ⁱⁿ his appeal to the Government of the United States
That he protested to the proceedings of the court, and
asked that a stay of proceedings should be admitted
and was told by the President of the court that it
should be considered; he was not furnished with
copy of the charges, but was remanded to his charge
and heard nothing more from them or their pro-
ceedings, until he received his sentence. It is
unnecessary for me to call your particular attention

this part of their proceedings, in the unjust termination,
but proceed with the Copy of the before mentioned letter.

"On 28, my letter was interrupted by the news that John's
sentence had been fixed, He was not brought into
Court, but the prosecuting attorney went into his dungeon
with his clerk, and their recd to him, "eight years labour
in chains in Africa" By mere chance his Brother
was there, that is at the getting, and he came and
told us, else no one, not even the Consul, would
have known it for some days, as he was immediately
placed in solitary confinement." You will perceive
Sir that there was little time left him for communi-
cation to any one, It is much to be lamented that
a Consul so inefficient - should have been at

Cuba ~~at~~ this time. This being claimed is a
Spanish subject. I think Sir is wrong, he went
there when quite young, but made frequent long
visits to this Country, and appeared to retain
his love of Country and kindred, and was always
looking forward to the time when he should
remain permanently, in the Summer of 1847
he left Cuba with the intention of taking up his
residence in the United States, and remained I think
some two years, when he was employed by
a company in this Country to transact some
business for them ^{in Cuba} but left with the intention
of returning ere long for a permanent stay,
knowing these circumstances I think he has at
no time considered himself other than an -

Americans. Referring to the letters from Cuba you
"How anxiously we have watched from sun rise to sun set
in the hope that our Government, would send some vessel
a Consul or at least instructions to the person holding
that place, to release him from his fess, ~~and all in vain~~
and all in vain, and the object of the Spanish Gov-
ment to get him off before instructions could come
has been gained, and the Spaniards are exulting in the
superior advantages, one month and ten days since
his arrest, We are not able to speak yet or think of
and our only recourse is to rouse our Countrymen
action, It is well known what influence a vessel of
and a few epauletts, or even bright buttons have upon the
ignorant people occupying like stations here, and you
to the delight of the Spaniards and our mortification
did the Bygone early sail away after Mr. Shreve was
arrested and in solitary confinement"

But I fear Sir, that I am trespassing upon your
and patience, and my apology must be, that my extreme
anxiety for my ^{dear} nephew has led me unpromptly to do so,
and I hope ere long you will be more particularly
informed and from higher authority, of the whole
proceedings; I am aware Sir that you have asked
his pardon, I would that he should return to
Country, not as a pardoned criminal, but as a liberated
captiv^{ee} who had ^{been} deprived of his liberty in an unjust
way, I would also ask if consistent to the department
that some further protection might be granted to the
American residents of Cuba.

Clarissa to Carter.

Dear, Daniel Webster
Washington

Received by J. E. DeLham Dec 26. 1857
copy of Manuscript
How Daniel Webster
Wm. Mason

Respected Sir

I have taken the liberty to send you my letter of Domicilia which was taken out about the same time that Mr J. S. Thrasher's was. And by a Royal Decree every foreign Resident on the Island was compelled to procure a letter of Domicilia or leave the Island within six months. I was told by the Attorney General Mr Poincy whose name is attached to this document that it did not deprive me of citizenship I was not required to take me out of any kind. You will perceive that this has expired by limitation.

My object in becoming Domiciliated was to comply with the laws of the country and continue my business unmolested.

And I beg leave to add that I have known Mr Thrasher intimately for the last ten years lodged with him three months last winter and often conversed with him on the political state of the country and he always expressed himself in strong terms against Slavery and his friends that he might have committed himself for his efforts to relieve his fellow countrymen.

is not impossible, but where I ask
is the man that could look on calm
the and witness the scene of barbarity
and cruelty without being moved with
sympathy towards those poor deluded men.
Sir I am confident that if ever the
truth is got at you will find that
Mr Thrasher has been the victim of
a foul conspiracy, and very unjustly
treated. Having every confidence
in your ability to compel justice to be
done to the means of your fellow countrymen.

I trust that Mr Thrasher's case will
be fully investigated and a piece of
evidence be shown up that none but Spaniards
could be guilty of

Your Obedt & Humble Servant
Wm. Abson

To Hon. Daniel Webster
Secy of State of the U.S.

D. LEOPOLDO O-DONNELL Y JORIS,

GRAN CRUZ DE LA REAL Y DISTINGUIDA ÓRDEN DE CARLOS III, DE LA MILITAR DE SAN FERNANDO Y DE LA AMERICANA DE ISABEL LA CATOLICA, CABALLERO DE LA LAUREADA DE SAN FERNANDO DE SEGUNDA CLASE, Y DE LA TERCERA DE LA MISMA ÓRDEN DE SAN FERNANDO, CONDECORADO CON OTRAS VARIAS CRUCES DE DISTINCION POR ACCIONES DE GUERRA, SOCIO HONORARIO DE LA SOCIEDAD DE AMIGOS DEL PAIS DE LA CIUDAD DE ZARAGOZA Y DE LA DE SAN CARLOS DE VALENCIA Y DE HONOR DE LA DE LA HABANA, TENIENTE GENERAL DE LOS REALES EJERCITOS, GOBERNADOR Y CAPITAN GENERAL DE LA ISLA DE CUBA, PRESIDENTE DE SUS REALES AUDIENCIAS, GOBERNADOR POLÍTICO Y MILITAR DE ESTA PROVINCIA Y PLAZA, GEFE SUPERIOR CIVIL DE TODA LA ISLA, PRESIDENTE DE LA REAL JUNTA DE FOMENTO, DE LA INSPECCION DE ESTUDIOS, DE LA ASAMBLEA PROVINCIAL DE LA REAL ORDEN AMERICANA DE ISABEL LA CATOLICA, DELEGADO DEL JUZGADO DE LA REAL CASA Y PATRIMONIO EN ESTA ISLA; DE LA SUPERINTENDENCIA GENERAL DE CORREOS, POSTAS Y ESTAFETAS &c. &c.

Por cuanto *J. Guillermo Albarran* ha hecho constar por los medios correspondientes que profesa la religion Católica Romana, y concurriendo en él las demas calidades y circunstancias prevenidas en la Real Cédula de 21 de Octubre de 1817.

Por tanto: al espresado *J. Guillermo Albarran* que es de nacion *de la República* de estado *de edad de treinta y seis años*, de profesion *de la abogacía* le concedo esta carta de domicilio con la cual podrá establecerse en el lugar de esta Isla que le convenga ejercer su oficio ó profesion y de gozar de todas las gracias y franquicias concedidas por S. M. en la espresada Real Cédula; debiendo presentarse con esta carta a la Comision del Gobierno encargada del asunto para lo que corresponde, y valer por el tiempo de cinco años, pasados los cuales ha de solicitarse la de naturalizacion, ó usar este colono de su libertad de salir de la Isla, segun le conviniere.

Dada en la Habana, firmada, sellada y refrendada por el infrascrito Secretario de S. M. y efectivo de la Capitanía general, encargado de lo politico y anotada en su libro correspondiente á 9 de *Septiembre* de 1845.

Leopoldo O'Donnell

(1) 26 Oct.
Gratis

(2) Esta es una copia de la Real Cédula de 21 de Octubre de 1817, que se le concedió a don J. Guillermo Albarran para que se le concediera el domicilio en esta Isla, y para que se le permitiera ejercer su profesion de abogado en esta Isla, y para que se le permitiera usar este colono de su libertad de salir de la Isla, segun le conviniere.



Wm. J. ...

Recd Oct 26 1851

Logan Huntton
Sec 26

New Orleans Dec. 26. 1851
Office W. J. Attorney.

Yr

I wish to present to you and through you to the President, my claim to compensation for extra-official services rendered by me at the request of the Department of State in matters concerning our late political relations with the Island of Cuba. The nature of these services may be fairly illustrated by my correspondence with the Department of State commencing shortly after the "Cardenas" affair in 1850.

It will be scarcely necessary for me to enter into any details; I have not only in the discharge of my official duties been engaged in conducting tedious and laborious prosecutions growing out of the invasion of Cuba, but under instructions from the Department, have from time to time employed agents to visit Texas and Mississippi to procure information, and to watch in this State the movements of individuals, and bodies of men who were supposed to be making arrangements to renew their attempts upon that Island.

I had the honor to transmit to you about the 1st of November last under envelope to Mr. Hodge the Asst. Secretary of Treasury a communication upon this subject, accompanied by a statement from J. P. Benjamin Esq in relation to my services. I renew it now as I have just been informed by Mr. Hodge that my communication enclosing the statement was not received. I take the liberty of referring to Mr. Hodge who may know something of my troubles in

This matter.

I will only add that I am in some degree induced to believe that this claim will be cheerfully recognized by the President from the fact that by a recent decision of the Accounting Officers of the Treasury it has been determined that the District Attorney in Louisiana is not entitled to any compensation whatever for special services in Civil or Criminal Cases, excluding and excepting my claim for compensation in the "Cuban Prosecutions" whilst my colleague and associate J. P. Benjamin Esq. was paid five thousand dollars for his services in those cases; and the Judge of the Court approved my claim for a like sum.

I will not venture to intimate what allowance ought to be made.

I am with high regard
Your obedient servant
Joseph H. Mumford
D. C. Attorney

Hon. Genl. Miles
Secretary of State
Washington

Recd 29th Dec Mr Webster

Simw Boyd
27 Dec

Ans. 29 Dec

Washington
Dec 27th 54.

Mr Webster

Sir

Herewith you have the letter of Mr Cressap in behalf of Mr Robt McGreider & Joel Hugh, who are among the condemned of the late "Cuban" expedition. As these men were evidently misled as to the nature of that expedition & especially as to the temper of Cubans in regard to it, I feel a very lively interest in their fate, & shall be pleased to lend any aid in my power to effect their release.

With the earnest hope that these men may soon be restored to their country & friends I am

Yr Servant
Simw Boyd

New Orleans 18 December 1851
Hon. Lyman Boyd

Dear Sir

Mr. J. H. Hughes
and Mr. Robt. M. Grider gentlemen from
Kentucky are with the patriots in Spain
condemned for their efforts to liberate a people
that they believed ^{desperately} needed a change of government.

I am from your Congressional district personally
acquainted with Hughes and Grider and
knowing that they have decreed ask
your influence to obtain their release.

Congratulations, you for the position that
you occupy in our government. I am dear sir

Very truly your obedient
H. B. Cressap

State Jan. 2. 1852. Mr. W. G. Barker Elizabeth Holdship
29 Decem

Cincinnati Ohio

29th December 1851

To

His Excellency The
President of U. States.

Sir

I am the Mother of
George Holdship, an unfortunate young man
who was engaged in the late Criminal expedition
under General Lopez, and who was arrested and
sent to Spain by ship "Primera de Guatamala",
and I would humbly appeal through you to Her
Majesty the Queen of Spain on his behalf -

He is only 19 years of
age, my only son, and was I may truly say
my main support - Thrown at an unguarded
moment in the City of New Orleans (whither
he had gone for the purpose of bettering his
own and my circumstances) into the Company
of those who notwithstanding your proclamations,
have been the means of wringing many a
Widow's heart, and of desolating many an
already too lonely hearth, he fell a victim to
their arts, and he has left me to mourn
not only his fate, but to mourn under this
conviction that that fate with all its misery
and sufferings, was the effect of his anxious
zeal for my happiness, for my happiness was
his only aim, and for my happiness has he
encountered every vicissitude since he was
first thrown on the wide World.

For months have I
mourned him as dead - I knew not
whether

whether he had gone, and it was not untill
last week that the awful Circumstances of
his fate was broken to Me, for so kind was
he, and so fearful of giving Me pain, that
he requested the said Intelligence not to be
Communicated to Me, but it could not be
kept secret, they durst not hold it from
Me, and now in distraction do I throw myself
on your Intercession, and on the Magnanimity
of the Queen -

Could she see Me at this
Moment, she would indeed pity Me - Could
she know how I Loved that boy, and
how dearly he Loved Me, she would want
even Justice, and yet Mercy takes her place
she is kind and noble, and many a broken
spirit in this Country will for a moment
forget the Queen, and bless (as only a
broken Spirit can) the woman who has
restored the widows Son, and thrown
Joy around her old age - Appeal to her
then on My behalf - Tell her of his youth
his inexperience, and the Wiles that ensnare
him - Appeal not to her Justice, alas! I
have no Claims on that, Mercy is My only
hope; - Tell her that it is a Mother who
appeals for her only Son, and that the
brightest gem that shall ever adorn her
Crown will be the thought of having restored
him to her Arms, - and God will bless the
Act, and My prayers, and those of My
poor boy will follow her through Life -
If Mercy is silent, I am indeed forlorn,
and yet I would still bless her, for

I know that whatever may be the result
she will still sympathize with me - say
my Petition before her then, and with her
and with my God, Venturist my peace. -
Your very Humble servant

Elizabeth Holdship

Please write to me
if you send this to
Queen & Spain
E Holdship

Received Jan 3 1857

Mr. M. C. ...

Henry C. Lord
31 Dec

National Court Washington
Dec 31 1857

Tom Daniel Webster
Secy of State

They have to address you
in behalf of Mr James H. East of Laguna
de Grande, N. and of Cuba. The facts
relating to his arrest by the Spanish
authorities at Laguna in the month of
February last 1850, and the course which
he has sustained in consequence of that
arrest are known to the Government and
have formed the subject of various
official communications, and the demand
upon the Spanish Government for the
immediate release of Mr East, as
indemnity to him.

Mr East desires to be informed
whether any recent action, & if so, what,
has been taken in relation to his case,
and also

of course that, whether it is the present
in the line of the best to take any
further action in the same.

I am Sir

Very respectfully
Henry C. Lord