

MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE

Roll 308

September 1-15, 1869



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1964

SEP 6 1901

V

Deslin Sept
3 1069

Honored Sir

A client of mine
by the name of Roque
Garcia a Cuban by
Birth who can only
take his first Paper
of Naturalization as
he has been a Resident
of the U. S. some five
Months and I have the

* Honer to Submit this
Question can Our
Government by it Consul,
safely pass him through
and although I am
fully aware that he can
can obtain his U.S.
Respect unless they are
fully naturalized

or hatred born,
in the case of one
Martin Kosta the
Hungarian ^U nor govern^{ment}
did protect him from
the Austrian Government
in this case ~~emphatic~~
only wishes to go and
take his family
from Cuba to the U.S.

Will you please
write me forthwith
so as to relieve our
minds in this highly
Important Question

I have the Honor
to subscribe my
Self
your most
Obedient Servant
Thomas Kucan

SEP 6 1869

SEP 6 1869

Trinidad de Cuba

Portland Sept 3. 1869.

Hon Hamilton Fish

Sec of State

Dear Sir

I herewith

transmit a letter I have just received from
H. Fox Esq. Consul at Trinidad de Cuba, which
will explain fully to you his anxiety
regarding his affairs.

I should have requested Senator
Fessenden to have addressed you a line
on the matter, but he is prevented from doing
so by his very severe illness, from which we
are all fearing a most unfortunate
result - Mr Fessenden you will recollect
has taken a deep interest in Mr Fox's
appointment and I know it would have
afforded him pleasure to have requested your
kind intercession in Mr Fox's behalf.

Mr Fox has erred in his
zeal and exertions for some of our
interests, implicated in Cuba, it was only
from motives which must have met
with your approval, and I would

entirely free to again extend towards
you all the assistance in your
power by such representations to the
Spanish Govt, as may induce it to
view him as our Consul at
that Port

Very truly your friend
Edmund Fox

I most cordially concur in the above letter
of Judge Fox, and earnestly hope that our
Consul at Trinidad - who I know to be in
high minded, honorable and disinterested manner -
may be sustained by our Government
John Lynch

Sanidad de Cuba August 23rd 1869.

My dear Cousin,

I did not expect to have to trouble you again with
a second to the Consulate in this place, from saying that once
having received the appointment from our Government, then
something acceptable should be submitted officially
to the Government should be disappointed of his
to the service of the office, and that you may be sure
is not likely to happen, but with my surprise
yesterday I received a letter from the same
General at Havana containing the following, "at the
suggestion of the Department I submit to you for
your private information, that there is some reason
to believe that the application which has been made
at Madrid for an Exequatur under your Commission
in Spain may meet with an unfavorable result.

If among all Governments concerned to grant an
Exequatur, and one of them is not intended to
the country which has the application, but
it is understood that refusal should be
based upon sufficient grounds - now why
should the Spanish Government not allow
me to grant the Exequatur in my case?

I cannot but imagine why, except that they
have taken offence at my conduct in behalf of
some naturalized citizens who were arrested
before I knew what I thought I was bound to do,
and only in the name of Law, but in that of justice

and humanity, for we must consider that as I have
lived in this little town of about 1400 inhabitants
for nearly thirty years, I know every body in the town,
their political opinions, their general conduct,
&c &c, much more so than any Governor who has
been but a week in this place, I know therefore
that these persons are innocents, & I tried to save
them from a lingering & an unjust imprisonment.
I was unsuccessful, but I laid the whole matter
before our Government, & as is of old the custom
since between my self & the Governor of the
town, our Government approved of my course
in every case but one, & in that the Secretary
of State, writes as follows, "though your action in
the matter referred to was disapproved, the
Department recognized the laudable motive
which prompted it". Now as I say, I can not
imagine that the Government will stand back
and let this matter exaggerated to them must
necessarily, & that is why they refuse to grant me
a quaker, if so, if there is really no other way
I do not think that the Secretary should
boast me, without an effort to obtain for
me fair play. I can say without vanity that
there is not a Governor in the employ of the Govern-
ment more desirous of doing his whole duty than myself
in this case cited, if I erred I erred in being too
slow, I know that the persons were innocent
but if I could not save them, they would have

a lingering imprisonment, their property be confiscated, & their families left to perish & suffer as one is separated from any one - in the result, they were sent to Havana, & put into the alcove, & after five months have been sent to Spain, & a quarter having been put to them, & some having been informed of the change against them, & their trial, no defence, & leaving their imprisonments subject to the greatest indignities - Anticipating all this, they being as I understand their law entitled to the protection of our Government, when I do leave them to advocate their Cause? & save my Government's desert to me - well tis poor encouragement, & had I any other means of gaining a livelihood for my family I would gladly give up a position where absolutely I can do less for my Countrymen than if I held no office - But I do not think really that the Secretary of State will abandon me without an effort in my behalf, if his attention is called particularly to my case by some influential person, I have therefore to beg you to exert your former services for me & request him to take the interest which is absolutely

more or less promptly if at all,
upon the Spanish Government's decision depending my
care of posterity - I know that I have no claim upon
Mr. Pendergast, but he cannot refuse you, I beg you
therefore to induce him to write to Mr. Bush in my
behalf a strong letter, otherwise I shall be
sacrificed to Spanish vengeance - & I tell you
frankly that if I lose the office I know not
what way to turn for employment to support
my family - this therefore is a question of real
& vital importance to me, whereupon so human
not again tax your kindness - but let me be
sure my case if he will take their interest in it
which I am convinced he will do at your
earnest suggestion - Adieu me, but you will
understand that this is written for compliments,
you are my friend in need, that I know, & therefore
do not hesitate to call upon you again -

Yours most truly

Henric Fox

SEP 4 1869

OF STATE

Adjutant General's Office,

Mr. Bullen

Headquarters of the Army.

Washington, Septem. 4th, 1869.

Copy.
(Telegram.)

Brevet Major General A. H. Farny,
Commanding Department of the South,
Atlanta, Georgia.

United States District Attorneys at
Atlanta and Macon inform the Attorney
General of large parties being formed
to go to Cuba, and ask assistance of
United States troops. The latter says
a party will get off by special boat
from Fort Gaines, Georgia, today.
The Secretary of War directs that if
the Marshal holds a warrant in
his hand issued by any magis-
trate, for the arrest of any person
charged with an offense against
the neutrality laws, and is unable
to execute it with the aid of such
force as he can command, you
Coner

afford him such assistance as
may be in your power, on proper
application.

Acknowledge receipt.

By command of
General Sherman.

Lt Col E. D. Townsend

Adjutant General

Official copy respectfully furnished
for the information of the Secretary
of State.

E. D. Townsend

Adjutant General

DEPARTMENT
RECEIVED
SEP
11
1969
OFFICE OF THE
STATE

Marena Sept. 4th 1869

General Committee Aid

Secretary of State of the U.S.A.

Dear Sir,

I take the liberty, as an American citizen, to direct these lines to you to complain of the shameful conduct of our Consul here (Mr. Plom). I called on him the other day begging of him to see that justice was done to me as an American citizen, and that the authorities should grant me the benefit of the Spanish laws. That was all I wanted, - but could not obtain it. The case is this: - Some two months ago I brought suit against Jose Ricardo Farrell and J. M. Morales for money loaned to the former and endorsed by the latter. Farrell has been more than a year and a half paying me eleven thousand dollars a little at a time very often only fifty dollars. I still hold his note for five thousand, and which as last because the tribunals will not compel him Farrell to come forth and acknowledge his signature without which nothing can be done. J. M. Morales has acknowledged his but the other will not comply. This Farrell owns no less than eight sugar plantations and a stock farm joined to each, and has a whole

means of paying, and has actually paid his Spanish
creditors nearly \$400,000 according to his own statement.
Many have sued him and got their money. I am the
only American creditor. Mr. Plom seemed to know
more the affair than my self, and stated that
it was a bad debt, and that those who had the
most impudence got the most money. This is not
true. Though I feared him self and to make it
appear as to me.

I am an old man over 68 years
and if I lose this money I will be ruined.
I bought some small houses in Philada last
year giving a mortgage on them for the
amount not paid. The money is now due since
April last and the houses can be sold at any time
but my creditors are waiting for me to get my
money in Cuba to pay them.

It certainly was the duty of the consul to have
gone with me to the Captain General and obtained
justice for me. The impartial benefit of the law.

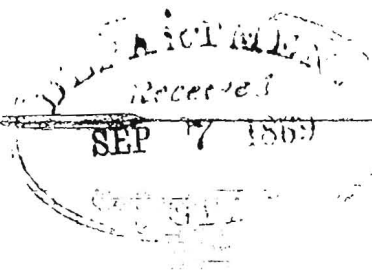
But he said he said he had no right to meddle with
their laws and would do nothing. and thus
I shall lose more than six thousand dollars
in gold.

Very respectfully your very humble
and obedient servant.

B. A. Spalding

Call de Cuba No 4

Havana



Mr. C. P. Smith

Philad. 703 Spruce St.

6th. Septem. 1869.

Hon. Hamilton Fish

Secretary of State

Washington D.C.

Hon^r & Sir:

I am 27 years of age. Was born in the Island of Cuba. Have resided in this City for five years last past continuously. Have declared my intention to become a Citizen of the United States, but the time has not elapsed to take my final papers.

The death of a near relative requires my presence in Havana for a month or so to attend to the estate.

Can I be protected whilst there? Am I entitled to an American passport?

Very respectfully &c

Thomas Gonzales

703 Spruce St.

Philadelphia

Sept. 6 69.

C. Madan (R. S. Gillman)

Cuban Commission

Aug. 72.

A. J. Cest. 6. 69.

Rodriguez & Co.

Cuban Commission

Aug. 72.

Marshal's Office,

Southern District of New York.

New York, Oct 24 1869

✓

Hon Hamilton Fish
Secretary of State
Washington

Sir

I have the honor
to enclose the bill of
Pinderton's detectives from
Aug: 7th (the date to which
the former bill was rendered)
to Aug: 23rd the date on which
the detectives were discharged.

Since then I
have part of the time em-
ployed one of the Superintendents
at \$8. per day according to
the direction of your letter
directing the discharge of
the detectives.

U. S. Marshal's Office,
Southern District of New York.

New York 186

I have likewise
employed three men at
5. each per day for the
week past in watching some
100 Cubans congregated at
Harboken.

If any expedition
goes. these men will go.
in my opinion.

Therefore I think
it desirable to watch
them as a means of as-
certaining the Cuban
movements and unless
otherwise instructed. I
shall feel at liberty under
your letter of Aug 21 to
continue the employment
of the Superintendent &

3
U. S. Marshal's Office,

Southern District of New York.

New York

186

Here few men for the
present.

There will probably
be some small additional
charge per diem for the
disbursements of these
three men

Very Respectfully
Wm. B. Barlow
U. S. Marshal

New York. Feb. 8. 89.

Wm Taylor & Co. (Wm M. Erard)

Urban Commission

Jan. 1892.

New York, Sept. 6. 69.

W. Stanley.

Naturalization Papers of Pedro
Pachot and Jos. M. Placencia.

C. Cummings

Jan. 1872.

N. Y. Sept. 10. 69.

J. M. Delgado (Strong & Wetmore)

Mrs. M. P. Polhaus

— Cuban Commission

Aug 1892.

ack Sept 11/69
communicated
to Mr. [unclear]
Sept 11/69

Communicate with Adjutant General
Mr. [unclear]

War Department
Washington City

September 11th 1869.

Sir:

I have the honor to enclose herewith a communication addressed on the 15th ultimo to this Department, by Captain C. R. Mobley, of Cedar Keys, Florida, stating that there was at that date a large quantity of arms and ammunition at that place, en route for Galveston, Texas, and to inform you that this Department is making no shipments of arms in that direction.

Very respectfully
your obedient servant,

W. T. Sherman
Secretary of War.

The Honorable

The Secretary of State.

Cedar Keys Fla Aug 15 1867

Hon C M Hamilton

Dear Sir

will you inform the
proper authorities that there are three
hundred large boxes of arms and
sixty kegs of powder here in road
for Galveston. These arms may be
for one purpose or they may be for
another. The Secretary of War ought
to know all about them. They will
come tomorrow per the orbans

Respectfully

C Killoby

Chief of Ordnance
Aug. 15-1869

C. R. Mabley

States that there are
a large quantity
of arms at above
place en route
for Galveston (Tex.)

M. 337. Aug. 31st /69.

Adj. Gen.

8.23/11

Gen. Sherman

Recd. Aug. 23/69.

Adjutant General's Office
F.B. Washington, August 24, 1869.

Respectfully referred to the
Chief of Ordnance, for re-
mark

E. D. Townsend

Adjutant General

S. D. 6 Aug. 20. 1869.

BK-39.

Ordnance Office
Aug. 26, 1869

Respectfully returned to the
Adjutant General, with
the remark that these stores
are most probably the property
of private individuals, as this
Department has made no
shipment of any such
quantity of Arms & Powder
for any Southern Port.

A. B. Dyer

Philly Gun Club

9.27.1869

Recd. O. O. Aug. 26. 1869.

Matanzas

M. B. Smith

Treasury Department,

V



Fifth Auditor's Office,

September 13th 1869.

Sir:

I have the honor to inquire for what period Mr. John D. Blanchard U. S. Vice Consul at Matanzas is to be credited for salary while the consul - Mr. Hall was absent on duty at Havana.

I am, Sir,

Very respectfully

Your obt. servant

J. B. Smith

Acting Auditor

Hon. Hamilton Fish
Secretary of State



Mr. Jefferson
for file ✓
Treasury Department,

Sept. 15th, 1869.

Sir:

Agreeably to the request contained in your letter of Sept. 14th, I have the honor to say that I have instructed the collector at New York to use proper vigilance over the Spanish gunboats, and to prevent the issuing of a clearance if one should be applied for.

Very respectfully
your ob^d servant

William A. Richardson
Acting Secretary.

Hon. Hamilton Fish,
Secretary of State,
Washington,
D.C.

New York Sept. 15. 1869

E. D. Davis (J. K. Turlong)

Cuba Commission

Jan. 1872

JESSE K. FURLONG.

COUNSELLOR AT LAW.

293 BROADWAY.

NEW YORK.

Aug 17 Sept

Please Address, P. O. Box 1082

Office West Point Foundry,
30 Broadway,

New York, September 15th 1869



Hon^{ble} Hamilton Fish
Secretary of State
Department of State, Washington

~~~~~

Sir

In accordance with the assurance given by us to the U.S. Marshall of this District on the 10<sup>th</sup>. August. ultimo - that certain ordnance and ordnance stores then in course of manufacture <sup>for the Spanish Govt</sup> at our works, should not be removed therefrom without first giving five days notice of intention to make such removal - both to the Marshall and also to the State Department - we have now the honor of informing the Department that agreeably to the wishes of the Spanish Agent we propose after expiration of the stipulated time - to ship said ordnance and ordnance stores by ordinary packet from the port of New York to that of Havana. We have similarly notified the U.S. Marshall here.

We respectfully request that if there is any possible objection to our making such shipment as contemplated - the Department will notify us at once.

Respectfully Yours &c. &c.  
Frederick Kemble & Co.

**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

Microcopy No. 179

**MISCELLANEOUS LETTERS  
OF THE DEPARTMENT OF STATE**

Roll 309

September 16-30, 1869



**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

Washington: 1964

6 Ep  
Department of State, U. S. A.  
TELEGRAM.

V

Dated New York September sixteenth, 1869.

Time received, Washington 10 30 Am

To Hon. Hamilton Fish

Secy State

The following has been received at this office West Point  
number thirty (30) Broadway New York September  
fourteenth (14<sup>th</sup>) Eighteen hundred sixty nine (1869)

Francis C. Barlow U. S. Marshall in accordance  
with our assurance given on the eleventh (11) ultimo we have  
to inform you that following the instructions of  
agent of the Spanish Government we propose to ship  
ordnance and ordnance stores now ready at our  
works made on his order by Packet sailing from the  
port of New York to that of Havana. we beg that  
you will inform us with as little delay as possible  
whether we are at liberty to take such shipment. Paulsen  
Kentile & Co. shall I permit this shipment to be made  
Please instruct fully

S. R. Harlow

Dept U. S. Marshall



New York Sept 16. 69.

C Madam, (B. D. Lillian)

at an Commission

any 1872

Received  
C. H. Conant, June 10<sup>th</sup> 1869

Boston 23 Sept 1869

For Hon<sup>ble</sup> Hamilton Fish

Secretary of State  
Washington

Sir

On April last. we  
shipped a general Cargo of American  
Produce to Manzanillo de Cuba. by  
Schooner Helen S. Holway - among the  
articles shipped were 500 Bags Corn. and  
20 Barrels Clear Pork - on the arrival  
of said Cargo at Manzanillo. Heavy Extra  
duties were demanded on the Pork and  
Corn. which was paid under protest  
by our Agents. Messrs Venecia Rodriguez & Co.  
of said Port. was duly forwarded  
to the American Consul at Havana. as  
per Copies herein Enclosed - as regards the  
Pork. Commonly known in Commerce,  
as "Clear Pork", (Salted & packed in Barrels  
of about 200 lbs -) this article from Texas

immemorial. Has been exported to Cuba  
but the Messagaria Authorities insisted  
on charging a duty, under some Section  
of their Tariff, as Preserved Meats - the  
duty exacted, being equal to the value  
of the article in Messagaria - & Price  
Currents. & advised from other ports of the  
Island. Now, that no such duties are paid  
the 1000 bushels of Corn, were shipped  
in 500, two bushels Gunny Bags. the Laws  
of Cuba, require that the weights of  
Every description, of Merchandise, shall  
be Measured in Killograms. In Our Invoice  
(that contained some twenty different articles)  
the Corn, inadvertently, was inserted as  
50.909 Kilos. Which was the true weight  
in pounds - Wholly a Clerical Error. in  
the Calculation of our Clerk. & was quite  
evident, as the Bags, would not contain  
one half the weight in Killograms - but the  
duty was assessed on the Weight, in Killograms.

With this Statement of facts. We beg  
leave to ask of the Amer<sup>n</sup> Consul in  
Havana (who has in his possession the  
original Protest) May be requested to call  
the attention of our Grievances, to the proper  
authorities. In the hope, that the wrong  
duties exacted, may be refunded us.

We have the honor to be

Very Respectfully  
Yours Oth Bro  
Homer Sprague

Copy  
Manzanillo May 1869

To the United States Consular General

Havanna.

Capt. A. B. Thompson of the American Schooner, "Helen J. Holway," of New York, who arrived at your Port, on the 18<sup>th</sup> of April last from Boston Mass, to our consignment with an assorted Cargo having been fined \$25 for not stating in the Manifest certified by the Spanish Consul, that he brought the measures of Spanish Tons his vessel measured, and that he had no other merchandise on board besides what he had Manifested; said Capt. having considered that it was the duty of the Spanish Consul in Boston to have pointed out to him said omission in the Manifest, so that they might have been inserted, protested against the fine imposed upon him, and desired us to send to you, a copy of his Protest and that we should request you to take steps to get remitted the fine that he considers was unjustly imposed upon him by the Customs House authorities, in our port.

We at the same time take the liberty of sending you a protest that we have made out in behalf of Messrs. Horn & Company of Boston Mass, who shipped us 500 Bags of Corn & 20 Barrels of Pork by the same Vessel to our consignment, and also a Certificate from our Customs House of the duties we had to pay on said Corn & Pork, in which we consider an overcharge; for the Corn we have been charged duty on nearly double the weight, and on Pork we have been charged duty as preserved Meats on \$33.40<sup>cts</sup> per barrels of about 17 lbs of unclean Pork.

which is all that a barrel contains, we consider that the duty  
should be levied by article 106 of the Tariff. We should wish you  
to keep the Protest we have made, in the name of Messrs H. C. Sprague,  
and certificates of duty's paid until you hear from us.  
Gentlemen who will not doubt want you to claim for them the  
of duties we had to pay on their Consignment of Corn & Pork.

We are Sir,

Yours most Obedt Servts

Signed, Vincent Rodriguez & Co

6 of 10

United States Consular Service  
Manzanillo Carta May 1899

On the 1st day of May, 1899, one thousand eight hundred and  
sixty-nine, before me, C. H. Peterson, Acting Consul, Agent of the  
United States at this port, appeared Mr. Jose Vinicio, partner of the  
mercantile firm of Vinicio Rodriguez & Co. in this town, and after  
being duly sworn he declared as follows:

That his house, Vinicio Rodriguez & Co. rec'd in consignment of Messrs.  
Hemert Sprague of Boston Mass. among other articles shipped on  
board the American Schooner "Helios", Helios "A. S. Thompson"  
Master, which arrived here on the 27th day of April last, five  
hundred bags yellow Corn, containing one thousand bushels and  
weighing fifty six thousand pounds, and received also twenty  
bags of Salt weighing one thousand eight hundred and eighty  
kilos; that although the 500 Bags of Corn only weighed twenty  
five thousand six hundred and sixty kilos, his house Vinicio  
Rodriguez & Co. was obliged to pay Custom House duty on fifty  
thousand nine hundred and ninety kilos, merely because the  
latter weight was by mistake put in the Manifest certified by  
the Spanish Consul at Boston, which had to be presented here  
to the Custom House officers on arrival of the vessel; that his house was  
also compelled to pay duty on eighteen hundred and eighty kilos  
Salt, according to article thirty of the Custom House Tariff, which  
the Custom House authorities compelled his house to quote in the Manifest,  
stating that the Custom House had to collect duty on Salt Port according



Article 30 of the Tariff, That his house Vincia Rodriguez & Co, consignees  
in the liquidation of Duties of said articles was charged One thousand  
and sixty nine Escudos & eighty nine millesimos Spanish on the five  
hundred bags of yellow corn instead of five hundred and forty  $\frac{960}{1000}$   
Escudos, which latter, should only have been charged, and on the twenty  
barrels of Pork, one thousand, three hundred and thirty six  $\frac{232}{1000}$  Escud  
Duty instead of two hundred twenty nine  $\frac{45}{1000}$  Escudos, which latter  
should only have been charged according to article one hundred  
and six of the Tariff, which fixes the duty on <sup>SP</sup>Clear Pork (Spanish  
"Jocineta.") That therefore he protests on behalf of the shippers of  
said articles, Messrs. Horn & Sprague of Boston, against the  
overcharge of five hundred twenty eight  $\frac{129}{1000}$  Escudos duty on  
five hundred bags of yellow corn, and against one thousand  
three hundred and seven  $\frac{42}{1000}$  Duty, charged on the twenty barrels  
of Pork, making together, an overcharge of One thousand six hundred  
and thirty five Escudos & two hundred and ninety one millesimos  
Duty, which his house Vincia Rodriguez & Co, as consignees of said  
articles have been compelled by the Custom House authorities to  
to pay; reserving to the aforesaid shippers, Messrs. Horn  
& Sprague of Boston, the right to establish their claim for  
restitution of aforementioned excess of duty, which his house  
has been compelled to pay when and where they may deem it convenient.

Yours faithfully  
Vic. Rodriguez

Attested before me

C. H. Petherick

Acting Consular Agent



New York. Sept. 24. 1869.

C. Madan (B. D. Silliman)

Cuban Commission

Jan. 1872.



53 King St

New York 26 Sept 1868

The Hon Mr Fish  
Secretary of State

Dear Sir

The news of  
Senator Sumner, as given at the  
Massachusetts Republican Convention  
on the Cuban difficulty,  
are found. "The States" they (the  
"Cubans") are in arms I know. But  
"where are their towns, cities, provinces?"  
"Where is their government? Where  
are their ports? Where are their  
tribunals for justice? And where  
are their prize courts? To put these  
questions is to answer them. Now  
then is the fact of belligerence?"  
I think the American  
Government is justified in offering  
to mediate in the Cuban difficulty to

stay the useless effusion of blood  
and to put an end to the atrocious  
cruelties of the Spanish soldiers.

But as the Spanish Government  
is opposed to such mediation, by  
international law the Government  
of the United States ~~have~~ has no right  
in present circumstances to proceed  
further. —

Still, as the Government  
of the United States has prevented  
the expeditions of the Cuban Insurgents  
from our ports as far as possible,  
it has clearly a right — particularly  
when we look into the nature of  
the Cuban Insurrection, — to prevent  
the Spanish Government from fitting  
out vessels in our ports to operate  
against Cuba or the Spanish  
American Republics. — It strikes  
me this can be done most



effectually by proclaiming neutrality  
You can advise with your most  
eminent international lawyers in  
the matter; so that you may act  
wisely & with enlightened statesmanship

Yours Sincerely  
John Quincy

Philadelphia Sept 25. 69.

J. Gonzalez (Carlos T. Dague).

Cuban Commission

I

Aug. 1872.

U. S. Marshal's Office,

Southern District of New York.

New York Sept. 28 1869

Hon Hamilton Fish  
Secretary of State  
Washington

Sir

I have the honor to re-  
port that (as I have  
previously reported) for  
the three or four weeks last  
past I have had from  
two to three detectives  
watching some Cubans  
at Hoboken, who, I  
felt convinced, would  
form a part of any  
filibustering expedition  
which might attempt to  
leave. I have also

2  
1  
U. S. Marshal's Office,

Southern District of New York.

New York

186

been in consultation with  
Pinkerton's Superintendent

I have now the  
honor to report that  
the Revenue cutters  
having been withdrawn  
from this duty I have  
thought it desirable to  
withdraw the above  
named detectives &  
give up Pinkerton's  
Superintendent - inas-  
much as I have no  
means to stop any-  
thing which may seek  
to leave this port  
(except such aid as the  
cutters may casually  
give when not oc-



**A. S. Marshal's Office,**  
Southern District of New York.

© New York

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been in consultation with  
Pinkerton's Superintendent

I have now the  
honor to report that  
the Revenue cutters  
having been withdrawn  
from this duty I have  
thought it desirable to  
withdraw the above  
named detectives &  
give up Pinkerton's  
Superintendent - inas-  
much as I have no  
means to stop any-  
thing which may seek  
to leave this port  
(except such aid as the  
cutters may casually  
give when not oc-

**U. S. Marshal's Office,**

**Southern District of New York.**

(31)

New York

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expended about other du-  
ties / and therefore it  
seems to me to be  
a useless expense to  
employ men in watch-  
ing

Very Respectfully  
Daniel A. Barlow  
U.S. Marshal

Havana

Wm. Smith

Treasury Department,

Fifth Auditor's Office,

Sept. 30<sup>th</sup> 1869.



Attor 3 pay  
Sir:

✓

Mr. Henry C. Hall charges in his accounts  
as Temporary Vice Consul General at Havana  
Forty nine \$7,100 dollars (\$49<sup>45</sup>/<sub>100</sub>) for salary  
"while employed in making the transit between  
"Matanzas and Havana and closing accounts  
"at the latter place." I have the honor  
to inquire if he may receive credit therefor.  
It would appear from the amount that  
compensation has been claimed for three  
days.

I am, Sir,

Your obt. servant

Hon. Hamilton Fish  
Secretary of State

W. H. Olcott  
Acting Auditor

New York. Sept 30. 1879

C. Madan. (B. D. Tillman)

Cuban Commission

Jan. 1872.

DEPARTMENT OF STATE  
OCT 8 1869  
Hamilton Fish,  
Secretary of State.

Wm. C. Smith  
Wristed R. Island.

September 30. 1869

Sir,

A notice having been published of an early meeting of the Commissioners appointed respectively by the Spanish and American Governments for the settlement of mutual claims, I beg leave to address the present communication to your honorable department for the purpose of its being placed in the hands of the Commissioners whenever they shall request copies of the papers in the case herein referred to. The claim is that of James H. West Esq. late commercial Agent of the U. States for the district of Sagua le Grande Cuba.

Inasmuch as this claim has been a subject of correspondence at intervals during the past nineteen years, extending through the administration of the U. States Government, I shall confine myself to the briefest abstract, within my power of the leading points and facts in the case which will be found detailed in all their minuteness among the papers of the State Department.

Mr. West; my lamented son, transferred his commercial business from Boston Mass. to Sagua le Grande at the instance of his father-in-law, Theodore Phinney Esq. the owner of several plantations in Cuba, for the purpose of becoming the Fiscal Agent of a sugar estate situated about thirty miles in the interior and making Sagua

his business head-quarters. His compensation was to be one-third of the net proceeds of that plantation the total income of which was, at that time, over twenty thousand dollars per annum. He was also appointed the U. S. States Commercial Agent for the district of Sagua la Grande.

In pursuance of his plans, he chartered and loaded the brig Colian of Boston with a cargo consisting of tools, slaves, and other requisites for the plantation, and also lumber and window and door-frames, packed in boxes, for the construction of a store-house in Sagua. He expressly forbade the shipment of arms and ammunition, or any other contraband articles; and he was himself, alike from prudence and self interest, free from all connexion with the political question then agitating the Island.

On the arrival of the vessel, and his own arrival by the steamer line, he was immediately arrested, together with his employees. The vessel was seized, and the cargo confiscated, and both his employees were imprisoned, and treated like pirates. He himself was put on his parole, his liberty being confined within the district of Sagua, which was thirty miles distant from the plantation, and one hundred miles from his family, who were left by him at the home plantation of Mr. Whitney at Cardenas.

This arrest was made by the authority of the Government at Havana, and at the instance of the Spanish Minister at Washington. The



charge was that of complicity with the Lopez  
invasion. This charge was founded upon the  
suspicion of arms and ammunition on board  
of the *Mig. Colian*, communicated to the Spanish  
minister by a Spanish detective at Boston,  
who was employed to watch vessels bound to  
Cuba. This suspicion grew out of a discovery  
made by him that the Captain of the vessel had  
put on board a small quantity of coarse gun  
powder designed for blasting on a plantation.  
This led the spy to another suspicion, viz that  
the boxed cases of window and door frames  
contained arms and other war materials.  
On this ground alone the complaint was  
made to the Spanish minister at Washington  
and by him forwarded to Cuba with a  
demand for legal proceedings against Mr.  
West, and his vessel and cargo.

A trial before a military tribunal was  
immediately held: the cargo broken up;  
and Mr. West's papers all seized and ex-  
amined, and, within two weeks after his  
arrest, he was acquitted by the Court of  
all suspicion of political designs, not a paper  
being found in his possession to implicate him,  
and not an article being found of a warlike  
character, while the Captain, and the ad-  
ministrators of the estate for whose use he pro-  
cured and smuggled the blasting powder both  
united in declaring in open court, that the  
act was their own, and was done merely



to avoid the high duties imposed on that article  
and that the powder was put on board against  
the express prohibition of Mr. West.

Notwithstanding this official and complete  
acquittal, the arrest of Mr. West was not with-  
drawn, nor his property restored, and he was  
compelled to defend his case in the civil  
courts to which the prosecutor had transferred  
it. The motive for this change is evident.  
The charge of a political offense having failed,  
the civil process was made the pretext for re-  
taining possession of the property. This course was  
persisted in until, after more than two years,  
a verdict was rendered in the Supreme Court,  
Mr. West was fully acquitted of every charge,  
and yet the fact of the smuggling of the gun-  
powder from his vessel was made a pretext  
for throwing upon him the costs of court, which  
amounted to \$6500.00, and involving him in other  
expenses amounting to \$2000.00 more.

The consequences of this oppressive course were disastrous  
and fatal to his property and life. His means were  
exhausted; his business ruined; and his health, al-  
though he had been long acclimated in Cuba, failed under  
his trials and losses, until he fell a victim to the  
fever of the Island. One of his employees, also, worn  
out by imprisonment, died soon after his discharge.

The evidence in support of the foregoing statements  
are clear and incontrovertible.

The facts are set forth in two protests made  
before an American Consul in Cuba, which

will be found among the papers in the State department.

The Hon. Daniel Webster, who succeeded Mr. Clayton in the state department, reviewed and sustained the correspondence of his predecessor, and, after an exhaustive examination of the subject wrote his dispatch of July 1855, (a copy of which will be found herewith, in which he records his opinion that "the arrest was without cause, and its further continuance wholly unjustifiable"; and demands ample and immediate reparation; and estimating the damages in another communication at Fifty thousand dollars.

His Excellency Calderon de la Barca, the Minister of Spain in Washington communicated fully with Mr. Webster on the case; and was afterwards invited by Mr. Webster to give me an interview at the State department.

During this interview I presented a simple statement of the facts, <sup>which he</sup> did not dispute, but in the contrary accounted for by the intense excitement arising out of the two attempts at invasion already made by Lopez; and by a third, which, he informed me, was at that moment on the eve of being perpetrated.

He acknowledged <sup>it</sup> to have been a mistake originating in the mistaken information and erroneous conjectures of the Boston Detective; and he then offered me a letter introductory to his friend the Intendente of Havana, who he

assured me would, on being informed of the facts adjust the affair to my entire satisfaction.

on my then laying the <sup>case</sup> before Pres. Fillmore, he, at once offered to appoint me a bearer of dispatches, and moreover most generously agreed to pay my expenses ~~from~~ the secret service fund. This I owed to its being ~~advised~~ <sup>advised</sup> to ~~him~~ by Mr. Webster. Gov. Campbell, then Consul at Havana, I thought it prudent to ask his advice in the matter; but he dissuaded me from accepting the appointment in view of the danger to my health, saying that, on account of its being the sickly season in Cuba, and of my being past the meridian of life it would be almost certainly fatal to me to visit Havana at that time.

The case then remained open until I submitted it to the examination of the Hon. Edward Everett, who was then a Senator in Congress, and a member of the Senate Committee of Foreign Affairs; a copy of two of whose letters to me will be found herewith enclosed. The case was fully examined by him, and, at his instance, was laid before that Committee who appointed a sub-committee on the case by whom a report was made, that they were in favor of sustaining the claim, and to recommend to the State Department to press a demand for indemnity, whenever the Commissioners mutually appointed by the Spanish and American Governments should meet to adjudicate their respective claims.

I beg leave to add a few remarks in conclusion on the estimate of damages, and the personal character of the complainant.

In relation to the damages, the losses of Mr. West are to be considered. — in the breaking up of his voyage the confiscation of his property; the loss of three years agency-salary during his arrest; the ruin of his commercial business; the expenses of the law-suits in Cuba, and those incurred in the U. States in securing the cooperation of the American Government; and, finally, a just compensation for the outrage; and these united considerations render the claim a modest and a moderate one; and its amount utterly inadequate to the magnitude of the injuries inflicted.

This view of the claim will be signally enforced when we understand the real character of the individual thus outraged. James H. West was a man of no ordinary character. From his infancy he was amiable and irreproachable. He was the idol of his family; a chief favorite in every social community among whom he resided; and he was, as was justly said of him by his personal friend, Major General Burnside, "one of the most disinterested of human beings." He had no enemies; and he won the sympathy of the very men who were the unwilling instruments of his oppression. And all this catalogue of disasters was entailed upon the suffering parties by a Spanish spy who communicated false

information to the Spanish Minister who employed him!

All citizens are liable to oppression in foreign countries from their very defenseless condition, and American citizens have been more than others, thus exposed from the well known caution of their own Government in exposing itself to any collision with a foreign Government.

Let me indulge the honest and patriotic hope, that the liberties and rights of American citizens in foreign countries will be hereafter honorably protected, and that the present may prove a signal instance in which this Government will vindicate their wrongs.

I am, very Respectfully

Yours Most Truly

John West



copy.

Department of State

Washington July 28. 1850

11. Letter to L. M. Parnis Esq.  
of L. M. Parnis

Sir,

I have the honor to transmit to you herewith, a copy of a second affidavit and Protest made by Mr. James H. West of Bristol R. Island before the U. States Consul at Sagua Grande Cuba. This Protest is accompanied with a certificate of Messrs. Reed and Union Light, Merchants, Masters, &c. You will, without delay, place copies of these papers in possession of the Minister of Foreign Affairs, and insist upon an order for the immediate release of Mr. West, and his employees, Blather and Casnaban as well as for speedy and ample indemnification to him for the outrage, and for pecuniary losses which he has suffered in consequence of his imprisonment and of the withholding from him of his books and correspondence.

Upon the application of the parties aggrieved, my predecessor addressed to you, on the first of April last, for which we have your dispatches in reply of the second and seventh of the following month, containing this of our correspondence with the Minister of Foreign Affairs of Spain upon the subject of this outrage upon three American citizens. This correspondence upon your part is entirely approved by me.

You will please to assure his Excellency, the

the Minister of Foreign relations of Spain, that, although this Government does not incline to magnify small matters into things of great importance, yet it regards any act, depriving an American citizen of his personal liberty, as a subject of very just complaint, until a proper charge for such deprivation be established on full and sufficient evidence. And I desire his Excellency the Minister of Foreign Affairs to understand distinctly, that no Spanish subject will be deprived of his liberty, by order of this Government, or any branch of it, on mere suspicion, or on any slight grounds, or unfounded imputations; and that, in this respect, we confidently anticipate concurrent and reciprocal sentiments and conduct from the Spanish Government.

You are instructed to lose no time after the receipt of this note, to abstract the Spanish Minister, apprising him of the views of your Government, and requesting of him a true copy of the proceedings in the case before the legal tribunals of *Alcaldes* *de* *Gran* *de*. If it appears that Mr. West was acquitted after trial, of all complicity in the outrage of the *guapordos*, and of political designs, all which will be shown by the record, then it follows as a matter of course, that the arrest was without cause and its further continuance wholly unjustifiable.

I am, Sir,

Respectfully,  
Wm. L. Garrison



(copy.)

State of Rhode Island & Providence Plantations

In General Assembly, January Term 1852.  
Resolved,

That the Senators from this State be instructed, and the Representatives in Congress requested, to bring to the attention of the Government of the U. States, with a view to the redress of which it may be susceptible, the case of James Howe West, of Bristol, a citizen of this State, who was arrested by the authorities of the Island of Cuba in Jan'y 1850, and who has been, for two years, though acquitted by the tribunals of all the charges imputed to him, detained in arrest under a peculiar circumstance of aggravation.

Resolved,

That His Excellency the Governor be requested to transmit copies of the foregoing resolutions to the Senators and Representatives in Congress from this State.

copy

Washington 14. March 1853.



Dear Sir,

I received your favor of the 11<sup>th</sup> instant enclosing copies of those of Bishop Eastburn and Gov. Morton.

The subject was brought before the Senate, the other day, by Resolution from your Legislature to the Department of State for information. Should it come in any way again before the Senate, it will afford me much pleasure to render you any aid in any power toward procuring redress for the wrongs suffered by your son.

In Spain a proposal was made while I was in the Department of State, to institute a Board of Commissioners to adjudicate the claims of American Citizens for injuries suffered from the Spanish Government, and its officers, as a reciprocal proposal was made in reference to claims of Spanish Subjects on the Government of the U. States, I am not without hopes that this overture will lead to a good result.

I remain, Dear Sir,

Very Respectfully, Yours

Edward Everett.

Rev<sup>d</sup> John West

107/

Senate Chamber

28 March 1854.

Dear Sir,

I have received your favor of the 18<sup>th</sup> instant, (placed in my hands to-day) and hasten to reply, that the papers to which you refer have been referred in the Committee of Foreign Relations to Mr. Mason - its Chairman - as a sub-committee. Mr. Mason has attended to the subject, and is well acquainted with it. He is willing to recommend to the Committee to make a report expressing a decided opinion that redress ought to be insisted on by our Govt. He thinks, however, that the moment is not favorable for making such a report. The relations between the U. States and Spain are in such an unsettled state, and until the affair of the "Black-Horizon" is settled, one way or the other, it is not likely that the Executive will give its attention to former transactions. As the Committee can do nothing but commend the subject to the consideration of the Executive, Mr. Mason thinks it would be better to let the matter rest until the state of affairs is such as to favor its being acted upon decidedly by the Department of State.

I remain, Dear Sir,

Very respectfully, Sir

Edward Everett

Rev. Dr. West

*This extract contains*

*facts which may be useful*

*the case.*

**Our Relations with Spain—What our Government Should Do.**

We are told from Washington that as soon as one or two of the questions now pressing upon the attention of the government shall have been disposed of, our relations with Spain and the numerous claims of our citizens upon that Power will be taken up by Mr. Buchanan, and pressed to an immediate settlement.

There is no subject in the entire list of our foreign relations that more urgently requires examination and action by our government. The whole of our intercourse with the dominions of Spain is now carried on under the treaty of amity of 1795; and although several past administrations have endeavored to make a new one with the Spanish government, it has hitherto sedulously refused to do so. As the existing treaty was made at a time when all the Spanish colonies were jealously closed to foreign commerce, no mention is made of them in it, and its provisions were not extended to those colonies. Since that time Cuba, Porto Rico and the Philippine Islands have been thrown open to our trade, and with the two first named a commerce has sprung up so great that they rank as third in the list of nations with whom we have trade, while our intercourse with Spain herself is still insignificant. The question whether the provisions of the treaty of 1795 extend to the Spanish colonies, has never been definitely settled, or even directly discussed, but the Spanish government acts wholly in the view that they do not.

Through this strange interpretation, our vast trade with Cuba and Porto Rico is merely one of toleration by Spain, and the widely extended interests of our citizens in those islands exist merely by sufferance of the Spanish crown. Our Consuls are sent there only by royal permission, and not in virtue of any right we possess, and their presence is limited by a royal order to the four ports of Havana, Matanzas, Trinidad and St. Jago; while in the equally important ones of Cardenas, Cienfuegos, Sagua, Nuevitas, Gibara, Manzanillo and Baracoa a commercial agent, appointed by the nearest consul for the purpose of certifying to the invoices of the valuable cargoes we import from them, is acknowledged by our government, but is not recognized in any manner by the Spanish officials in Cuba. The footing of our ships

in the colonial ports is not the same as in those of Spain. A distinct system of differential duties is exacted there upon goods imported in American bottoms; and as a retaliatory measure, Spanish vessels from Cuba pay high duties in our ports than the same vessels would pay coming from Spain. The provisions of the treaty defining how the causes of our citizens shall be tried in the Spanish courts, are not admitted by the Spanish government in Cuba and Porto Rico, the very places where we most require them.

It is this incongruous state of affairs that has led to the existence of such a long catalogue of public and private claims against the Spanish government as is filed in the State Department at Washington. Our government has yet to obtain an apology from Spain for the refusal of the local authorities of St. Jago to recognize Mr. Sewall, a duly appointed Consul, and for their arbitrary denial to him of the archives of the Consulate, and their delivery of them to a person not authorized by our government, and, in fact, against its direct orders; for the imprisonment of Mr. Croes, the Consul at Matanzas; for the seizure and spoliation of Mr. West, our commercial agent at Sagua; for firing into the mail ship El Dorado and several others; and for numerous other acts of direct and studied insult to us as a nation. To these we have to add a long list of private claims for illegal spoliation and injury of our citizens. Among these are that of Mr. Thresher, who a few years since was tried for his life in Havana, and sentenced to eight years labor and chains in Africa, without a shadow

of the treaty defining how the causes of our citizens shall be tried in the Spanish courts, are not admitted by the Spanish government in Cuba and Porto Rico, the very places where we most require them.

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It is long since time that this extended list of injuries to our citizens and insults to us as a nation were redressed. Spanish diplomacy has beat our representatives off, under the most frivolous pretexts, and refused to accord justice. We hope, therefore, that the announcement we have had from Washington that the government intends to take this subject very soon in hand and have it settled, is true. Spain has kept Spain faith with us long enough; and though it may be alleged that she has done the same thing with other nations, and they have forborne, that is no reason why we should not have immediate justice and guarantees for her future behavior. Our immense trade and the widely extended interests of our citizens with the Spanish colonies should no longer be a matter of mere tolerance and insult. Let Mr. Buchanan make up the account of Spain from the ledger of the State Department, and present it for immediate settlement.

There is but one kind of diplomacy for such a court as that of Spain, and that is the one used by General Jackson to France. "Pay or fight," said the old hero; and the matter was settled at once, and we have been ever since the best of friends. This is the diplomacy that Spain easily comprehends, and the one which she has lately used in bringing Mexico to a settlement of the paltry claim of \$600,000, half of which is well known to be fictitious. If she equivoques, as she constantly has done, or refuses to pay, Mr. Buchanan has only to send General Scott, with ten thousand men and a small fleet, to Havana, and take possession of the island of Cuba until these and all subsequent claims are settled. With General Scott in Havana we could stand the delays of Spanish diplomacy; but in no other way can we permit them. The capture of Havana some bright morning would form an appropriate close to the list of Scott's services to his country. We hope Mr. Buchanan has determined upon the pay or fight diplomacy with Spain; if he has done so we are sure all will go well. Let us have the Spanish claims settled at once.

McC Henry House

Meadville Pa.

Nov. 17. 1865

Hon. W. H. Seward,

Secy of State.

Washington.

My dear Sir,

The  
bearer of this, the Rev John West,  
is about to present a claim against  
the Govt of Spain, in accordance  
with a note from the Legation.  
The claim has been presented before  
by his son Jas. H. West, now dead,  
and is for damages resulting  
to said son's business and property  
and his unnecessary and illegal  
imprisonment in the Island of Cuba.

I knew the son, James H. West  
for a long time before his death  
and am free to say, that he  
was a most upright, truthful  
and loyal, ~~and~~ <sup>and</sup> ~~intelligent~~ <sup>intelligent</sup> man.



Citizen, and from what I  
know of his claim, it seems to  
me, a just one.

But the justice will, no doubt,  
be properly decided upon by  
your department.

I beg to ask for his Father, the  
Rev<sup>d</sup> John West, your kind at-  
tention.

Truly

Yours friend,

A. E. Cross & Co.