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DESPATCHES FROM UNITED STATES CONSULS IN HAVANA, 1783-1906

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Rec'd 10 Mr. Abbott

Consulate of the United States
Havana February 1st 1857

Honble Daniel Webster
Secretary of State
Washington City.
Sir

The United States Sloop of war
"Albatross" Commander Platt, sail-
ed from this port on the 27th ult^o
intending to go to Hayti, in con-
sequence of a letter received from
the United States Commercial Agent
at Port Haytien requesting me to
send there a man of war, to demand
a Captain Mayr there imprisoned
unjustly charged with smuggling.
Everything is quiet here, and the
Captain General (Comcha) becoming
popular with all parties, and winning
a disposition and so far, acting to-
wards foreigners with great con-
sideration and justice.

I have the honor to be, Sir,

With great respect

Yr M^t ob^t serv^t

Memorandum
acting Secy.

Rec'd 14 April 1859 Mr. Abbott.

Consulate of the United States.
Havana April 7th 1859

Honble Daniel Webster.
Secretary of State.
Washington City.

Sir

I have the honor to enclose to you herewith a translated copy of a communication which I sent to the Captain General and of His Excellency's reply thereto, in consequence of an American citizen having been taken up and imprisoned in a dungeon without being allowed any communication.

I beg leave to draw your attention to the Captain General's answer to my application, by which you will see that he does not allow Consuls to interfere in such cases, stating (which is true) that their Legation from Spain only allows them to exercise the functions of Commercial Agents. This has been

stated before to General Campbell,
and unless the Government of Spain
permits Consuls to protect American
Citizens so far as to give them an open
and fair trial, it may be very oppressive,
and grow worse and worse. In the
present case, the Captain General did
put the individual in communication

The United States Steam Ship Saranac,
with Commodore Parker on board, arrived
here on the 19th ult^o and sailed for
Pensacola on the 3^d Instant.

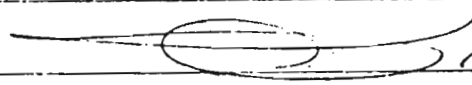
Every thing is quiet here, but there
are reports credited by the Captain
General that there are some eight
or nine hundred men embarking
from Florida to invade this island.
It is understood however, that they
sail unarmed and for Yucatan first.

I have the honor to be, Sir,

with great respect

Yr M^t O^bt serv^t

M^o Morland

 acting Com^{dr}

Recd 23rd April

U. S. Atty's Office Dist of Ga
Savannah April 19 1881

Consular Bureau

Department of State

Washington City

The Hon. Allen
H. Owen of Georgia, recently appointed U. S. Con-
sul at Havana in Cuba has just transmit-
ted to me his official Bond for Approval. His
Sureties are undoubtedly good and sufficient
and although I have sufficient evidence to con-
vince me personally of this fact, yet their af-
fidavits of their circumstances not having been
furnished me, I cannot, without them, for-
mally approve the Bond. Mr Owen has
made his arrangements to embark with his
family from this City for Havana on the 1st
April next and will be detained for some
time longer if his Commission does not arrive
before that day - This would be impossible
if the Commission should not leave Washington
until the Bond with the affidavits (returned
from a distant part of Georgia) should be
there received from me. Under these
circumstances, and knowing that the affi-
davits of the Sureties have been inadvertently

mitted by Mr Owen. My personal relations of
intimacy with him induce me to ask for his
convenience, that his Commission should be
forwaded at once to me; - When I have
been furnished with satisfactory affidavits
of his duties, I will hand it to him and
present the Bond to Washington with
my notice of approval

Very Respectfully
Henry Williams
U.S. Atty

Recd 22 April.

Mr Owens' paper was sent yesterday
to his address Charleston S. C.

1. Altho.

Talbotton Georgia

April 15, 1851.

1. u. 1

On yesterday I executed in terms
of the law my Consular Bond & forwarded
the same to Henry Williams Esq. Dist. Atty. of
the U. S. for this district.

I requested Mr Williams to advise you of
the execution of the bond & of his Certificate
by a telegraphic despatch. If he shall do so
& it shall be deemed sufficient evidence
of its execution - it will oblige me if you
will be good enough to forward the Com-
mission to me at Savannah Georgia,
as I may sail from that place in the
~~Isabel~~ instead of Charleston S. C.

I had the honor some days ago at
Columbus Georgia to write you res-
pecting certain movements &c. &c.

as I have heard since & to con-
firm me in the opinions then expressed
as to the intentions of persons & the move-
ments referred to. I have the honor to be

The Honble

Saml Webster

Secy of State of U. S.

With great respect & esteem

Allen J. Oweri

Rec'd 2 May

In reply

Talbotton Ga. April 24, 1857.

I have had the honor to receive your communication of the 11th inst. in which my attention is "particularly" called to the 1st & 2nd Chaps. of General Instructions to Consuls & Commercial Agents & I am directed also to communicate to the State Department the place of my birth & to state whether I have ever resided in the Island of Cuba.

In a previous communication I had the honor to mention the fact of the execution of my Consular Bond.

I was born in the State of North Carolina. I have never resided in the Island of Cuba.

Respectfully

Paul Webster
Secy of State

I have the honor to be
with great respect,
Your obt. servt.
Allen F. Owen

Recd 3 May.

E. Abbott

U. S. Atty's Office Dist. of Ga.
Savannah April 28th 1851

Sir

I transmit the Bond of ~~Allen~~
Allen J. Owen Consul to Havana, which I
have approved, together with the appen-
dix of his duties.

Very Respectfully

Henry Williams
U. S. Dist. Atty

To

The Secretary of State
Washington City

Rec'd 5 May.

Charleston S.C. May 1, 1851.

I shall leave for Havana this morning - in the Steamer Isabel.

The Cuban expedition is much talked of in Georgia, & here; and if the authorities of the U. S. do not succeed in arresting the movement it is my opinion a descent upon the Island will be attempted during the present month - perhaps at an early day.

The Atto. of the U. S. for the Dist. of Georgia has taken steps for the arrest of Lopez & Gonzalez of which he has no doubt informed you.

Should I learn any thing worthy of being communicated between this time & my arrival at Havana it shall be made known to you from that place. I have the honor to be

Respectfully,
Secty of State of U.S.

With great respect,

Allen F. Owen.

Rec'd 14. May.

Havana, May 7, 1851.

Sir,

I had the honor at Charleston to inform you that I should embark on the 1st inst. in the steamer Isabel for this place. I arrived here on the morning of the 4th.

Yesterday I paid the customary visit to the Captain General. To day Bro. Morland Esq. the acting Consul of the U.S. at this place addressed a communication in writing to the Captain General requesting permission for me to act as Commercial Agent till the arrival of my exequatur.

I have the honor to be
with great respect & esteem

Yours obt. servt.

A J Owen

To.

The Honble. Saul Webster
Secy of State.

Commercial Agency
of the United States
Havana May 16, 1851

Sir,

I had the honor by the U.S. M.
Steamer Isabel on the 7th inst. to in-
form you of my arrival here; & I
avail myself of the sailing of the
U.S. Mail Steamer, Ohio on tomor-
row to inform you that, by permis-
sion of the authorities here, I intend
on the 12th inst. upon the discharge
of my official duties, as Com-
mercial Agent, till my Exequa-
tur shall be received from Spain.

Mr Campbell, late Consul,
expecting to return did not make
an Inventory of the papers & other
effects belonging to this Consulate.
With the assistance of Mr. Morland
Esq. late acting Consul, I shall, at
an early day, make out an in-
ventory, & according to instructions
transmit a copy of the same to
Your Department.

The U.S. Sloop of War

Decatur, Commander Green arrived here some days since, & reported all well. Having orders from the Department to keep a look out for those who contemplate a descent upon this Island from the United States, he expressed the opinion in which I concurred that it would be better for him to cruise off Cape Antonio, or between that & Yucatan than to remain here awaiting orders from Commodore Parker. He expects to leave within a few days.

General Persifer F. Smith of the Army of the United States is here on his way from California to Texas. He was introduced to the Captain General who received him very courteously.

The papers of this City announced yesterday that information had been received here that the expedition from the U. S. had, been broken up, by the vigilance of the authorities there.

Things are pretty quiet here

and have been from the time I
reached the Island. The Island
seems to be in a good state of defence,
from what I can see and learn
the authorities here entertain no
fears, even if a descent should
be made; and I may add that
I do not think they have grounds
to dread such a matter.

I have the honor to be

Hon David Webster With Great Respect
Secy of State } Yr obt. servt
of the U. S. A. J. Owen

Rec'd 29 May.

Mr. Webb

Commercial Agency
of the United States

Havana May 21st 1857

Hon^{ble} Daniel Webster

Secretary of State

Washington City

Sir

On taking charge of this office
at this Consulate, I discovered that
the flag of the United States heretofore
used by it, is worn out and torn
and therefore unfit for further use.
Will you be pleased to order a new
flag to be sent out?

I have the honor to be, sir,

with great respect

Yr. obedient servant

A. J. Owen.

Rec'd 3. May.

Mr. Abbott.

Treasury Department

May 29th 1858

Sir

I have the honor to acknowledge receipt of your letter of the 28th Instant transmitting the official bond of Allen T. Given Esq. appointed Consul for the United States at Havana.

Very respectfully,

Your obedient Servant
Thos. M. Brown

Secretary of the Treasury

Mr. S. Gerrick Esq.

Acting Secretary of State

Penn 14th June Mabbott.

Consul Agency of the U.S.

Havana June 7, 1857.

Sir,

I have the honor to inform you that the Gulf Squadron under the command of Commodore Parker have within the past few days been in this port; & that the officers & men are generally well.

The Commodore left for Pensacola in the Saranac on the afternoon of the 5th the Albany Capt. Hall & the Decatur Commander Green left yesterday morning & the Union St. Smith commanding left this morning.

The Commodore & a number of the officers called on the Capt. General who received them kindly & treated them with much civility.

This City is yet quite healthy. The yellow fever has not yet made its appearance; though the Capt. General informed the Commodore that in one of the Spanish ships at Texas on the South of the Island, at or near St. Jago de Cuba there were sixty cases of it. The Island

seems to be quiet, and there are not,
I believe, any apprehensions of an
invasion. The press here speak
in high terms of the conduct of the
administration for its vigilance
in respecting the expeditionists.

I have the honor
to be

Hon. Dan Webster with great respect
Secy. of State Wm. L. G. W. L.
of the U. S. A. F. O. W. L.

Consular, Sept.

Private.

Havana June 7, 1864.

My dear Sir,

At the urgent request of Cristoval Madam Esp. I send herewith his letter addressed to me yesterday with the papers accompanying. He informed me that his case was made known to you & that you wrote to Mr. Campbell in his behalf.

Mr. Madam sent for me (he being under arrest at his father's house in this city) and desired to make affidavit to the truth of the contents of the papers here sent; for me to witness it, & affix the seal of my office; alleging that he was an American Citizen, or a Citizen of the United States by naturalization, and entitled to the protection of our Government.

I replied to Mr. M. that Mr. Campbell, our late Consul, became involved in difficulties with the authorities here for alleged interference in matters that did not pertain to his office; and that I felt it to be my duty to avoid difficulties; & that for these reasons I must decline to comply with his request.

He then insisted that I should allow him to make oath to the truth of the contents of the paper, which I permitted, - not reducing it to writing, nor affixing the seal of my office - at the same time telling him that I could not see that this would avail him anything.

He said he felt that he had a right to relief at the hands of our government: I replied that it was not for me to decide, but that if he had, his rights were secure in the hands of the President & yourself.

I would like to be advised whether, if a similar case should arise, I should pursue the proper course: or whether I should have taken the affidavit in writing affixing the seal of my office; that I may know what you would approve should a similar case arise. I have endeavored to act with prudence & caution in this matter knowing how sensitive the authorities here are respecting what they consider an interference on the

part of the Council

I have not written to you
officially - not deeming it necessa-
ry to do so.

With sentiments

of great respect & esteem &c

J. F. Waller

Hon. Dan C. Webster

Washington D. C.

P.S. This being too late for the mail
it will be put in the office at
Charleston.

Havana June 6th 1851
Hon Allen F. Owen

Sir

I have placed in your hands two statements which comprehend the whole history of my case. Although not yet notified of the last and irrevocable sentence I have ascertained that it is a confirmation of the one given by default in August 1850 excepting that instead of being sent to the Gallies, I am to reside at Cadix in Spain - which place I have been permitted to choose provided it did not fix upon Madrid. I am therefore condemned

1st To reside at Cadix for a time to be fixed by the Captain General.

2nd To pay the damages occasioned by the invasion of Cardenas both to individuals and to the State.

3^d To pay the costs of law & charges of the proceedings which others pay, I hear do not go beyond four thousand dollars.

4th To be responsible for the payment of every one of the other parties included in the condemnation "mancomunada" "solidariamente".

Now to appreciate the bearing of this on my property the following facts must be known.

1st My whole estate is in the hands of administrators named by the Government who have exercised exclusively all authority, and retain all funds.

2^d My creditors who had installments have not been paid on their becoming due, nor has my family received a support.

3^d In order to estimate the damages of the Cardenas expedition separate proceedings were established.

and exaggerated reports of losses were added together making up something more than 28,000\$, and then the said proceedings or "expediente" were discontinued, while nothing more was said of the damages to the state, a point which it would not be well to start, and which it is not unlikely they would keep in reserve as an elastic instrument to be used at will.

4th The other parties condemned have not much available property; perhaps ten or twelve thousand dollars might be drawn from that source. The number of individuals condemned is about seven.

5th - The expression used of condemning solidariamente, means that the individual thus condemned is responsible with his property, and actually must pay the whole and then claim from his fellow accused.

In my position three great objects must be sought.

1st I must obtain the administration and revenue of my property, control it, pay the debts pending without the expensive course of having each claim brought to court for decision, and in order to supply instantly the means of living to my wife and seven children now in the United States.

2^d I must have the estate cleared of the general sequestration and as much as possible free of these charges endeavoring to reduce or limit

at once the maximum of the responsibility, obtaining to pay the same in installments and lending the attachment to a mortgage.

3^d I must endeavor to return to the U.S. avoiding to be injured in my property worth 250 or 300.000\$ including 90.000\$ appertaining to my children.

I believe I would obtain full redress if the Government of the United States, giving credit and due importance to the statements and documents accompanying this letter, were to resent the contempt and breach of good faith excited by Mr Webster's interference and the unfair withholding of a communication of Mr Calderon calculated to prove my innocence of what has been the subject of pecuniary penalty, viz; the invasion of Cardenas, and were likewise to resist the authority of a Spanish Court to judge of acts committed in the United States, and through testimony mysteriously obtained and appreciated at Washington from unknown sources by the Spanish Minister; and were to insist that since the sentence does not condemn me to a punishment but to a change of domicile (which is a tacit acknowledgement of my innocence) there is no right to prevent my returning to the U.S., because as a citizen of that country I cannot be forced to reside elsewhere.

All this ^{is possible} goes even without questioning the right of issuing the groundless sentence of August 1856 and its grievousness to my citizenship.

The American Government have been cited by Mr Calderon in his communication of 28 May as verifying my guilt and when that Government has given information

of a contrary nature it is withheld! - It is currently
said in Havana that the title of American Citizen has
been the sole Cause of condemnation which the
Auditor has assigned for his infamous falseness.
It is but fair that I should find in my government
that protection which I deserve while persecuted in
consequence of that title. I am certain that if
the Government at Washington take hold of this
matter in earnest, acting with decision and prompt-
tude, both property and person may be restored
and redress obtained for all much wanton injus-
tice.

Should that not be the case, I must as a
father & husband looking to the welfare of my
family sacrifice every feeling of my bereaved soul
at this trying moment, and leaving as you are
aware my two eldest daughters at the North,
one in her last moments, the other in an alarm-
ing state of health, with my infant children
under the care of a sickly and afflicted wife, and
allow myself to be borne away to Spain en-
deavouring to obtain here what I may from the
cruel mercy of the authorities in the time previous
to my departure.

I request of you to communicate this
letter and accompanying documents to the Se-
cretary of State reminding the Secretary that if I
am to be left to my own efforts, any knowledge
of this step obtained by the Spanish Minister
would place greater obstacles in my way.

here. Should I receive the sentence before the steamer leaves I shall add a copy of it to this communication.

With the assurance of my deep regard
I remain very respectfully

Your obedient Servt

Wm Madison

accompanying papers

- 2 statements of facts

- a copy of all proof or Calderon's letter, &

- Suarez letter contradicting Calderon -
all authenticated.

- the first charge of the fiscal in 1850

~~Whereas~~ ~~Christóbal Maldonado~~ a native of this city of Havana and naturalized citizen of the United States of America being duly sworn do hereby testify to the following.

Havana May 31, 1851.

1st ~~That~~ In the month of August eighteen hundred and fifty I was sentenced with others to ten years to the galleys and to indemnify the damages occasioned to the Government and to individuals by the "invasion" of Cardenas, and also to the payment of costs of proceedings.

2^d ~~That~~ The said sentence given by a military ^{Court} in default of appearance, was carried into effect by placing all my property and its administration in the hands of trustees, who have withheld from me and my family all revenue and denied all interference.

3^d ~~That~~ The above sentence has no other basis than four communications from M. Calderon de la Barca addressed to the Captain General Comte Alcazar dated 7th & 23^d February and 24th April & 28th May 1850 (Eighteen hundred & fifty), copies of which I annex to this document, as also a copy of my letter to the said Spanish Minister dated April 16th, with the explanation that some of said letters being only manifested to me in the portion referring to me, I only copy that portion.

4th ~~That~~ The prosecuting judge or Fiscal

in his first charge clearly states that until my departure for the United States my conduct had been good, and Governor of Matanzas also certifies to the same effect from which and from the said communications of Calderon it is fully established that I am only judged on suspicions of acts committed in the territory of the United States.

5th ~~That~~ I submitted to the present Secretary of State my claims for redress which were not acted upon during the session of Congress; and just as the session expired, on or about the seventh of last May, I received information ^{of the favorable disposition of the} ~~from respectable sources in the~~ ~~authority in virtue of which my friends advised me~~ ~~that the~~ ~~General de Guerra~~ ~~had come to this city~~ ~~to come to this city~~ ~~had decidedly recommended that I should be told by~~ ~~my friends to come immediately to this country~~ in as much as my sentence had only been passed owing to the circumstances of the time, and could not help being revoked, ^{it was also performed} ~~in order that the~~ Captain General had received a petition for my return and the repeal of said sentence, which petition was presented by my aged father, and that the said Captain General had answered that he desired me to come, that though he had no legal power, he would exercise that which he had even to indulgence if he be.

6th. ~~That~~ Having duly sworn that I had not been a member of the Junta to prosecute the political interests of Cuba nor had any share in any one of its acts, direct

or indirectly, nor in the invasion of Cardenas, and having proved as I thought satisfactorily, both by verbal testimony of men of character and by documents submitted to the department, my utter disconnection with Lopez and innocence of the said charges, some course, I believe was adopted which might be the means through Mr Calderon of informing the present Captain General of the interest naturally felt for me by the Cabinet or some of its members, and of the evidence adduced in my favor at Washington.

7th ~~Mar~~. I arrived in this city of Havana on the 17th of March on board the steamer Georgia with my passport of an American citizen given by the Department and immediately appeared before the Captain General and was sent to the Cabana Castle where I remained from the nineteenth of March to the fourth of April, at which latter date having become sick with dysentery I obtained being transferred to my father's house under bond and with prohibition of leaving it, which I have strictly obeyed.

8th ~~Mar~~. In my first interview with the said Captain General Don Sen' de la Concha I stated that having been informed of his favorable disposition towards me I had hastened to Washington and reported the fact so as not to appear unmindful of his kindly feeling, in any communication which might be made regarding my case; that on his enjoining me to be quiet while I was at liberty previously to going to the Castle, I answered

to the purpose that even if I had other than quiet ideas I could not commit the Government or member of a Government who had spoken in my behalf; on which occasion the Captain General showed evidently his displeasure and said that any communication coming from that quarter he would consider an interference and would make the most unfavorable impression on his mind.

9th ~~Dec~~ In the next interview with the Captain General he said that if I had not the means of defending the charges and had been induced to present myself counting upon undue partiality or favor, he would give me back my passport and I might return to the United States to which I answered that I had no doubt that I could prove what was necessary.

10th ~~Dec~~ The fiscal Don Francisco Javis Aladozo questioned me while at the castle in the most malicious, absurd and illegal manner, dictating himself or rather editing my answers, assuming in the questions what was untrue and reporting my answers as much to his liking as I would allow, availing of my weariness in this respect, which caused me sometimes not to insist in correcting little items which I judged of no import; by which means my answers may appear confused, though there is nothing in them that can be brought against me even admitting that the investigation had been carried on with me.

~~2~~
partiality and good sense.

11th ~~That~~ During the said examination I admitted that I had been spoken to by a near relative whom I did not name and one Molden an obscure & unknown person, in the name of Lopez or in favor of Lopez and that every other answer of mine referred to news obtained through the press as to the expedition or conspiracy.

12th ~~That~~ The questions of the said Fiscal instead of referring to the facts which it was alleged I had committed in the North were mainly directed to my citizenship. To one of them I answered that according to the law of the United States during the year preceding the grant of naturalization I could not consider myself otherwise than as american; that I had applied to the Spanish minister for the passport because it was him or the Spanish Consul whose business it is to give such document.

13th ~~That~~ Though I have submitted to the worst, I have never said any thing which implied allegiance to the Spanish Queen, or disavowal of the character of american citizen.

14th ~~That~~ During the examination and charges the Fiscal avoided speaking about Mr Calderon's assertion that the American Government was searching "termines habiles," or means, to apply to me the law of 1818 and arresting me.

15th ~~That~~ Upon the twenty sixth day of this present month of May I was taken to the barracks of San Ambrosio and there brought forth before

the Military Commission, when the Fiscal read the proceedings while the officer charged with my defense and myself were away in another part of the building.

16th ~~That~~ The last communication of Mr. Calderon which has been ^{admitted} ~~added~~ to the proceedings up to the moment of trial, was the one dated "twentieth Eighth of May 1850 Eighteen hundred & fifty"; altho I am fully convinced that the Captain General has received subsequently some ^{one of date} ~~later~~ from Mr. Calderon which he has not thought proper to pass to the Military Court; and I further say that such unfair withholding of a communication favorable to my case, while others from the same source constitute the basis of a charge against me, can only be attributed to an illiberal dislike to me as an American citizen —

17th ~~That~~ Don Juan Eiras Lieutenant of the Regiment of the Crown, selected by me out of a number of subordinate officers whose names were in a list presented by the Fiscal, produced the defense which I read, a copy of which ^{I send herewith} ~~you send herewith~~.

18th ~~That~~ While reading before the Military Court the said defense I was interrupted by the President of said Court Brig^{er} Vargas who said that my military "defensor" or advocate had lost his time in establishing the want of proof for the accusation and in arguing about the incompetency of the Courts to take cognizance of acts which had taken place in the United States, instead of proving my innocence

He added that political offences were not or could not be proved; that if the crime attributed to me were proved I should be shot; this he said twice. He said that the views expressed by Mr Calderon were proof, that his communications were not private but official. He accused me of not having applied personally to the Spanish Minister at Washington when I wished for the passport instead of doing so through Mr Suarez; that I was bound to do so as a Spanish subject; and when I answered that with reference to my citizenship I referred him to the proceedings he interrupted me as he did continually during the act. He said that I ought not to have solicited proof from individuals at the North ~~but~~ through the Spanish Minister and the fiscal. ^{also} That the Captain General had been accused by great ~~favor~~ liberality or favor when he allowed Mr Suarez's letter to be annexed to the proceedings.

19th ~~That~~ He said President of the Military Commission ^{act of} further said to me during said trial that it had been generally said and I must have heard of it, some two or three years ago that I had been connected with Lopez but had separated on discovering that the plans could not be carried on peaceably; he then further desired me to justify myself of those imputations saying that I ought to have done so through the press, and he desired me to justify myself even now; I took his remarks as insinuating that I should make revelations or a confession or something that might ^{involve} allegiance to

the Spanish Queen. He said that he would consider me
the enemy of his country as long as I did not exas-
perate myself. He further said that M. Calderon's repa-
rations proved correct in reference to others should be
held equally correct in my case. In answer to this I
began to read a paper where the mistake of this argu-
ment made by the fiscal is exposed, when the said
President again interrupted me. I must confess that
from the moment he said that political offences were
not or could not be proved I relaxed in my endeav-
ors to convince him.

20th ~~XXXX~~ I do not pretend to give the precise word
the order in which the session of the trial took place
nor the whole of what was said, but have given a, how-
full and truthful an account as I am able
to do, to the best of my knowledge and belief -

21st That ~~although~~ ^{the trial was} called a public ~~trial~~
there were no citizens present as far as I could tell
from the appearance of the few present. I only 11
as such a clerk & a boy, ~~related to me~~ ^{whom}
absence of spectators I attribute either to the fear
of exciting suspicions or because it was not an-
nounced as public.

22 ~~XXXX~~ The sentence given on said 26th instant
by said Brigadier Vargas & six Vicar Colonels Espinosa, Bon-
Llanendi, Muelaztheon, Pineda & many as I have heard it re-
corded from sources which I hold reliable has been confirmed
one of August 1850 with the variation of my being ^{sent} to
Spain, ^{under vigilance} instead of the Gallegos, having what affected my

3/
property is the same as before.

2^d ~~That~~ Although the Captain General does in many instances exercise an illegal authority without the consent of the Metropolis by compelling the native Cuban & to go to Spain and foreigners to leave the country the Military Courts have not, to my knowledge avowed acting in defiance of military law. These courts have contended heretofore that their proceedings are brief and peculiar but always held that they were guided by the military ordinances, and the common law by which sworn & qualified witnesses are required as also detailed accounts of precise facts. This I know to be the case from the best counsel in the City.

One of Mr. Madison's
Statements - referred
to in his letter to
Mr. Green - Council.

Mr Calderon's communications & Mr Madan's letter as they are stated in the proceedings.

Porcion referente á Madan de la comunicacion que con fecha ¹⁸⁵⁰ 7 de Febrero dirigió el Sr. Calderon al Capitan General.

Nº 1

Madan y Betancourt son en New York en union con Agüero el alma de la Junta ó club secreto. El primero, dicen que tiene como diez mil pesos pertenecientes á la expedicion. A él se le entregó el armamento confiscado en la pasada y aseguran que ha vendido todo sin dar cuenta.

Nº 2.

Extracto de la parte de la comunicacion del Min. Español de 23 de Febrero 1850 referente á otros individuos.

"Mis confidentes me han asegurado que se hallan desunidos y faltos de recursos, y dos banqueros á quienes aquí y en New York han propuesto grandes ventajas y ofrecido como garantía para sacarles los bienes que dicen confiscarian á los realistas, no han querido dárselo."

Copia de lo referente á Madan en dicha comunicacion.

"Madan, Sabogado habanero, que tiene en esta Isla un productivo ingenio es el alma del club secreto de New York. Con él estan unidos Pedro Agüero de Trinidad ó Cuba, Betancourt otro rico habanero de Puerto Príncipe y el joven Victoriano Arrieta.

Nº 3.

De secretaria

Del sugito Madan solo consta por ahora la notoriedad de su conducta y de sus actos en los Estados Unidos, envuelto en todas las intrigas y planes de conspiracion. Cualquiera otro antecedente de que llegue á haber constancia acerca de él se participará igualmente para los efectos que convengan. Habana 6 de Marzo de 1850.

Comunicacion de 24 Abril 1850. del Sr. Calderon.

Señor. — De poco tiempo a esta parte han cesado casi de repente estos papeles de anunciar nuevas expediciones contra esta Isla y aun principian a tratar de persuadir que si bien la separacion de España no es dudosa no ha llegado todavía el momento de efectuarla. Esto puede ser nuevo artificio para encubrir algún otro designio y por eso continuo siempre alerta. Diconme ademas que Lopez y sus secuaces están debanizados, desarmados, desprovistos de medios y en estado de sumo abatimiento, cual no lo han estado hasta aquí. Estas noticias uniformes adquieren mayor probabilidad por las insinuaciones que me ha hecho uno de los sujetos que según me han informado y he dicho a V. B. era uno de los activos promovedores del plan de emancipacion, y se separó de Lopez por su precipitacion, es decir por no creerle capaz de llevar a buen fin la empresa mas que por desaprobarela. Don Cristobal Madan. Uno de los jefes de la casa de Harmony me escribió hace poco diciendome los deseos de Madan de regresar de su casa, desengañado, a cuidar de sus haciendas y preguntandome si le podia yo conceder pasaporte para que no se le molestase contesté que no, pero lo que haria seria enviar a V. B. cualquier súplica que me dirigiese. No tardó en hacerme llegar la carta de que es adjunta copia literal, no tal cual yo queria que fuese sino cual le han permitido escribir su amor propio y el deber de no inculparse. Yo no sé si a V. B. parecerá lo mismo que a mí que mas vale tenerlos ahí vigilados que aquí irritando y calumniando de tironico el gobierno de S. M. — Ademas haciendo pública la sumision de Madan se quita al partido anexionista el auxilio de su dinero pues me dicen que es acomodado y de sus consejos pues es de los mas listos. V. B. conociendo

mejor lo que conviene sin embargo, me manifestaré si puedo o no dar á Madrid el pasaporte que quiere. Cuidado reconviniendo á algunos jóvenes por que derrochaban aquí su dinero, perdían su tiempo y estragaban sus costumbres me han respondido que los medraba la persecucion siempre. he afirmado que V. E. si fuer de fuerte nada debía menos y mas debedño que perseguir, y que nada le aflige tanto como el verse precisado á castigar. Este temor de persecuciones es el falso pretexto que dan muchos bullangueros para no regresar á sus casas y con el que obtienen de sus familias los medios de continuar holgazaneando y corrompiéndose en este pais. Llamarlos de él seria en sus parientes una prueba de lealtad y hacerlos salir de él un bien.

Nº 6.

Como Sr. Deseando regresar á la isla de Cuba en este verano con el objeto de atender á mis negocios particulares me detienen los rumores que han llegado á mis oidos de las prevenciones que se han formado de mi conducta en los Estados Unidos y aun de procedimientos intentados por las autoridades de aquella isla.

Satisfecho por lo que he experimentado yo mismo en anterior época de los buenos sentimientos de V. E. y alentado por la indicacion de mi amigo el Sr. Dr. Leonardo Santos Suarez que me conoce y hace justicia, me apresuro á suplicar á V. E. me conceda un pasaporte con el cual pueda volver sin temor de persecuciones ni molestias que se dirijan contra mi directa ó indirectamente, en el concepto que me mueve á esta solicitud el deseo de vivir en un pais retirado de excitaciones políticas y ocupado de mis negocios e intereses privados y los de mi familia, para no ser objeto de siniestras interpretaciones prolongando mi permanencia en los Estados Unidos.

En cambio del servicio que V. E. me preste escudando mi inocencia de un modo digno de su ilustracion puedo ofrecer una

camente mi sentida, si bien estéril gratitud.

Reitero la expresion de mi respetuosa considera-
cion al subscribirme muy at^o S. L. y. b. l. m. de. V. E.

New-York 16 de Abril 1850. (firmado) Cristóbal Madan.

N.º 7.

Comunicacion de 28 de Mayo de 1850.

Excmo. Sr. Recibi el oficio de V. E. en el que contestando
a la comunicacion que en 24 del anterior tuve la honra de
dirigirle relativa al pasaporte solicitado por D.^{re} Cristóbal Ma-
dan se servia V. E. dejar a mi discrecion el darme o no bajo
ciertas condiciones. Desde entonces he adquirido noticias que
corroboran mis sospechas de que ese sujeto no ha deja-
do de pertenecer a la Junta revolucionaria establecida en
New-York de la que como su cuñado O. Sullivan es uno de
los principales sostenes. Este gobierno informado de todos
sus pasos le consideraria tan pernicioso y le cree tan activo
agente de los planes de invasion que me consta que se ocu-
pa ahora mismo de hallar terminos hábiles para aplicarle
la ley de 1818 y arrestarle. No le he dado pues ni le daré pasa-
porte. La falsa asercion de inocencia con que Madan tra-
ta sin duda de sorprenderme es una arteria de mala espe-
cie a la que, para arrancar la máscara a esta gente con-
viene a mi sentir dar publicidad como lo hago por mi
parte en lo que mi posicion permite.

I attest solemnly that what is contain-
ed in this sheet of letter paper comprehends
all what is adduced ^{against me} as proof against me
in the proceedings, and that there are no
witnesses, nor any other proof nor any further
communications of Mr. Calderon. Havana
June 6th 1851.

CRISTÓBAL MADAN

Sor D. Cruz al Mada
Havana

Duplicado

New York Abril 24 de 1851

Muy Sor mio con sorpresa veo H. en facienda de
b. del corriente, que se haya podido hacer uso en los proce-
dimientos adoptados contra Vnol en esa isla de papeles
que ha podido inocentemente implicar en la mayor in-
fior de la admiración y confianza, que no podían tener
de inspiración las personas a quienes las iba dirigiendo,
precautamente con el objeto de aumentar manifiestamente la
indisputable y cierto que en el concepto de H. que era
haber presencia en contra Vnol, y deseo de H. de la
misma política en casa, p. evitar que se le continu-
ra implicando en los rumores de maquinaciones en
contra esa isla, escrita privada y confidencialmente man-
festado mis ideas sobre el particular, con el mayor
y mas sincero empeño en favor de Vnol, con una idea
y satisficida, como estaba, y estoy de H. no solo no habia
tenido parte en las practicas combinaciones contra esa
isla, sino de H. su influencia y deseo, como lo del Sr.
don Manuel y H. del Sr. don indudablemente habian
tenido el objeto manifiesto y opuesto.

Verdad es que p. dar mayor fuerza y eficacia a
un empeño en su favor, recordando la política con-
sumada, con H. un fin elocuentes muy elucubrados de
esa ciudad se estaba dispuesto a pasar a la clase de
blancos a cuantos pertenecian practicar la uniforma
con acortamiento al efecto, H. mas de p. a y
diferente que parecen, que la imposición, como
imposición y nada mas de que cualquiera H. habia
don visto los sentimientos de Vnol anteriormente so-
bre el particular, debia estar desengañado, y que
raon de mas, en mi concepto p. desentenderse en
una política de las apariciones o presencia en
que hubieran podido concebirse en contra, sin pre-

sumir en oscuramente, y una suposición de mi parte
en la mas desusada estension de la amistad, p^a de
mayor fuerza y eficacia a mi empeño en favor de
Vonal, de haber podido usar como un Testimonio la
tra Vonal.

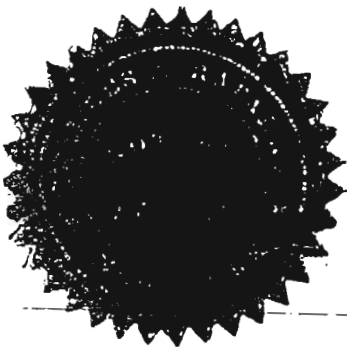
El caso es Malicial y Verdadero es que si b^a p^a n^a
peramente, o b^a p^a mi palabra de honor de mi buena
pregunta de si me conataba y sabia que Vonal habia
tenido parte en las maquinaciones al principio
contra esta isla, y o no habia podido de Vonal en
una negativamente, habiendo asegurado después
un perjurio y un perjurio al mundo. La notoria de
la inaudita y atroz inuasion de Cardenas, y ten
motivos p^a saber de la manera mas inaudita de
un mi modo de ver las cosas, que no solo no habia
tenido Vonal parte en ella, sino q^{ue} un sus descoy
y sus esfuerzos, no hay nada que no hubiera u
tado dispuesto a hacer p^a contrariar la y destrui
ta, como el patriota mas interesado en la suerte
de la isla de Cuba y como comprometida a la
fidelidad de un hombre de honor y de conciencia.

Me duele p^a con seguridad que se emplee en
Testimonio de una manera tan contraria a mi
verdadera intencion y mi deseo, y si en una parte
mi Testimonio claro, distinto y franco. Pienso al
guna utilidad p^a Vonal, puede contar en que
estoy pronto a darle de la manera q^{ue} se quiera
Nunca q^{ue} lo ratifico el contenido de esta la
ta b^a p^a mi juramento ante el concul de España
en una ciudad, o ante el virrey Monarca de la
católica en esta parte, quedando mi parte

afirmo
D. P. J. M.
D. J. M. M.

En la Ciudad de New York, del Estado de este
nombre en los Unidos de America del Norte a diez y
nueve de Mayo de mil ochocientos cincuenta y uno
ante mi el presente Notario, pareció Don Leonardo S. Mayo,
que certifico conocer perfectamente y me consta que es socio
principal y jefe de la Caba de Comercio de esta Ciudad
titulada de P. Harmony Temple & Co. y habiendole tomado
juramento sobre los Santos Evangelios dijo: que la Carta
cuyo duplicado precede escrito todo de su puño y letra y
con su firma individual acostumbrada, la escribio esta-
tamente en obsequio de la verdad y justicia en las
particulares a que se refiere y que por lo mismo se
confirma y ratifica en todas sus partes bajo la solemnidad
de un juramento como el testimonio mas sincero
y verdadero de su conciencia, y para que obra los
efectos convenientes asi lo dijo y firmo ante mi el
presente. Escribans. de que doy fe.

Leonardo S. Mayo



En testimonio de lo qual yo tam-
bien el Escribano he firmado la presente
de mi mano y la he sellado con el
sello de mi oficio el dia mes y
año mencionados, al principio

Charl. A. Rapallo

Atestado de España. Escribano Publico

Certifico que la firma y Sello que anteceden de
Don Charles A. Rapallo, Escribano Publico
de esta Ciudad, son fides y verdaderos.

ya que se dan entera fe y credito judicial
y Extrajudicialmente. Y para que conste
doy el presente, firmado de mi mano y sellado
con el Sello de este Consulado, en Nueva York a
diez y nueve de Mayo de mil Ochocientos
Cincuenta y Nueve.

Fran. Stoughton
Consul de España



Copy of the Portion referring to Mr. Madan in the
accusation of the Fiscal previous to the sen-
tence given by default in August 1850.

Don Cristobal Madan.

Presidiendo en el partido de Cimarones el ingenio nombrado
la Horda de que es propietario pasó á los E. U. en circunstancias de
germinar las ideas de anexacion, donde tenia su familia, sin duda
por que casado en segundas nupcias con una vinda natural de esa
república, donde se educó, le acomodaria mas vivir en ese pais.

Madan, se asegura en el documento f253 fue batino su compor-
tamiento público y privado hasta marcharse, pero puesto en conexiones
con el traidor Lopez y su hermano político C. Sullivan amigo del in-
mediato, se enredo en todas las intrigas y planes de conspiracion has-
ta llegar á ser en union de Aguirre y Bretancourt et alome de la ju-
ta revolucionaria de N. Y. gozando entre los de su clandestina reunion
el mejor crédito, pues obtuvo la confianza de ser depositario de fondos
que recibieron de grandes sumas de pesos para la expedicion prime-
ra, circunstancias que se asneritan en el documento oficial de
f254 emanado de las comunicaciones de la legacion de E. U. en Wa-
shington que inserta en lo pertinente.

Con falta a pariencia de virtud quiso engañar al Ministro de
E. U. en el mes de Abril del año que rige y en momentos de agitarse
la organizacion de la horda de aventureros, que al mando de Lopez
pocos dias despues se puso en movimiento para la invasion de la
Isla verificada en tardadas naciendo llegar á noticia de E. U. estar
desavenido con Lopez, y en contrario sentido de lo que se decia respec-
to de su connivencia, pues movia resortes para significarle al propio
tiempo debia de regresar á su finca en este pais, y cuidar de sus inte-
reses como desengañado de sus yerros á cuyo fin solicitó de dicha
autoridad del modo indicado el pasaporte necesario para hacer su

regreso con la seguridad de no molestarle: esto es, demandaba con supercheria un indulto de sus crímenes en medio de dar piábulo á ellos por su comprometimiento con el rebelde Lopez y secuaces; pero hasta en esta demanda fué indiscreto por su manifestado orgullo en pretender ese documento bajo distinto aspecto: dijole por dicho Sr. por medio de la persona de quien se valió para esta arteria que no le facilitaba el documento que aspiraba, pero que daría direccion á la primera autoridad de esta Isla cualquier súplica, que le dirigiese. Con efecto en diez y seis del citado Abril escribió al Sr. Ministro la carta duplicatoria de que es copia el documento f. 244, pidiendo el pasaporte para verificar su retorno á esta Isla sin temor de persecuciones que se dirigieran contra ~~el~~ directa ó indirectamente que le movia á hacer dicha solicitud el deseo de vivir aquí retirado de excitaciones políticas y de ocuparse de sus negocios e intereses privados y de su familia, y para no ser el objeto de siniestras interpretaciones si prolongaba su permanencia en los Estados Unidos donde le detienen los rumores que llegaron á sus oídos de haberse formado prevenciones de su conducta en esa república y aun de procedimientos intin-
tados por las autoridades de esta Isla.

A la espuesta súplica se contestó por el Sr. Cap. Gral. en siete de Mayo siguiente con el oficio enérgico y lleno de dignidad de f. 245 diciendose á la legacion, que no veia obstáculo para negarle pasaporte, si en ella no existia alguna real orden ni oficio de antecesores gefes de esta Isla que lo prohibiese, y que en la Habana como en cualquier punto de la Isla y de los dominios españoles podia permanecer y residir tranquilo sin nada que temer ni ser molestado e inocente: que si el interesado lo estuviese en el procedimiento

en que aparecía complicado, la manera mejor de justificarte, sería presentarte ante los tribunales, seguro de que le juzgarían con entera justicia.

¿Quién puede dudar sobre haberte comunicado a Madan la preinterda resolución? ¿Qué motivo le hubo de retraer desde entonces á acudir á este tribunal para su justificación? ¿Por qué no ha comparecido al emplazamiento por edictos y pregones públicos? ¿De dónde ó cómo llegaron á sus oídos los rumores que le hacían temer, y de que se intentaban contra el procedimiento cuando en la fecha que entabló su pretensión de pasaporte aunque complicada en esta causa era un asunto secreto por el estado de sumario, y hasta transcurrido mas de un mes de la citada pretension no se puso secuestro á sus bienes, que de otro modo esta medida legal le hubiera servido de anuncio? Los verdaderos fundamentos de su zozobra residen en su propia conciencia y remordimientos puesto en contraste la conducta que observara y deseos de continuar aparejando las virtudes leales de que se habia desprendido antes espontáneamente: así se palpa de lleno en el sentido y estilo de esta estado carta, la que justamente halla el ministro muy meritoria y de estimarse como una confesion implicita de su criminalidad, prescindiendose de los demas antecedentes que le designan reo del delito de alta traicion.

El Sr. Ministro que en la comunicacion que transmite el oficio de f. 442 en cierta manera era de sentir se accediese al pedimento de Madan por considerar que valia mas tenerle aqui bien vigilado que en ese pais irritando y calumniando de tiránico el gobierno de S. M. Llegó á variar de sentido y en 28 de Mayo por las noticias que adquirió de haber estado obrando con fingida sumision y arrepentimiento dijo al Sr. Cap. Gral. segun aparece de la comunicacion de f. 222 que no habia dejado Madan de pertenecer á la junta revolucionaria de New-York de la que como su cuñado B. Sullivan era uno de los

principales sostenedores, que informados de todos sus hechos le consideraba tan pernicioso y le creia tan notorio agente de los planes de invasion de que tenia constancia se ocupaba en esas circunstancias y que con la falsa asercion de su inocencia habia tratado antes de sorprenderle.

I certify that the above is a true copy
of the portion referring to myself after the
first & first accusation previous to the
sentence of August 1850 —
Havana June 6th 1851

CHRISTIAN

Recd 14th June. Mabbott.

Cornel Agency of the M. S.

Havana June 7, 1851.

Sir,

I beg leave to draw your attention to the official Gazette of this City of the 3^d inst in which you will see the new Police System established by the Captain General of the Island; & to be in force from that date. The City inside of the Walls is by this system divided into two districts, and outside into three. The two districts inside of the Walls are subdivided into 14 wards & the other three into 16 wards. At the head of each district there is a Comissary who will have under his orders as many Celadores as there are wards in his district; and also the necessary number of Constables.

All the Police Officers will henceforth receive pay from the Government, & therefore have no right to charge fees for their services, such as granting Certif-

icates of various kinds &c.

It is expected by the Government that this system will be beneficial to the peace of the City and prevent in a great measure the perpetration of crimes.

I have the honor

to be with great respect

Your Most Obedt

A J Owell

Hon. Saul Webster
Secy of State
of the U. S.

Recd 23d June 11/1 Abbott.

Havana June 14, 1851

My dear Sir,

I wrote you on the 7th inst. enclosing, at the urgent solicitation of Cristoval Madan Esq., certain papers, in which reference, to the enclosed, is made.

In the communication I had the honor to make at that time, I stated that I had declined to comply with Mr Madan's wishes, therein set forth, because I would not subject myself to the imputation of interfering in matters not pertaining to the Office of Consul - saying to him that Mr Campbell, our late Consul at Havana had difficulties with the authorities, because it was alleged that he had so inferred it that I felt it to be my duty to avoid difficulties if in my power to do so. I have the honor to be
Dear Sir, with great respect
Yours &c. J. F. Owen

25. The enclosed is also sent by request of Mr Madan. I did not deem it necessary to make this or my letter of the 7th inst. official.

Ante el acuerdo del Sr. Brigadier Don
Custodio Vargas Pk de la Comision Militar
expedida y firmada en esta Ysla, su fecha
24 de Mayo del corriente año, disponiendo que
el capitan Don Francisco Javier Mendoza
Fiscal del Mar de las Antillas por su
presentacion a Don Cristobal Madariaga abien-
do de nuevo la causa en que fué penado co-
mo profugo y en rebeldia, complicado
entre otros en entredicho de ministros y acti-
vo agente del Estado en Nueva York
para promover la independencia de esta isla
y la de Puerto Rico y proporcionar su in-
dependencia de la metròpoli, dirigiendo
sus principales tentativas a subvertir el
orden en la primera de ellas. Visto el
proceso contra dicho acusado por infor-
macion y recoleccion, y habiendose hecho
relacion de todo en el Consejo de guerra
celebrado el dia de la fecha, bajo la Presi-
dencia del antenominado Sr. Brigadier, don-
de comparecieron Madariaga, oidas la conclu-
sion y dictamen del referido fiscal, la
defensa del Procurador del rey Don Sr.
Francisco Ciras y las ilustraciones verba-
les del Sr. Don Manuel Gonzales del
Valle, asesor interino del Tribunal. El
Consejo en consideracion al origen, cir-
cunstancias, y calidad de la acusacion,
no menos que a la naturaleza de los

fundamentos en que tienen motivo los
cargos, habida atencion tambien a que
esporadicamente ha ocurrido con
delitos de justificacion, ha condenado
y condena por unanimidad de votos
a Don Cristobal Madariaga a la pena
extraordinaria de ser relegado de esta
isla confinado a la Península
donde sera vigilado por las autorida-
des y ademas obligado al pago de las
penas pecuniarias que se le impone-
ron por la sentencia recaida en esta cau-
sa en 14 de Agosto de 1850 con las co-
sas causadas posteriormente y por su
audiencia Matana 26 de Mayo de
1851. Carlos de Vargas. Joaquin Berri-
Francisco Casanova. Francisco Letamun-
di. Casimiro de la Nueva y Chacon.
Francisco Prato. Francisco Mabi.

Consultado el Jefe Militar de al Cu-
pitar General

Como Jefe de esta de nuevo esta
causa a peticion de Don Cristobal Ma-
dariaga por haber sido juzgado en rebel-
dia en el año precedente pasado y sus
culpaciones que ha dado en descar-
go de las acusaciones que contra el se
hicieron ha vuelto a pronunciar
sentencia el Consejo de guerra de la
Comision Militar alzandole la pena

presidencial que le fue impuesta entonces
y substituyendola con la extraordinaria
de ser relegado de esta isla y remitido á la
Península con las demas extremas que
comprende. Considero el fallo arreglado
á justicia, y soy por tanto de opinion
que V. E. se sirva aprobarlo, salvo ya.
Habana 31 de Mayo de 1851. Como V. E. =
Antonio Romero =

Habana 5 de Junio de 1851.

De conformidad con el dictamen que ante-
cede apruebo en todas sus partes la sen-
tencia dictada por el Consejo de Guerra
de la Comision Militar que impone
á Don Cristobal Madariaga la pena ex-
traordinaria de ser relegado de esta isla
remitiendosele á la Peninsula donde será
vigilado por las autoridades respectivas;
y al efecto le señaló la ciudad de Cadix
para que fije su residencia, segun ha
solicitado el referido Madariaga, devolvien-
dose este proceso al fiscal para lo que le
es respectivo = Foré de la Concha.

The preceding is a correct copy of the
sentence notified me on the 8th inst. —

Havana June 13. 1851.

Cristobal Madariaga

Sentence in the case of Cristobal Madan
given by the military Court on the 26th May 1857.

In consequence of the decree of the Brigadier Don
Carlos de Vargas President of the Tribunal of the Military
executive and permanent Commission of this island dated
the 21st March of the present year, ordering Captain Don
Francisco Javier Mendoza, Fiscal of the same to give a
hearing (audiencia) to Don Cristobal Madan in con-
sequence of his appearance, reopening the cause in
which he was condemned as fugitive (profugo) and
by default; implicated with others in the character
of member and active agent of the Club installed
in New York to promote the insurrection of this
island and that of Porto Rico, and proclaim its in-
dependence of the metropolis, directing their chief
efforts to subvert public order in the first of said
islands. The proceeding against the said accused
being examined through report and compilation;
and the whole having been reported at the Council of
war held on this day presided by the aforesaid Bri-
gadier, where Madan did appear: the charge and
opinion of the said Fiscal having been heard, the
defense of the attorney for the prisoner Lieut Don
Francisco Ciras having been heard also, and the
verbal explanations of Sr Don Manuel Gonzalez
del Valle asesor ad interim of said Tribunal;
the Council considering the origin, circumstances
and nature of the accusation as much as
the nature of the grounds which are the motive

of the charges considering his having spontaneously
appeared for the purpose of justifying himself,
have condemned and do condemn by unanimous
votation said Don Cristobal Madan to the extraordinary
penalty of being expatriated (relegado) from this
island, being sent to the Peninsula where he will be
under surveillance of the authorities; and besides
bound to the payment of the pecuniary penalty
imposed by the sentence given in this cause on the
19th of August 1850, with the costs occasioned since
and by the hearing of him. Havana 26 May
1851. (Signed) Carlos de Vargas = Joaquin
Berri = Francisco Espinosa = Francisco Leta-
mendi = Casimiro de la Huela y Chacon = Francisco
Pratt = Francisco Mache.

The auditor being consulted by the Captain General gives
the following opinion.

Most Excellent Sir = This cause having been re-
opened at the request of Don Cristobal Madan because
he had been judged by default in the preceding
year and the exculpation by him given of the
accusation against him having been heard, the
Council of War of the Military Commission has
again pronounced sentence, relieving him of the
presidial penalty (appertaining to a prisoner's station)
which was imposed on him then and substituted

The Standard Dictionary of the Spanish Academy gives the
of the verb "relegar" thus: 1. Among the ancient Romans
to expatriate a Roman citizen without depriving him
the rights of one; relegare in exilium amandare 2. To ex-

ing to it the extraordinary one of being expatriated from
this island and sent to the Peninsula with the other items
it comprehends. I consider the sentence in conformity
to justice and am therefore of opinion that your excellen-
cy approve the same saving your better judgment.
Havana 31st May 1851 = Most Excellent Sir = An-
tonio Armero. =

The Captain General's decree of approbation

Havana June 5th 1851

Conforming with the preceding opinion I ap-
prove fully the sentence issued by the Council of war
of the Military Commission which imposes on Don
Cristobal Madan the extraordinary penalty of
being expatriated from this island and sent to
the Peninsula where he shall be under vigilance of
the respective authorities; and for that purpose
I assign the city of Cadix for him to fix his
residence, as the said Madan has solicited.
these proceedings to be returned to the Fiscal for
what appertains thereto. (signed) = Lore' de la Locha =

The above is a correct translation. if
the sentence notified me on the 8th instant

Havana June 13. 1851.

Cristobal Madan

Recd 23d June. Mr Abbott.

Havana June 16, 1851.

My dear Sir,

The sentence, to which
Mr Madan referred in his letter
accompanying the papers sent
a short time since, I now have
the honor to enclose.

I did not, for rea-
sons already explained, in my
communication of the 7th inst wish
to have any thing to do with the af-
fair of Mr Madan - nor have
I had farther than to enclose
to you some papers, as I now
do these at his urgent sollicita-
tion.

I have the honor
to be with

Respectfully

P.S. This letter is not official, nor
are the others with the papers of
Mr M -

Captain General's Decree of approbation.

Manila June 5th 1881.

Conforming with the preceding opinion I approve fully the sentence issued by the Council of War of the Military Commission which imposes on Don Cristobal Madan the extraordinary penalty of being exiled from this island and sent to the Peninsula where he shall be under vigilance of the respective authorities; and for that purpose I assign the city of Cadix for him to fix his residence, as the said Madan has solicited; these proceedings to be returned to the fiscal for what appertains thereto.
(Signed) Jose' de la Cerecha.

The above translation I have examined faithfully to the best of my knowledge.

Cristobal Madan

Translation of the sentence given by the Military Court
in the case of Cristobal Madan on the 26 May 1851.

In consequence of the decree of the Brigadier Don Carlos de Vargas President of the Tribunal of the Military executive and permanent Commission of this island dated the 21st of March of the present year, ordering Captain Don Francisco Xavier Mendosa, Fiscal of the same to give a hearing (audiencia) to Don Cristobal Madan in consequence of his appearance, re opening the cause in which he was condemned as fugitive (profugo) and by default; implicated with others in the character of member and active agent of the Club installed in New York to promote the insurrection of this island and that of Porto Rico, and proclaim its independence of the metropolis directing their chief efforts to subvert public order in the first of said islands. The proceeding against the said accused being examined through report and compilation; and the whole having been reported at the Council of war held on this day presided by the aforementioned Brigadier when Madan did appear: the charge and opinion of the said fiscal having been heard; the defence of the attorney for the prisoner Lieutenant Don Francisco Corrales having been heard also, and the verbal explanations of Don Manuel Gouvea del Valle a member of said Tribunal; the Council considering the origin, circumstances and nature of the accusation, as much as the nature of the grounds which are the motive of the charges, considering his having spontaneously appeared for the purpose of justifying himself have condemned and do condemn, by unanimous notation said Don Cristobal Madan.

to the extraordinary penalty of being expatriated (relegado*) from this island, being sent to the Peninsula where he will be under surveillance of the authorities; and besides bound to the payment of the pecuniary penalties imposed by the sentence given in this cause on the 19th of August 1850, with the costs occasioned since and by the hearing of him. Havana, 26 of May 1851 - (Signed) Carlos de Vargas = Joaquín Berri-
Francisco Espinosa = Francisco del Armendi = Casimiro de la Mota
Velacon = Francisco Pratt = Francisco Maki

The auditor being consulted by the Captain General gave the following opinion -

Most Excellent Sir = This cause having been re-opened at the request of Don Cristóbal Madan because he had been judged by default in the preceding year, and the exculpation by him given of the accusation against him having been heard, the Council of War of the Military Commission has again pronounced sentence, relieving him of the presidential penalty (appertaining to a prisoners' station) which was imposed on him then and substituting to the same the extraordinary one of being expatriated from this island and sent to the Peninsula with the other items it comprehends. I consider the sentence in conformity to justice and am therefore of opinion that your excellency approve the same saving your better judgement. Havana 31 May 1851 = Most Excellent Sir = (Signed) Antonio Armero

Then the

* The Standard Dictionary of the Spanish Academy gives the sense of the verb "relegar" thus: 1st among the ancient Romans to expatriate a Roman citizen without depriving him of the rights of a free man; relegare in exilium amandare. 2^d To expatriate.

Sentencia pronunciada en la causa de D. Cristobal Madan
26 de Mayo de 1851.

Visto el decreto del Sr Brigadier Don Carlos de Vargas, Presidente del Tribunal de la Comision Militar ejecutiva y permanente de esta Isla, su fecha 21 de Marzo del corriente año, disponiendo que el Capitan Dⁿ Francisco Varier Ollendora, Fiscal del mismo dice audiencia por su presentacion a Dⁿ Cristobal Madan abriendo de nuevo la causa en que fue penado como profugo y en rebeldia, complicado con otros en calidad de miembro y activo agente del Club instalado en Nieu York para promover la insurreccion de esta isla y la de Puerto Rico y proclamar su independencia de la Metropoli, dirigiendo sus principales tentativas a subvertir el orden en la primera de ellas. Visto el proceso contra dicho acusado por informacion y recoleccion, y habiendose hecho relacion de todo en el Consejo de guerra celebrado el dia de la fecha bajo la presidencia del antenominado Sr Brigadier, donde comparecio Madan; oida la conclusion y dictamen del referido fiscal, la defensa del procurador del reo Tomento Don Juan Eras y las ilustraciones verbales del Dⁿ Don Estanislao Gonzalez del Valle, asesor interno del Tribunal; el Consejo en Consideracion al origen, circunstancias y calidad de la acusacion, y menos que a la naturaleza de los fundamentos en que tienen su origen los cargos, habida aten-

cion tambien a' que espontaneamente ha con-
vencido con designio de justificarse, he conde-
nado y condenado por unanimidad de
votos a D. Cristobal Madan a la pena
extraordinaria de ser relegado de esta
isla remitiendolo a la Peninsula donde
sera vigilado por las autoridades; y ademas
obligado al pago de las penas pecuniarias
que se le impusieron por la sentencia re-
caida en esta causa en 19 de Agosto de
1850, con las costas causadas posteriormente
y por en adelante. Habana 26 de Mayo
de 1851 = Carlos de Vargas = Joaquin
Berri = Francisco Espinosa = Francisco
Letamendi = Casimiro de la Cruz y Chacon
Jr. = Juan P. = Francisco M. =

Consultado el Sr. Auditor dice al Capⁿ Genl.

Excmo. Sr.: Abierta de nuevo esta causa a' peti-
cion de Dⁿ Cristobal Madan por haber sido ju-
gado en rebeldia en el año proximo pasado,
y oidas las esculpaciones que ha dado en
descargo de las acusaciones, que contra el
se hicieron, ha vuelto a' pronunciar senten-
cia el Consejo de guerra de la Comision Mi-
litar, alzandole la pena presidencial que le
fue impuesta entonces, y substituyendola
con la extraordinaria de ser relegado de esta
isla y remitido a la Peninsula con los de-
mas extremos que comprende. Considero

el fallo arreglado a justicia y soy por tanto
de opinion que V. E. se sirva aprobar los sal-
do de Habana 31 de Mayo de 1851 = Ocho
Soy = Antonio Armero.

Habana 5 de Junio de 1851

De conformidad con el dictamen que au-
toriza y aprueba en todas sus partes la sentencia
dictada por el Consejo de guerra de la Comi-
sion militar que impone a Sr. Cristobal (C)
Madan la pena extraordinaria de ser
relegado de esta isla remitiendosele a
la península donde será vigilado por las
autoridades respectivas; y al efecto le
señalo la ciudad de Cadix para que fije
su residencia, segun ha solicitado el re-
ferido Madan, devolviendole este pro-
ceso al fiscal para la que le es respectiva.

= Soy de la Concha =

Intelectual - The above is a true and literal copy of the
sentence which was notified to me this morning by
the Fiscal Mendoza. Havana June 5th 1851.

Cristobal Madan

Recd 23 July

Mr. Abbott

Commercial Agency

of the United States,

Havana July 16, 1851

Sir,

There has been for some days past in this City rumors of a rising at Puerta Principe. The accounts are various; but for the only published information that I have seen I beg to draw your attention to the official Gazette of this City of to day's date forwarded to your Department by the Str. Cherokee via New York.

I have the honor

Wm. Daul Webster to be Sir,

Secy of State With great respect
of U.S. Yr most obt servt

A. J. Owen

Mr. Owen I think it would be well to publish the extract from the Gazette in the Standard. I have the Standard here that the matter is at an end.

Extract
from the *Gaceta de la Habana*

of July 16, 1851.

Military Department.

The Most excellent Governor and Captain General, has been pleased to order the publication, in the *Gazette* of a summary of the Despatches he has received, from the most Excellent Governor, and Commandant general of the Central Department, relative to the appearance of two armed and mounted parties within the jurisdiction of Puerto-Principe, one of which has crossed the boundaries, and passed over to the District of de las Tunas.

Under date of the 5th, the Commandant General says, that in consequence of information he had received, of a project for raising such parties, he had taken proper measures to pursue them; one of them, about 20 strong, having been followed, at nine o'clock at night to the Plain of Guanamaquiro, by Don Manuel Peromingo, an officer of Cavalry, in the Regiment of the Queen's Lancers N^o 2, with his command; when the insurgents were completely put to flight, throwing away, from that moment, the arms and ammunition, with which they were provided,

and which consisted of two guns, one a
Double barrel, a trap blunderbuss, two
pistols, two long knives, seven flasks of powder,
a bag of balls, a dye or mould for casting balls,
and a pouch filled with cartridges. They also
apprehended D. Joaquin Agüero and Sanchez,
it being confidently known that, among
the party, there were two individuals,
named D. Waldo and D. John Ortega,
recently arrived from the United States.
Several papers were taken from the person
of the aforesaid Agüero. Three horses, belon-
ging to the same party were also seized.
The Commandant General remarks, in
conclusion, that, at no point of the Depart-
ment under his charge, was any part taken
in this revolutionary movement, all the
inhabitants continuing to be occupied
with their ordinary vocations and trades.

In another Despatch dated on the 9th,
from the city of Puerto Príncipe, at half
past ten o'clock at night, he encloses a
copy of a communication addressed to
him by the Lieutenant Governor de
San Juan, dated the 8th. The latter
states, that, when he was apprised by

the Commandant General, of the existence of an armed party, he had already been informed of the fact by a teamster from whom the same party had stolen victuals and other effects which he was carrying to various merchants in that neighbourhood; that happening to be at his residence, at early noon, on the same day, the 8th, he heard the tramping of horses and musters, which was followed by six or eight discharges of fire arms, when, about twenty men, pased, at full gallop, in front of his very house. The Lieutenant Governor challenged them, but they were so frightened, that, all they did was to fire two volleys in the direction of the window, where that officer had shown himself, while they pursued their flight towards the open country, where they disappeared, without leaving a trace of the course they had taken. The said Lieutenant Governor remarks, that, from the firing of the insurgents, resulted the death of one horse, and the wounding of two others. That such was the state of disorder, in which they entered the village, that they abandoned both their arms, their

supplies, four horses, and a portion of their effects, two of them being taken prisoners, one wounded, and the other with a dislocated wrist. The Commandant General, in transmitting a copy of the aforesaid despatch, says that he has given orders, for one of the troops of horse, stationed on the road, de las Tunas, to hasten in pursuit of those fugitives, who are already completely routed.

In a communication dated the 10th, The Governor, Commandant General, states that public tranquillity continues undisturbed, without any change having been effected in that usual state of things, by a few imprudent youths, who are instigated by Emisaries recently arrived from the United States. His Excellency adds, that they have already been greatly undeceived, as all those will be, who may dream of exciting insurrections in this quiet country, on discovering their want of power, and the confidence and security of the government which, without making an unnecessary display of its strength and other resources, has, by the mere aid of twenty horsemen, broken up the meagre plans of a few deluded individuals, who, after so many years of labor, in circulating proclamations and after employing every imaginable means of seduction, in the sphere where they exercise any influence, in order to stimulate the young men of Puerto Rico, have not succeeded in retaining a single man. The government having been informed before hand of their doings, by the very men, whom they had sought to seduce. - P. de Estaban. Havana July 15th 1845.

ou tres números consecutivos tenga efecto la consue-
da publicación, y fecho que sea devolverme las resul-
tas certificadas para que surtan sus debidos efectos en
las referidas diligencias."

Habana 14 de Julio de 1851.—Fulgencio Salas.

Secretaría Militar.

El Excmo. Sr. Gobernador Capitan General se ha
servido disponer se inserte en la Gaceta el resumen de
los partes que ha recibido del Excmo. Sr. Gobernador
Comandante general del Departamento del Centro so-
bre la aparicion de dos partidas armadas y montadas
en la jurisdiccion de Puerto-Príncipe, habiendo trasli-
mitado una de ellas á la de las Tunas.

Con fecha del 5 dice el Sr. Comandante general
que en virtud de las noticias que tenia del proyecto de
levantar dichas partidas, tomó las disposiciones conve-
nientes para perseguirlas, habiendo sido alcanzada
una de ellas de la fuerza como de unos veinte hombres
á las nueve de la noche, en la Sabana de Guanama-
quin por el alférez del regimiento de caballería de la
Reina 2.ª de Lanceros D. Manuel Peromingo con la
seccion que mandaba, y se pronunciaron los subleva-
dos en decidida fuga arrojando desde luego las armas
y municiones de que iban provistos consistiendo en
dos escopetas, una de dos cañones, un trabuco de
brouce, dos pistolas, dos machetes, siete frascos de
pólvora, un saco de balas, un troquel ó molde para
construir estas, una cananacon cartuchos y mistos ha-
biéndose aprehendido á D. Joaquin Agüero y San-
chez, sabiéndose por confidencias que entre los
individuos de dicha partida se hallan D. Waldo y D.
Juan Arteaga, recien llegados de los Estados-Unidos.
Al referido Agüero se le han ocupado varios pape-
les. Tambien se aprehendieron tres caballos per-
tenecientes á la misma partida. Concluye el Sr.
Comandante General diciendo que ningun punto del
Departamento de su cargo ha tomado parte en ese
movimiento revolucionario manteniéndose todos sus
habitantes ocupados en sus ordinarias profesiones y
faenas.

En otro parte fechado en la ciudad de Puerto-
Príncipe á las 10½ de la noche del día nueve traslada
el que con la del ocho le dirigió el Teniente Goberna-
dor de las Tunas. Dice este gefo que cuando recibió el
aviso del Sr. Comandante general de la existencia de
una partida armada, ya tenia noticia de ella por un ar-
riero á quien la misma partida habia robado algunos
viveros y otros efectos que conducia para varios
comerciantes de aquel punto: que en la madrugada
del mismo día 8 hallándose en la casa de su mo-
rada sintió pasos de caballos y silvidos, oyendo
en seguida como seis ó ocho disparos y pasar á galope
unos veinte hombres por delante de la misma casa.
El Teniente Gobernador los interrogó, mas esta-
ban tan pavositos que no hicieron otra cosa sino
disparar dos trabucos, mas dirigiéndolos á la venta-
na por la cual se asomó dicho gefo marchando en segui-
da á escape á la sabana de la que desaparecieron instan-
táneamente, sin que se supiera el rumbo que tomaron.
Dice el mismo Teniente Gobernador, que de los dispa-
ros que hicieron los partidarios resultó la muerte de un
caballo y haberso herido dos de ellos. Tal era el des-
orden con que entraron en el pueblo, abandonando
ademas armas, equipages, cuatro caballos y porcion
de efectos, habiendo sido capturados dos individuos,
uno herido y el otro extropeado, de una muñeca. El
Sr. Comandante general al trascribir el citado parte
manifiesta habia dado orden para que una de las par-
tidas de tropas que se hallan situadas en el camino de
las Tunas se adelantase en persecucion de esos fu-
gitivos, que ya iban en completa derrota.

En comunicacion del día diez dá parte el Señor
Gobernador comandante general que la tranquilidad
pública continúa inalterable sin que hayan podido sa-
carla de esa situacion habitual unos cuantos jóvenes
ineptos instigados por emisarios recientemente veni-
dos de los Estados-Unidos. Añade S. E. que ya han
experimentado un desengaño grande, como lo experi-
mentarán cuantos sueñen en promover desórdenes en
este tranquilo país al conocer su impotencia y la con-
fianza y la seguridad del Gobierno, que sin necesidad
de hacer alarde de su fuerza y de sus demas recursos solo
le han bastado veinte caballos para desbaratar los os-
téntiles planes de esos pocos ilusos que despues de tan-
tos años de trabajos, esparciendo proclamas y emplean-
do todos los medios de seduccion imaginables en el
círculo en que podian obrar para excitar á la juven-
tud de Puerto-Príncipe, no han conseguido que se les
revenga un solo hombre ántes bien le han informado de
todos sus pasos los mismos con quienes ejercian sus
imprudentes seducciones.

Habana 15 de Julio de 1851.—Pedro Estéban.

Real Junta de Fomento.

Habiéndose presentado dos proposiciones para la
compra de las doscientas acciones de á cien pesos cada
una, que tiene la Junta en la empresa del camino de
hierro de Caibarien, se ha acordado su publicacion por
el término de 30 dias, á fin de coterlas al que ofrezca
mayores ventajas, reputándose como tales no solo los
plazos mas cortos de las exenciones, sino la mayor
seguridad en el pago ó garantía equivalentes, á juicio
de una comision compuesta de los Sres. conde de Po-
zos-Dulces, D. José Joaquín Carrera, sindico, conta-
dor y secretario, la cual calificará las proposiciones
que se presenten y las someterá á la aprobacion de la
Junta. Las dos que se han hecho son: en la primera
se ofrece comprar las doscientas acciones pagándolas
de por mitad en dos años bajo la responsabilidad de las
mismas acciones ó de fincas que se hipotecuen; y en la
segunda abonar 10,000 pesos a los 12 meses; 5,000 á los
18 y el resto á los 24 todos de la entrega prestándose
la correspondiente garantía á satisfaccion de la corpo-
racion.—Habana 2 de Julio de 1851.—José María Ve-
laquez, secretario.

Contaduría general de Ejército.

Estando dispuesto por el Excmo. Sr. Intendente
General de Ejército el pago de los sueldos del segundo trimestre
de este año, de la renta decimal que ha de hacerse á
los partícipes de ella, se sorvirán ocurrir por sí ó por sus
apoderados á esta Contaduría general desde esta fe-
cha para el percibo de sus cuotas.—Habana 12 de Ju-
lio de 1851.—P. O. del S. C. G. Aida.

Para los dias 18 y 19 del presente mes se ha dis-
puesto el pago de las pensiones de montepío á las viu-
das y huérfanos que residen en esta capital. Y se avi-
sa á los partícipes ó á sus apoderados á fin de que con-
curran á esta oficina de mi cargo á percibir las canti-
dades que les correspondan.

Habana 15 de Julio de 1851.—Ventades.

Inspeccion de presidios de la Isla de Cuba.

Debiendo procederse por remate á la adquisicion de esqui-
faciones para los presidiarios de esta Isla, ha dispuesto el Sr.
Coronel Inspector, se convoquen licitadores por medio de la Ga-
ceta oficial para que con arreglo al pliego de condiciones y
muestras que están de manifiesto en su morada, calle de la
Lamparilla n.º 1, recaiga en el que mayores ventajas ofreciere,
debiendo hacer sus proposiciones en pliego cerrado que se re-
cibirán desde este día de 10 á 11 de la mañana. Habana 15 de Ju-
lio de 1851.—El Secretario, Félix Ramos.

Contaduría general de Rentas Marítimas.

Para el 16 del actual se han de rematar en el almacén de ave-
rias 29 churlas de cañela. Habana Julio 15 de 1851.—El C. I.,
Arrastia.

PARTE JUDICIAL.

DE OFICIO.

En la causa criminal seguida contra el chino Manuel de
Jenau Balduza, conocido por José de Jesús ó Juan Volcan, de
estatura regular, envuelto en carnes, de 25 á 30 años de edad,
ojos saltones, frente regular, nariz chata, boca chica, colorado,
cabeza un poco grande, para suelta, vestido con camisa blanca
y calzon de listado rayado de colorado, por haberso robado á
los negritos Clemente Garro ó Hilario Valdes, el día 15 de
Abril último de la casa de la morena Maria del Carmen Rodri-
guez, viuda de este último, que vive en la calle del Sol entre
la de los Oficios y San Pedro; está mandado por el Sr. Alcalde
mayor 5.º y por ante D. Francisco Valero, se haga saber á
cualquiera persona en cuyo poder esté el negrito Hilario Val-
des, de 3 años de edad, gordito, colorado, nariz chata, boca chi-
ca y la cabeza un poco grande ó sepa su paradero, lo presente
inmediatamente al actuario ó dé noticias de él, bajo el concepto
que de no verificarlo se procederá contra él a la conformidad á las le-
yes por la ocultacion en que incurriera. 2—O

EDICTOS.

Don José Ayuso, capitán de infantería y teniente gobernador
de esta ciudad y su jurisdiccion por S. M. &c.

Por esta mi tercera carta de edicto, cito, llamo y emplazo á
D. Manuel Valle, natural y vecino de S. José de las Lajas, de es-
tado soltero, para que en el término de 9 dias se presente en la
carcel de esta ciudad á descargarse de la culpa que le resulta en
la causa formada por el homicidio de D. Nicolás Ramos, cierto y
seguro de que si así lo hiciera se lo oirá y administrará justicia,
y de no se lo declarará rebelde y contumaz, haciéndole las
notificaciones en los extrados del tribunal. Santa Maria del Ro-
nario, Julio 10 de 1851.—Ayuso.—Por mandado del Sr. Teniente
Gobernador.—José Miguel Barroso.

Don Carlos Delgado de Parejo, Alcalde mayor 4.º interino
de esta ciudad y su jurisdiccion &c.

Por esta mi primera carta de edicto, cito, llamo y emplazo á
D. Antonio Buella, D. José Gonzalez y D. Secundino Perez,
para que dentro de 9 dias contados desde esta fecha se presen-
ten en la Real Carcel de esta ciudad á descargarse de la culpa
que les resulta en la causa criminal formada por la herida inferi-
da á D. Antonio Suarez; en el concepto de que si así lo hicieren,
se les oirá y administrará justicia, y en caso contrario se les decla-
rará rebeldes y contumaces ó incurran en las penas de la ley. Y
así lo tengo mandado en la referida causa. Habana y Julio 10
de 1851.—Delgado.—Por mandado del Sr. Alcalde mayor.—

como incidente al concurso de li-
tur de la calificación y graduacion
las razones alegadas por D. Pedro
el Sindico de los acreedores y la
artículo suscrito por el primero
to, con cuanto mas ha sido digno
definitivamente juzgando se de-
venta del ingenio San Pablo, cele-
brada y D. Jaime Font, y con los
deberá abonar el pago de
creador de mejor derecho en el
En primer lugar á la R. al Hacie-
ra, causó la enagenacion del in-
compradores Font y Plá si acre-
pagada aquella suma por cuenta
segundo lugar las costas de este
principales del concurso previa-
quellas en que haya recaído con-
lugar las 19,733 ½ rs. que Font
jas 81 de este incidente reconoció
señor marques de la Real Proce-
deudaba la Milera, vencidos bati-
cedentes del censo reconocido á
En cuarto lugar, al referido señor
buitos corridos desde aquella fe-
an consumió la venta de la finca
pre y cuando justisimamente tener
lor.—En quinto lugar, á D. Pol-
su trabajo de albañilería en las
Pablo, según escritura otorgada
bro de 1839, cuya compulsa obra
En sexto lugar, á los referidos
ron al Ldo. D. José María Madri-
tos que celebró con Milera para
las escrituras públicas que al ef-
recibió de los compradores el L-
el documento de fojas 85 recono-
quedando por lo tanto en su mis-
mo lugar, á los precitados Plá y
al Ldo. Madrigal y éste pagó á
y compañía, como fiador princip-
el tenor de dicha escritura.—En
10,360 ½ que según el recibo de
garon á D. José Miguel Fernan-
de la Milera con hipoteca en el
dejándolos Fernandez en su mis-
lugar, á los mismos Plá y Font
D. Antonio Alvarez según escri-
ra ante el escribano D. Gabriel R-
1840, fojas 277 vuelta de los pri-
los ya precitados Plá y Font 876
garon al acreedor Ldo. D. Manu-
dos al deudor la Milera, según se
de fojas 277 vuelta.—En undécimo
Plá 8,000 ½ satisfechos á D. Pedro
por mayor suma, según la escri-
D. Cayetano Pontón, en 12 de
expediente particular con hipote-
sal, quedando por consignante
cade.—En duodécimo lugar, á D-
de sus cuentas según pagó de l-
de esta incidente otorgado por M-
García y devuelto por éste á Pon-
nir de su trabajo de carpintería
décimo tercer lugar, á la sucesion
ballos 2,218 7 rs. constantes del
terceras partes que por el pago ó
contra el recibo de fojas 193.—
gar y á prorate, los demas acre-
jas 6 que no han ocurrido á califi-
providencias y apertubimientos q-
mente este juzgado siempre que
que las costas causadas en los e-
rán cubrirse en la oportunidad y
vos créditos. Hágase saber á D-
ó su representación legítima que
las cuentas de restacion del inge-
ciembre de 1840, fecha de la escri-
de 1842 en que se pactó la venta
188 y 277 vuelta de los principal-
Sindico y sucesion de la Milera,
separado y sin perjuicio practica-
partes la oportuna liquidacion de
nio San Pablo para venir en con-
cambio de legítimo abono son de a-
dores en el orden gradual en que
notificándose esta sentencia á to-
y en tres números de la Gaceta
cuyas publicaciones certifican
de 1851.—Pedro Vidal Rodríguez
INSOLV-
Por disposicion del Sr. Alca-
cion de esta villa, con la consulta
los de existencia encargados de
quin Lascann, á consecuencia de
Josefa de Orta, está mandado
Gaceta oficial el auto del tenor
lio 11 de 1851.—Visto: en rebelde
aprobada el informativo de inolve-
la Rivoira, á quien se asistirá
debidamente, y publicándose en
oficial.—Lima.—Pagés.—Miguel
dez. Y para su insercion libraron
mandado. Guanabacoa y Julio
Joaquin Hernandez.

A consecuencia de los autos
la Garcia, se ha proveído por el
por ante mí, el auto siguiente:
Vistos: Declarase intestado el fal-
Garcia, vecino que fué del parti-
roderos á lo que con arreglo á
esta disposicion por tres número-
orden al capitán de partido par-
mitir á la mayor posible breved-
Castro. Y para su cumplimiento
Julio 14 de 1851.—Francisco de

REMA

Se ha dispuesto por el Sr.

Recd 29th July.

No. 5

Comd. Agency of the U.S.

Havana July 22, 1857.

Sir,

I had the honor on the 16th inst. to write you briefly respecting the difficulties on the Island. I send herewith enclosed a duplicate of that communication.

I desire now further to draw your attention to these difficulties in the notice of the Government paper of this day which I send by the steamer Isabel.

The reports are various, but it is my duty to say to you that I think them serious, & to add that American citizens will not in my judgment be safe here without protection from the Government of the United States, if American Citizens should come from the United States, or those who are moving here against the Government of this

See the "Independent" of 25th July, 1857,
under the editorial head.

Island.

The distance to Puerto Pri-
cipe from this City say 350
miles requires time to bring
the reports & news; & that is one
cause of the inaccuracy of
the information doubtless.

I have the honor to be

With great respect

Yr Obedt

A. G. Otobk

For

Paul Webster

Secy of State

of U.S.

Rec'd & reg'd
No. 5
Duplicate

Commercial Agency
of the United States
Havana July 22nd

Sir,

I had the honor on the 16th inst. to write you briefly respecting the difficulties on the Island. I send herewith enclosed a duplicate of that communication.

I desire now further to draw your attention to these difficulties in the notice of the Government paper of this day which I send by the Steamer Isabel.

The reports are various; but it is my duty to say to you that I think there are serious; and to add that American Citizens will not in my judgment be safe here without protection from the Government of the United States, if American Citizens should come from the United States in aid of those who are moving here (via the Island of Cuba) against the Government of this Island.

The distance to Puerto Principe from this City - say 350 miles - requires time to bring the reports & news; and that is one cause of the inaccuracy of the information doubtless.

I have the honor to be
with great respect

Yr. Obedt. Servt

A. F. O'Connell

Hon. Paul Webster
Secy of State
of U. S.

x. I do not wonder but that the Captain General & the authorities, would do all in their power to prevent violence or outrage; but in times of great excitement they might not be able to control the enraged citizens who believe them; unless their Government inspired by our people.

Recd 8 Aug. 51.

No. 6.

No. 6.

Commercial Agency

Of the United States,

Havana Aug 2 1881.

Sir,

By the Ste. Isabel which sailed for Charleston on the 22^d inst. I had the honor to write you, & with this send a duplicate of that communication.

Further ravages of outbreaks on the Island induce me to repeat, that Citizens of the United ^{States} will need the protection of their Government here, if our people should come here to aid those who are moving against the Government.

The people here - the friends of the existing order of things - will be inflamed if our people approach their shore, with hostile intentions; and under excitement at what they deem wrongs & injuries to their Government & themselves may & probably would commit acts of violence upon such Citizens of the United States ^{are} here.

I do not doubt, as I have said heretofore, that the Govt Capt. General (and

And the authorities would do all
in their power to ~~prevent~~ such things,
but they might not be able in times of
great excitement to do so.

Under this conviction, confirmed
by the judgment of those whose opinions
deserve weight, it is my duty to re-
quest that you will see at the ear-
liest moment to sending out such
of our war vessels to these waters as
you shall deem proper for these pur-
poses.

I have the honor

to be with

Great Respect

Yr Obedt Servt.

Hon.

A. J. O. Webb

Paul Webster

Secy of State

of the U. S.

P.S. There are rumors here
of parties being fitted out in New
Orleans & Texas to invade this Island,
and I beg to draw your attention to the
Gaceta of this day containing an article
relative to the "Pirates" which has just been
shown to me.

Recd 23d August. Mr Abbott.

No. 9.

Com. agy. of us.

Havana Aug. 16 1857.

Sir,

I had the honor on the 2nd inst. to write you relative to the outbreak, on the Island & of the manner of the expedition, setting out at N. Orleans to wade it. I have not time to send a duplicate of that communication by the St. Charles which is to sail very soon.

The invaders in a steamer which was "signalled" at the Morris on the 11th inst. P.M. effected a landing at Playitas about 24 leagues from this, on the night of the same day 11th. The steamer came it is said within 6 or 7 miles of the Morris-Castle at about 6 1/2 or 7 of the 11th. It is said Lopez was on board & requested some one on a schooner to "tell Havana & Narcissa Lopez are here".

Early on the morning of the 12th Spanish Troops on two steamers were in pursuit. For what has occurred in the engagements since I send the Government publication - as to the manner I have not time to check

of them. The lost accounts say they are still fighting.

Fifty of the invaders, taken in the vicinity of the landing-place in boats with a view to escape or land at another point were taken prisoners - brought to this City last night - tried this morning & shot. It is said that the son of the Collector of the Port of N. Orleans & the son of Genl. Glutman were among those shot to day.

The greatest excitement prevails here.

The U. S. Sloop of War Albany Capt. Platt is in port. The U. S. Str. Vixen Lt. Smith Comdg. left this morning for Pensacola, to return soon I believe. So great is the excitement that because the Vixen was cruising off on the afternoon of the 11th - she is believed by some to have been with the invaders - & this caused her & the Albany upon coming into the port to be received with hisses & curses. Capt. Platt has writ-

ten to the Capt. General to know
if this imputation against the Flag
of this Country has obtained
credit in respectable quarters
here.

Passengers who arrived last
night in the Str. Cherokee from
New Orleans say that no notice
is taken of the departure of the
invader, - & that more than
1000 are there intending to em-
bark - & a great many more
say above 2000 ^{were} expected from
the Western Country & that
they will soon be here.

I have the honor to be
with great Respect
Yr obt Servt

J F O'Neil

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

New York Aug. 23rd. Mr. Abbott.

No. 10

Commercial Agency
of the United States,
St. Cherokee
Havana 17 Aug 1857.

Sir,

When I closed my letter on
yesterday evening it was suppo-
sed that the mail bag would then
soon be sent to the Steamer. - As
the bag will be open till 8 o'clock
this morning I am afforded an
opportunity to state to you that
Lieut. Rogers Commanding the
U. S. M. Steamer Falcon called at
this office late yesterday evening
& complained of the Conduct of
of a Spanish Commander of
a Steamer who boarded the
Falcon off the Cabanas, a-
bout forty miles from this on
his way from Chaparral to this
port with the mails 1500.000
in gold & a large number
of passengers.

He says he had previously
been chased by another Spanish
(Steamer

name this to Capt. W. H. Steamer - Here is not time
to copy.

Steamer say for two hours. He says that the first Steamer referred to in this communication fired over his stern & bow four or five times & that upon being hailed - he stopped & demanded to know what was wanted? In answer he was asked the name of his vessel where he replied: "it is very strange you do not know - it is the Falcon a U.S. M. Steamer Falcon which has been here constantly for the past three years." He informed me that he spoke in an angry tone to officer who boarded him - & said that he should not be detained by him & that if he had any business it must be done quickly as he was bound to Havana & he should go on. Had it not been for the large amount of gold & large number of passengers the Commander of the Falcon says thinks he would have fired into the Spanish Steamer.

He says that he has been informed by some of the passengers that at the time he "came to" when hailed that the Officer, on the Spanish Steamer, took off their hats or caps & "huzzed" he now believes, insultingly. He ended by saying that at the time he was boarded he believed this port to be in a state of blockade otherwise he would have resented the conduct of the Spaniards notwithstanding his cargo & passengers.

I called upon the Captain General who expressed much regret at what had occurred between the Falcon & Spanish Steamer & said he would see that it should not be so in future: that there was a new vessel out here & that it must have the Officer of her that had so acted. I told him that the Officer had expressed a hope that he should not be
(blamed)

blamed as he acted under orders
(perhaps) from the Genl of Marine.
The Capt. General said it could
not have been by order of the Gen-
eral of Marine.

I think Commander Rogers
said his flag was hoisted at
the time of the occurrence.

The Capt. General having
enclosed his reply to me for Capt
of the Albany, I said I had sent
it to Capt P. He asked me if
I had read it, I said I had not,
when added it would be en-
tirely satisfactory. It is said that
the hisses & curses that met the
Albany & Wisconsin on coming in
was not from the people generally
but from some excited persons.

I have the honor to be

Very respectfully

Your obt. Servt

Hon. Daniel Webster & F. O. Welch
Secy of State
of the U. S.

Rec'd 31 Augt.

No 12

H. Abbott

Commercial Agency
of the United States

Havana August 18th 1857

Sir

I beg leave to draw your attention
to the Official Gaceta of this city
which I send you by the same steamer
conveying this letter. The Gaceta con-
tains the names of the parties
that were tried and shot here
on the 16th inst. referred to in my
communication numbered 9

Narciso Lopez is said to have
with him some 2 or 300 men^{yet} he
is hotly pursued by the troops.

I have the honor to be, Sir,

with great respect

Yrs most obt. servt

J F O'Hall

Honble. Daniel Webster

Secretary of State.

Washington City

Recd 9 Oct.

Mr Abbott.

Commercial Agency

of the United States,

Havana Aug. 22. 1851.

Sir,

The letter which I enclose was received on yesterday from the Post Office in this City, & as I received it with my mail brought by the Schooner Merchant I am left to infer that it came by her. The Merchant came from Charleston to bring the mail of the Steamer Isabel which does not sail again till 1st October next when she will resume her regular trips. The Merchant touched at Savannah & Key West, & if the letter was written in the U.S. it must have been put in at Key West - and yet there is not a postmark on it save that of the one here.

Of the persons who signed the letter I never heard be-

fore. Upon getting the
letter I called and showed
it to the Captain General.

I do not know by what
conveyance I shall send
this - I will send the official
reports of the Government
in relation to matters here
by the same conveyance.

I have the

honor to be

With Great

Respect

Hon. Paul Webster

Yours truly

Secretary of State

A. J. O'Connell

of the U. States

Wm. Brown
Havana

August 19th 1851

My Dear Sir

Thinking it may be of importance
- or, at least interesting to you to know what is
going forward in our country in regard to the
movement on Cuba. I take the liberty of
saying that the steamer which landed Genl. G.
has been to St. Marks - in Florida & will pass
the tortugas - probably within two or 3 days
with 700 men, 250 of whom are actively in
fine training, they have 7 Brass Field pieces,
and three mountain howitzers, with caissons,
horses & all the requisites for active service.
The point to which they will proceed, had best
be kept perfectly secret. It is sufficient to
remark that it will be distant from the
former one. We have intelligence of the sailing
of vessels with - altogether, about 9000 men, - the
policy is to land at various points and thus dis-
tract the attention of the authorities. We know well
that of the 16000 troops on the Island, not one half are
faithful, but will join us as soon as they can safely
do so. - Yours truly faithfully, James G. Barrcroft

Port office Aug 20th &
showed it to the Capt.
tain General in
moderately

Rec'd 8 Sept

Mr Abbott

No 15

Commercial Agency of the United States

Havana August 29, 1851.

Sir,

I have the honor to enclose to you herewith a copy of a short correspondence with the Capt. General in relation to the Schooner Heroine of New Orleans.

This vessel was brought into this port on the 25th by a Spanish War Steamer, and it was reported that she was a prize captured on the Coast of this Island, loaded with ammunition for the invaders - but the report proved to be untrue, for on the next day the Captain of the Schooner presented himself at this office to deposit his papers with a cargo of lumber, provisions & other merchandise & 12 passengers bound to Chaper - He said that he had experienced calm for about 20 days and afterwards a heavy gale near Cape San Antonio on the 21st inst. Being short of provisions & water the passengers insisted that he should put into this port which he determined to do - that being near Bahia Honda, a Spanish Steamer of War stopped the Heroine & sent a boat with an officer who went on board (the

Heroine & called for her papers & examined them & also had the hatch taken off to look into the hold - that the officer requested him to go on board the steamer & he did so - that his papers were again examined, & these being found in order he was permitted to join his vessel having been previously furnished with the proper course for Havana as he says he had not been able that morning to make the reckoning. But he says thinking that they told him to go westward he did so & soon found himself far from the true course which caused the Spanish Steamer Isabella Catolica to come alongside & ask the Captain of the Heroine to give them a hawser to tow the Schooner into port she did so.

The Schooner is still in port but is ready to sail as soon as the wind will permit her to get out. The Capt. has had disputes & difficulties with his seamen & passengers - & was under the necessity of discharging his mate & shipping

(and

another of more experience.

I think it proper to add, that
I believe ~~that~~ these difficulties have
grown out of the stupidity & want
of Capacity on the part of the mas-
ter.

I have the honor

to be with great respect

Your Obedt Servt

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

Copy

Commercial Agency
of the United States
Havana August 26th 1857

Sir

I am informed by the master of the American schooner Heroine of New Orleans bound to Chagres, that he was brought into this port on the afternoon of yesterday by the Catholic Majesty's steamer Isabel la Católica, and that upon applying at the Custom House today to be despatched, he was told that he was detained by the Government, and could not be despatched without their order.

Under these circumstances I find myself under the necessity of requesting Your Excellency to inform me why the Heroine was brought here, and of the grounds upon which she is detained.

I have the honor to be,
with great respect

Your Excellency's
most obt. servt

(signed) A. F. Owen

Hr. Excellency
Ex. D. José de la Cueva
Gov. & Capt. General
of the Island of Cuba
H. H. H.

Copy

(Gral) Secretaria Política

El Excmo. Sr. Comandante Gral de Marina de este Apostadero, consecuente a la comunicacion de V. E. de esta fecha me dice, que el Comandante del Vapor Isabel la Católica que fondeó ayer en este Puerto participó haber reconocido a la goleta Herminia, la cual por la dilatada navegacion de 35 dias que traia del de su salida y hallarse sobre nuestras costas y con derrota inversa al punto de su destino, y haber expresado su capitán a la vez deseos de arribar a este Puerto para repostarse de agua y víveres, fue custodiada hasta aquí por el expresado vapor.

Verificada la correspondiente averiguacion sumaria sobre el suceso, se comprobó plenamente la impericia marinera de su capitán, que unida a los tiempos contrarios y huracan sufrido el 21 del actual fueron el motivo de sospecha que presentó a nuestros cruceros, para su

auxilio y a remediar la falta de
aguada que tenia, conciliando los
extremos que presentaba el caso,
habiendose dispuesto en vista de
las razones expresadas que de a
libre plática para seguir su viaje,
no sufriendo no solo refaccion alguna,
sino que ha redundado en beneficio
de su mas pronto arribo a este puerto,
donde debe repostarse de los víveres
y demas que necesite para continuar
a donde le convenga. Lo que tengo
el gusto de manifestar a V. S. dejando
a si contestada su comunicacion de
esta fecha, debiendo añadirle con
referencia a lo que se sirve expresar
relativamente a haber sido determi-
na dicha goleta, que ni este superior
Gobierno ni la Superintendencia de
R. Hacienda han dado la menor
orden sobre el particular, y que sin
duda, alguna mala inteligencia
ha ocasionado el equivocado concepto
en que V. S. esta, y que por lo tanto pue-
de marchar cuando guste.

_____ Dios que a V. S. m. s. a. Haba

na 26 de Agosto de 1857.

(signed) José de la Concha.

El Agente Comercial

de los Estados Unidos

710.15

Commercial Agency
of the United StatesHavana August 31st 1857.

Sir,

I had the honor on the 16th instant to write you respecting the state of affairs here. With this I send a duplicate of that communication, and the Protest of Lieut Rodgers, commanding the U.S.M. Steamer Falcon, which I had the honor to mention in my communication of the 17th instant. //

The Captain General some time since issued his Proclamation which you will find in the Gaceta (sent) of the inst. offering quarters to such of those with Lofers as should give themselves up or be taken by the troops within four days after the proclamation should be made known in the respective districts where they were. Before the proclamation was made known many had thrown down their arms and were coming to give themselves up to the Government.

There are now here more than one hundred of these men. Lopez has been captured and brought to this city; and it is said is to be executed tomorrow.

It is presumed that all who came with Lopez have, either been killed or given ^{them selves,} up, or been captured. The prisoners will be sent to Spain at an early opportunity.

The U. S. Mail Steamer Empire City has just arrived, and brings news of outrages committed against the Spanish Consul and Spanish Citizens in New Orleans. It is said the Consul's house has been burnt, and the Spanish flag trampled upon and dragged in the dust; and that some of the Spanish Citizens were wounded. That many of them have taken sailing vessels, and are on their way to this island. I need not say that this intelligence has created, and is creating a great deal of excitement here among the Spanish people.

The sloop Albany is the only American man of war at present in the port.

I have the honor

to be, Sir,

with great respect.

Yr. Obedt servt.

A. J. C. W. L.

Hon^{ble} Daniel Webster

Secretary of State

Washington City.

S. C.

(copy)

U. S. Mail Steamer Falcon

Havana August 17th 1857.

Sir,

I desire to make to you the following statement and through you to forward a copy of it to the Honble Secretary of State. I have to complain that on the 16th Inst: being on my regular voyage from Chagüest to Havana, having on board the U. S. mails from California, with 211 passengers, and specie to the amount of a million and a half of dollars: when in sight of the port of Bahia Honda, and about 15 miles from the land I discovered a Spanish steamer of war in chase. I hoisted the U. S. Ensign & pennant, and a blue flag at the fore with U. S. M. in large letters in its centre, and continued on my course for Havana then distant about 50 miles.

I found the Spanish Steamer to run very equally with us, and although not gaining she continued in chase

about 4 miles astern. At 4 o'clock I discovered another steamer coming out from under the land, apparently with the object of intercepting us. Approaching us at a large angle with our course. She commenced firing astern of us before she was within range, and upon her nearer approach I discovered her to be a steamer called the Almondar, recently I believe a packet between Matanzas & Havana, that she was armed with 2 guns, apparently 32 pounders, and with numerous soldiers and officers on board, the former drawn up on her deck in a threatening attitude.

She fired 3 shotguns apparently with the purpose of bringing us to, but I still kept my course.

Being faster than the Falcon she at length ranged alongside within hail, fired a musket, & hailed to us to stop. I slowed the engines to enable them to communicate by hail more distinctly if they wished, but they still continued to call loudly to us to stop.

After some deliberation thinking that possibly the port of Havana might be blockaded, and unwilling to jeopardize the lives of the passengers by resisting their force I stopped, and they immediately sent an officer on board in a small boat. Upon demanding of him what he wanted, he said that he wished to know what ship it was I told him the Falcon, and that it was strange that he did not know what ship, since she had been running to Havana every fortnight for the last three years.

He asked me to go on board the Almoneda, which I refused to do. He then asked if there were any Spanish passengers on board, and I replied, no. He then got into his boat, and told me to wait until he communicated with his superior, and I told him that he must hasten, for I would only wait long enough for him to reach his vessel, which in fact I did. The whole detention may have amounted to 20 minutes or half an hour.

When I asked the officer who came on board what their conduct in stopping the ship meant, he said that I must not blame him, he was only

acting under orders.

The steam frigate had in the meantime ranged up within shot, and after we again proceeded on our course, the Almendares was sent to communicate with her, and both of the Spanish vessels stood back again to the westward.

I had forgotten to say that it was remarked by the passengers of the Falcon, that upon our stopping, the officers on the deck of the Almendares, waved their caps about their heads, & cheered; whether in exultation, or with what motive I cannot tell.

All of the foregoing matters I conceive to be subject for protest, & I hereby declare that for no other consideration but the lives of defenceless passengers on board, would I have refrained from using the force of the ship in resisting the indignity offered us.

Very respectfully

Henry Rodgers

Lt. U. S. N.

Commr. U. S. M. Steamer

Falcon.

A. F. Owen Esq.

U. S. Commercial Agent

Havana

Sept 24 1851

M. at H. C.

No 17 H. W. D.

Commercial Agency of the

United States,

Havana Sept. 5, 1851.

Sir

I regret to be under the necessity of informing you that the Brig Franklin of Portland, William B. Larrabee master, owned by J. D. Hall, J. H. Perley and others of Portland (Maine) on her voyage from Mobile to this port with a cargo of lumber, struck on the 11th ult. on a long reef, called the Isabella, in the vicinity of Bahia Honda, and was entirely lost notwithstanding the efforts made by the master and crew to get her off. The master and crew arrived in this port a few days since in a Spanish coasting schooner. The master was very ill when he arrived, and according to the declaration of the mate, Richard Thomas, and seamen, he had been so since the third day after they left Mobile.

I am sorry to say that one of the seamen, named Charles Tuttle, who had also been ill since the day they left the said port, died and was buried at Bahia Honda; and that the master departed this life yesterday morning, and was buried: he had no means whatsoever to pay his hospital and funeral expenses, which amounted to eighty eight dollars. I wish you to have the kindness to inform me, if I am to pay those expenses, and if charged in my account with the Treasury Department, they will be allowed.

I have furnished the crew with board &c, and the expense will be charged in my accounts.

Two of the seamen, Thomas G. Messey, and William Green, have been sent on the 2^d Instant to New York in the Bark Ura bash: One, Peter McCartney, to New Orleans the 5th Instant per Brig Tehuantepec, and the remaining two, Richards

Thomas, and John Maginnis
the same day, to Boston by
Bark Rennie: all of them at
the expense of the Government of
the United States

The Bill for the hospital and
funeral expenses of the deceased
master was presented to me for
payment, but I have postponed
it, till I can hear from you.

I have the honor to be, Sir
very respectfully,

Yr. Obedt servt
A. J. Olcott

Honble Daniel Webster
Secretary of State
of the United States
Washington City

The Marquis of Miraflores to Mr. Baringer.

Office of the Principal Secretary
of State.

the Palace August 20th 1851.

Dear Sir.

Having informed the Queen, my Lady, of the note, that your Lordship addressed to my predecessor, on the date of the 7th of April last, transmitting the Commission of ^{the} Consul of the United States at Havana, in favor of Mr. Allen F. Owen, Her Majesty has been pleased to order that the *Regium Exequatur* be issued in the usual form, under the condition equally imposed upon all the Consuls of the other Nations in the ultramarine dominions of Spain, that ~~at~~ the moment that the Authorities of the respective places of their residence should discover that any of those functionaries promotes disturbances, disloyalty or disobedience to

H. M.

H. M. the Captain General of
the Island, by that fact, and at his
discretion, and without the necessity
of instituting proceedings, is author-
ized to suspend him and even make
him leave the Island, without
this being considered disrespectful
to the Government whom he serves.
For this reason, I deem it proper
to draw Your Lordship's attention
to the convenience that Mr. Allen
J. Owen, should be well informed
on taking possession of his office,
of the nature and extent of his
functions, in the said place.
Consuls being there considered
as strictly Commercial Agents,
it is not possible to allow them
to interfere in affairs, diplomatic,
and foreign to their institution
nor that they should in their
representations, fail in the proper
moderation and courtesy. I hope
that your Lordship will be
pleased to make this observation
known to the interested party.

of whose commendable circumstances
Her Majesty's Government promise
themselves that he will endeavor
not to incur in such excesses, which
could not but bring on serious
misunderstandings with the Au-
thorities of the Country, as
experience has unfortunately
proved.

In consequence of the said
Royal determination I have
the honor of returning to Your
Lordship the before mentioned
Commission and of informing
you that, under this date, I
forward the corresponding
Exequatur to the Captain General
of said Island, for its due ful-
fillment.

I avail myself with pleasure
of this occasion to reiterate to Your
Lordship the assurances of my
most

most distinguished consideration
and kisses Your Lordships hand
Yr. mt. at^o & obl. servt.
The Marquis of Miraflores.

To

The Minister Plenipotentiary
of the United States at this Court.

Registro A. Num. 19.

Doña Isabel Segunda
por la gracia de Dios y la Constitución de la Monarquía Española.
Reina de España

Por cuanto el Ministro Plenipotenciario de los Estados Unidos ha representado que el Presidente de dicha República ha nombrado a Mr Allen F. Owen, Consul de la misma en la Habana, como parece de la Patente que ha exhibido, suplicandome tenga a bien darle mi aprobación para que pueda servir dicho cargo, y he venido en ello. Por tanto mando al Capitán General de la Isla de Cuba, y a las demás autoridades a quienes pueda tocar el cumplimiento de esta mi Real Cédula, hayan y tengan al referido Mr Allen F. Owen por tal Consul de los Estados Unidos en la Habana, en la forma prevenida por Real Orden de veinte y cuatro de Marzo de mil ochocientos veinte y nueve, y le admitan al uso y ejercicio de su empleo con el cual no ha de ejercer acto alguno de jurisdicción, permitiéndole solo la interposición de su arbitrio en las controversias que le ofrecieren entre mercaderes y gente de mar, para conciliarlos o avenirlos. En cuya conformidad y en otra, le concedo esta mi Real Autorización para servir dicho empleo, y a este efecto, Ordeno le den llevar y percibir los derechos y emolumentos que por el mismo le correspondan, y que goce las exenciones, prerrogativas, y libertades que sean compatibles con la legislación especial que rige en aquella colonia. Dado en Madrid a doce de Agosto de mil ochocientos cincuenta y uno.

I. S.

(signed) Yo la Reyna.

(countersigned) El Marques de Miraflores.

Translation

Received November 10, 1851.

/Seal/ Political Department.

I have received two communications
from you, dated respectively the 8th
and 9th instant, both relating to the
anxiety which Don Juan I Thrasher feels,
that his friends may be permitted to
visit him at the Puntafortes where
he is confined, at all hours of the day,
in reply to which I must say to you,
that the hours between 12 and 2 o'clock
in the day, are those established for
that purpose in the aforesaid fortress,
in regard to all those persons who,
like Thrasher, are in a communicated
state, it being impossible, therefore, to
alter such regulations

May God preserve you many years.

Havana Nov 10. 1851.

/Signed/ Josè de la Concha.

In the Cons. of the United States.

(head) Political Department

I send you, herewith enclosed, a permit, to enable the Mother of D. J. S. Thrasher to visit him in the Castle del Morro, where he is now confined, until his departure thence, to undergo his doom. I also enclose another for yourself, to enable you to see him, whenever you may think it proper to do so, apprising you, that in as much as D. J. S. Thrasher, is already looked upon in the light of a convict, I forbid him, in view of that consideration, from writing any document, without the consent of the Commandant of the Castle del Morro, having caused three sealed letters, which his servant was taking out of the prison, yesterday, to be stopped. You are, however, at liberty, to see him and to confer with him freely,

at all hours, when admision to that
fortrep. is allowed, while Mr Thrasher
remains in this place.

May God preserve you many years!

Havana November 23, 1851.

(Signed) Josè de la Concha.

To the Consul of the United States.

Translation.

Recd Nov 25th 1851. at 3. P. M.

(Seal) Political Department.

You have been pleased to address me
two communications, dated respectively,

the 12th & 15th inst, both having reference

to the case of Mr. T. S. Thrasher, and

although, all that is proposed in said

letters, as you remark, is to secure

what the rights of Mr. T. S. Thrasher,

as a citizen of the United States,
demand, my duty will not permit me
to enter into a discussion of the different
points contained in them, in reply.

You are very well aware, that Consuls
are nothing else, than mere Commercial
Agents, and I, nothing more than a
Deputy of the Spanish government, in
this province, for the purpose of
governing the same, according to the
laws and provisions, which said
Government may think advisable
to establish. The complaints and
reclamations of Mr. T. L. Thrasher,
are, therefore, out of the sphere of
those reclamations, which, in the
exercise of your Consular functions,
you might prefer, and my duty could

never permit me to reply to them.

Mr J. S. Thrasher complains through you, that certain rights, which he considers as inalienable from him, as a citizen of the United States, have been violated in his person; when he was convicted by a Court of Justice, to which according to the laws of this country, belongs the Jurisdiction over all crimes of conspiracy against the State, of what he had been accused. Upon this subject, the only fit course for you to pursue, is to address yourself to your Government, giving it such information as you may think just and proper, relative to the sentence which has been pronounced against Mr Thrasher, and if such intelligence, as you may communicate

should give place to any reclamation
the government of Her Majesty, my
Queen will attend to it with due considera-
tion; my duty, in the meanwhile,
being to see that the behests of the
courts of Justice established in this
island, which has been entrusted
to my command, are carried out.

May God preserve you many years

Havana Nov 23 1854.

(Signed) José de la Concha.

To the Consul of the United States

(copy)

(Real) Secretaría Política.

En contestacion al oficio de V. S. fha 23 del actual referente al asunto de D. Juan S. Thrasher, le dire que se halla pendiente de la decision de un Tribunal sobre si ofrece o no mérito para la formacion de causa, en cuyo primer caso esta habrá de ser pública, segun se acostumbra en tales circunstancias.

Con referencia a los deberes que V. S. expresa le esige su Gobierno, recordandole las atribuciones que gozan los Consules en las demas naciones, solo puede referirle a las explícitas palabras de su Regium Exequatur sobre este punto, y con los siguientes.

“ Con el cual (el empleo de Cónsul)
“ no ha de ejercer acto alguno de
“ jurisdiccion, permitiendole solo
“ la interposicion de su arbitrio en
“ las controversias que se ofrecieren
“ entre mercaderes y gente de mar,
“ para conciliarlos o avenarlos.”

Respecto a los deseos que V. S. se

sirove repetitive de visitar a Mr
Thrasher, alzandose la incomu-
nicacion en que se halla, siendo
esto de la incumbencia de los
Tribunales, no residen en mi
facultades para interrumpir su
accion; tan luego como el mismo
Tribunal disponga se alce aquel
entredicho podrá V. S. pasar a
verle.

- Comprendo los buenos senti-
mientos que animan a V. S. en
favor de Mr Thrasher; siendome
por consecuencia muy sensible
no poder acceder a su peticion
como deseara.

Dios que a V. S. m. a S. Habana.
25 de Oct. de 1857.

(Signed) José de la Cueva

El Consul de los Estados Unidos.

Copy

Señal/ Secretaría Política.

He recibido la comunicacion de V. S. de 23 del actual, transcribiendome los terminos en que el presidiario J. S. Thrasher se ha expresado en la carta que le ha dirigido, y que son los siguientes.

"¿Quiere V. interesarse con el Capitan y General para conseguir que se conmuten mi sentencia en destierro del pais?"

No me es posible acceder á esta solicitud, ni tampoco complacer á V. S. en la que me hace con este mismo objeto, pues no está en mis facultades habiendo sido ya aprobada la sentencia. En la situacion en que se encuentra el interesado, no le queda otro medio para alcanzarlo gracia que pretende, que dirigirse á S. M. la Reyna, mi Señora.

Dios que á V. S. m. d. a. Habana
25 de Nov. ^{re} de 1851.

(signed) José de la Concha.

El Comend. de los Estados Unidos.

Spies

Rec^d 10th Nov. 1857

(Real) Secretaria Política.

He recibido las dos comunicaciones de V. S. fhas 8 y 9 del corriente, ambas relativas a la solicitud de D. Juan S. Thrasher, para que se permita a sus amigos entrar a verle a todas las horas del día en la Fortaleza de la Punta, donde se halla arrestado; en cuya contestacion debo manifestar a V. S. que las horas de 12 a 2 del día, son las mismas que se hallan establecidas con aquel objeto en la referida fortaleza, respecto a los individuos que, como Thrasher, se encuentran en estado de comunicacion; no siendo posible, en consecuencia, se alteren dichas reglas.

Dios que a V. S. m. a. S. Habana
10 de Nov.^e de 1857.

(signed) José de la Concha.

A. Consul de los Estados Unidos.

Rec^d 23rd Nov. 1857

(Real) Secretaria Política.

Adjunto remito a V. S. el permiso para que la Señora madre de D. J. S.

Thrasher pueda visitarle en el
Castillo del Morro, donde se halla
hasta ~~liberada~~ salida para cumplir con
su condena. También le incluyo o-
tro para V. S. a fin de que lo pueda ver
siempre que tenga por conveniente
advirtiéndole que considerado ya D.
J. S. Thrasher como presidiario le
prevengo que en tal concepto no pue-
da escribir ningún documento sin
que sea con el consentimiento del Co-
mandante del Castillo del Morro, ha-
biendo hecho detener ayer tres cartas
cerradas que sacaba de la prision
su criado. Queda V. S. sin embargo
autorizado para verle y conferenciar
libremente con el Sr. Thrasher mien-
tras permanezca en esta Plaza
y todas las horas en que es permiti-
da la entrada en aquella fortaleza.
Dios que a V. S. m. a. Habana 23 de
Nov. de 1857.

(sigue) José de la Concha.
Sr. Comde delos Estados Unidos

Rec^o 25th Nov. at 3 P M.

(Seal) Secretaría Política

Se ha servido V. S. dirigirme dos comunicaciones en 12 y 15 del corr^{te}, relativas ámbas á la causa de Mr. J. S. Thrasher; y aunque solo se propone en ellas, segun dice, asegurar lo que llama los derechos de Mr. J. S. Thrasher, como ciudadano de los Estados Unidos, mi deber no me permite entrar en contestaciones sobre los diferentes particulares que comprenden.

Sabe V. S. muy bien, que ni lo Comend^{te} soy otra cosa que puro Agente comercial, ni yo mas que un Mandatario del Gobierno Español en esta provincia para gobernarla con arreglo á las leyes y disposiciones que él juzgue oportuno establecer. Las quejas y reclamaciones de Mr. J. S. Thrasher están por lo tanto fuera de las reclamaciones que V. S. pudiese entablar en el ejercicio de sus funciones Consulares, y á ellas nunca me seria permitido contestar.

Mr. J. S. Thrasher se queja por conducto de V. S. de que se han vulnerado en él

los derechos con que se considera como
Ciudadano de los Estados Unidos, cuan-
do ha sido condenado por un tribu-
nal de justicia que segun las leyes
de este pais debe entender en los de-
litos de conspiracion contra el Estado,
de que ha sido acusado. En este asunto
a V. S. solo puede corresponderle diri-
girse a su Gobierno, dandole lo infor-
mes que estime justos y convenientes,
sobre la sentencia que ha recaido con-
tra Mr. Frasher, y si diere en lugar
a alguna reclamacion, el Gobierno
de S. M. mi Reyna, atendera della
con la consideracion debida, quedau-
dome a mi el deber entretanto de
hacer cumplir los fallos de los Tribu-
nales de justicia establecidos
en esta Isla confiada a mi mando.

Dios que a V. S. m. a. Habana
23 de Nov.^o de 1857.

(signed) José de la Cueva.

Ar. Consul de los Estados Unidos.

18
-

Rec'd 24 Sept.

M. Abbott.

Commercial Agency
of the United States
Havana Sept 5th 1857

Sir

I had the honor to receive on the 1st Instant, your circular of the 20th of March, accompanying the conclusion of the correspondence between yourself and the Austrian Legation on the Austro-Hungarian question. Immediately upon the receipt of it, I wrote you a communication to acknowledge the same, but I was too late for the Steam Empire City.

Narciso Lopez, the leader of the expedition that invaded this island from New Orleans, was "garroted" on the 1st Inst at 4 o'clock A. M.

Notwithstanding the accounts received here of the ^{disgraceful} riots that have occurred in New Orleans, the inhabitants of this city have kept quiet. The Captain General, upon whom I called immediately that I was informed of those occurrences, assured me that the lives and property of American Citizens in the island should be protected at all events.

Since then, we have had reports of a large number of men being assembled in Key West, supposed to be part of another expedition to invade the island. The U. S. sloop of war Albany sailed for that place on the 3^d at midnight. We have also had rumors that a riot had taken place in Key West against the Spaniards, and another at Mobile. Whether these reports are true or not, I cannot yet ascertain. Commodore Parker in the U. S. steam frigate Saranac, arrived in this port on the 4th Instant, and has seen the Captain General. He will doubtless report his action here by the first opportunity.

I have the honor to be, Sir,
with great respect
Yr. Obedt Serv't.

A. J. Webb

Hon^{ble} Daniel Webster
Secretary of State
Washington City
D. C.

Recd 23 Sept
1857

(Duplicate)

Commercial Agency
of the United States.
Havana 5th September 1857.

Hon^{ble} Daniel Webster
Secretary of State.
Washington City

Sir

I had the honor to receive on the 1st Instant, your circular of the 20th of March last, accompanying the conclusion of the correspondence between yourself, and the Austrian Legation on the Austro-Hungarian question. Immediately upon the receipt of it, I wrote you a communication to acknowledge the same, but was too late for the steamer Empire City.

Marciso Lopez, the leader of the expedition that invaded this island from New Orleans was garroted on the morning of the 1st at 4 o'clock A. M. Notwithstanding the accounts received here of the disgraceful

riots that have occurred in New-Orleans, the inhabitants of this city have kept quiet. The Captain General, upon whom I called immediately that I was informed of those occurrences, assured me that the lives and property should be protected at all events. Since then we have had reports of a large number of men being assembled in Key West, supposed to be part of another expedition to invade the islands.

The U.S. sloop of war Albany sailed for that place on the 3d at midnight.

We have also had rumors that a riot had taken place in Key West against the Spaniards, and another at Mobile. Whether these reports are true or not, I cannot yet ascertain.

Commodore Parker in the U.S. Steam frigate Saranac arrived in this port on the 4th Inst, and has seen the Captain General.

He will doubtless report his
action here by the first opportunity.

I have the honor to be, Sir,

with great respect,

Yr. obt. servt.

A. J. O'WILL

Our Consul at Havana.

We have received the following letter from ALLEN F. OWEN, esq., our Consul at Havana, and submit it without comment to the consideration of his countrymen:

CONSULATE OF THE UNITED STATES,
HAVANA, Sept. 16, 1851.

To the Editor of the Republic:

SIR: In your weekly issue of the 28th ult. you do me the justice to object to my condemnation without a hearing, and to say that I am probably able to explain, to the satisfaction of my countrymen, my omission to act relative to the execution of the prisoners who were shot here on the 16th ult.

I do not doubt that I shall satisfy every impartial mind that I am undeserving censure, and that I had no opportunity of doing anything in behalf of the unfortunate men who met so sad a fate.

I reside about four miles from this place, and, not being well on the morning of the 16th, did not reach my office till some time after ten o'clock, where, for the first time, I heard of the capture of about fifty of the men who had come with Lopez to this island in the steamer Pampero. I at the same time heard that the prisoners had been tried, found guilty, condemned, ordered to be executed, the order for their execution sent forward, and that they were about being removed from the harbor, where they were, to the place of execution.

Shortly afterwards, the American residing here, who, it is said, called on me, came and mentioned the subject to me, when I said to him that it was too late, and that I could do nothing—that I should not have time to get permission and see the prisoners. Of this I felt perfectly satisfied at the time, and I have since been confirmed in this opinion by the highest authority in the island, who informed me that the execution, which had already been ordered before I reached the city, would not have been postponed for me to have an interview with the prisoners, inasmuch as all I could have asked to be permitted to do had already been done by a gentleman known to some of the prisoners, and for whom they had sent.

Soon after the American referred to left my office, I received the information that a gentleman known to some of the prisoners had been sent for by them, and to him they had delivered the articles and messages they desired to be conveyed to their friends. It was but a short time afterwards that I sent to the palace of the governor and captain general, and heard that the prisoners had then been executed.

You will thus see that I had no time to act, and that it was not in my power to do any thing for the unfortunate men who had been induced to invade Cuba with the expectation that they would find the whole island in a state of revolution, and that they would be received with open arms by the whole native population at least.

The charge of indifference to the dreadful condition of such a number of men, the bitterest enemy I have on earth will not believe; and all must believe it a base falsehood and an unfounded calumny.

If it were allowable on such an occasion, I would most solemnly declare before God that, in my judgment, at the time and under the circumstances, it was not in my power either to have an interview with the prisoners, or to have done any thing on their behalf.

I am, very respectfully, your obedient servant,
A. F. OWEN.

Rec'd 23 Sept.

B. 211

Commercial Agency
of the United States
Havana Sept 16th 1857.

Honble Daniel Webster.
Secretary of State.
Washington City.

Sir.

- I have the honor to enclose to
you herewith a duplicate of my
official communication. No 18.

Since the date of the same every thing
has been quiet here, and the feeling
of the Spanish inhabitants towards
Americans seems to be growing more
and more favorable, owing to the
fact of their having become convinced
of the determination of the President
to put down and prevent all attempts
at further descents upon the island, &
which has been strengthened by the
accounts received this morning from
New Orleans by the Steamer Cherokee.

The rumors spread in the United States
of the ill treatment of Americans here

are without foundation: respectable Americans residing in, or visiting this place, have, I believe, been kindly treated by the people.

The greater part of the prisoners captured by the Spanish troops, left this port on the morning of the 8th inst for Cadix. the rest will follow in a few days.

Commodore Parker in the Saranac Steam frigate, went out for a few days, on account of sickness on board and to prevent its increase, and returned this morning to this port.

Having nothing further for the present to communicate,

I have the honor
to be, Sir

with great respect

~~Your Obedt servant~~

A F Wille

State
Sept. 28. 57.

Havana Sept. 17, 1857.

Mr President;

It was my intention to have written to you by the str. to New York but I did not have time to do so. This will go by New Orleans & be later in consequence in reaching you.

From the time of my arrival here it has been my steady aim not to intermeddle with the political affairs of this Island & to this hour such has been my conduct. But there are some Americans here to whom this conduct has ever been displeasing & they found in the execution of the American prisoners here a pretext for writing and circulating all manner of falsehoods regarding my action, or rather my omission to act on that melancholy occasion.

In justice to truth. I feel it my duty to inform you that some of these men are fugitives from justice in the United States & under assumed names. Most of them entertain, & frequently express opinions in coincidence with the invaders of the island & they are & have been constantly engaged in writing those falsehoods to the various presses in the U. S. which have fatally misled & brought to a dreadful doom many of our countrymen. One of these men, for whom I never had any respect, & who often in my presence has spoken of the capability of a few men to take the island & insisted that the President ought not to prevent them, came to my office on the 16th & spoke of the arrest of the prisoners & that I ought to

call on the Captain General relative to the prisoners. I told him that I had just reached the city & heard of the capture, & that they were then about to be taken to the place of execution & it was too late to do any thing even if I had had the power at a previous hour. He left my office & from him & his associates have sprung all the base slanders that have appeared against me. They are men of low character & bad standing here & would not be respected in any good community in the U. S. The man who called on me has been connected with a press here & I was put on my guard against him before I reached Cuba.

I have written to the Editor of the Republic (Washington) & hope he will publish my communication.

which will acquit me of censure in every impartial mind. To that I beg to refer you for my course on the occasion referred to.

The Captain General had informed me that in no event would he allow any one to interfere in behalf of any who should invade the islands - that he should not regard them as citizens of any country - but as enemies of all order & good government & treat them as they were - pirates, -

He recently informed me that if I had applied for permission to see the prisoners - or to be present (in the event I had known they were here in time, which in fact I did not know), that he would have refused to allow it. He said he would not ^{have} allowed any consul either in his of-

ficial capacity - or personal, to have had any thing to do with those men - & that neither the English, French nor any other Consul though knowing the prisoners were here asked to see them or offer in any manner to intercede for them.

I could probably have strengthened the communication to the Republic by stating these facts - but I deemed it sufficient to write what I did as I knew nothing of these men being captured till they were about to be executed.

If, Sir, you think it necessary to have these facts incorporated in what I wrote to the Republic as a fuller

justification of my conduct I
will thank you to have it do

I have been under the ne-
cessity of writing in a great
hurry to get ready for the
mail - I will write more
at length before long.

I am with the
highest respect &
Esteem

Hon. Millard Fillmore Yr Obedt
President of the A F Orlh
United States

Recd 10th Oct 1854

Commercial Agency of the U. S.
Havana Sept 18th 1854.

Sir

I had the honor this morning to receive, after the steamers for the United States had sailed, yours of the 14th Inst. acknowledging the receipt of my despatches of the 17th & 18th ult. marked n^{os} 10 & 12 respectively, and saying that n^o 11 must have miscarried or been marked by mistake. By reference to the Letter Book, the n^{os} are 10 - 12 &c. - that which was intended as n^o 11 was written immediately and there was not time to copy as was stated.

You say that in none of my communications relating to the capture and execution of my countrymen
do I mention that I had endeavoured to obtain an interview with them before their sentence was carried into effect &c.

I reside in the country about four miles from this office

and did not reach it on the morning of the 16th ult^o till some time after ten o'clock, where for the first time I heard of the capture of some fifty of the men who had invaded this island under the lead of Lopez. At the same time I learned that they had already been tried, condemned, and ordered to be shot, and that the sentence was then about to be carried into effect.

- You will thus see, Sir, that there was no time to procure an interview if that would have been permitted; but justice to myself requires that I should inform you that I was told by the Captain General after the arrival of Lopez and those who came with him that he had given orders that no quarter should be shown. and he said that if any of them should be captured they would be shot. He at the same time (only one or two days before the capture) said that in no event would he permit any Consul to

have any thing to do with these men either in their official or personal capacity. This he repeated saying that he should not regard these men as citizens of any country; but as the enemies of all order and Government everywhere: and these things he repeated to Mr. Letcher, our Minister to Mexico, the other day. He has told me since the execution of the prisoners that if there had been time for me to have had the interview, he would not have permitted it, and said that he had already told me what his course would be.

No one of the prisoners asked to see me. They requested to be allowed to see Mr. Costa of New Orleans with whom a number of them was acquainted, and this was granted, and to him they delivered such articles and messages as they desired to be conveyed to their friends.

I did not suppose that the Pe-

-sident's Proclamation would prevent me from seeing the prisoners personally if I could do so. nor is it true that I objected on my own account to see them. the very reverse in both cases is true.

It has been my steady aim and conduct to not intermeddle with the politics of Cuba. but in no instance have I omitted to serve citizens of the United States, and to protect them when in my power, though there are those who falsely speak of me relative to those who were executed, and those who have been and are now prisoners here.

I have the honor to be,
Sir, with great respect
Yr Obedt servt.

A J Webb

Honble Daniel Webster
Secretary of State
of the United States.

rec'd 20 Sept.

Wm. H. A. 40 1st Street
Washington
27 Sep. 1857

The Hon. Daniel Webster
Secretary of State

Sir,

The outbreak of Lopez in his late
expedition to Cuba; and the capture of his
followers; has disclosed the fact, that so far
as our countrymen were involved, they
were compared in favor the better part,
of youths who had not yet attained to
maturity, and who embarked in it
more delirious, which their experience
has more fully dispelled - Such
being the general character of the
invading force, it has impressed itself
more strongly upon me, that the

Government

Government of Mexico, are not from the motives
of humanity, will find him here securely
from future like aggressions, to be, in
releasing sending them back to their own
country. The narratives already published
by those who have been thus restored, have
thrown a flood of light upon the actual
state of the People of Cuba, in reference
to such hostile incursions - and have
shown, that so far from being welcomed
as friends, they were treated as enemies
not more by the Government they sought
to subvert, than by the People of that country -

The return of these misguided young
men and their dispersal through the
country, must have the most healthful
influence in discrediting all future like
incursions, should such again arise, as those
which led them into their present most
deplorable condition. -

J

I have taken leave to throw out the foregoing views, as introductory to what follows.

Intelligence has just reached us, that amongst those last captured and brought into Havana, is a youth named John A. Souers, who is from my own immediate neighborhood - His Parents are amongst our more respectable and substantial People, and by the intelligence are plunged into the surprise affliction; and it is on this urgent instance, that I write this letter - The young man left his home some two years since, to reside with an elder Brother in Louisiana, & his Parents were ignorant that he was out of the country, until they heard of his captivity in Cuba - He is represented by all who know him, as of correct moral habits, good education, and rising every promise of useful life - and now but twenty years of age -

J

I do not doubt that our Government
has made every effort, since the ~~total~~
signal defeat of the expedition, to procure
the liberation of those of our Countrymen
who had been subjected to it - and failing
with the Provincial authorities at Cuba, that
the intervention with her, or has been, promptly
renewed through our Representatives in
Spain, and in such manner as with her
most likely to give it effect -

In reference to young Somers, it seems
that he had been captured many days
after the dispersal of Lopez's band, and was
sent into Havana about the 11th of Sept. and
several days after the last party had been
shipped for Spain, and it is the hope of
his friends, that an application for his
release promptly made, may yet find
him at Havana - May I then on behalf
of his family & friends respectfully ask,
if not improper in the view of your report

that

There are applications for his release
separately, or with others may be made
through the American Board in Cuba, on
the basis of their letter, or in such other
manner as may be thought best -

In the earnest desire to promote the
liberation of this youth, I have of this date
~~written~~ (on the score of a long & valued
acquaintance with him) written to Don
Caldron the Minister of Spain at
Washington, representing the case of Jowers,
and asking his intervention at Havana,
if it would helpfully be considered, but without
reference to this communication to your
Department - And I ask permission
to enclose also a letter to the Board
at Havana, requesting in the event of
his release, that he would furnish
him

him with means to return home, on
my order - It is given, should you desire
to peruse it, and you will oblige me
by causing it to be transmitted to him
by the earliest mail for that Port,
with such instruction from your
Department as you may deem proper;

with great respect.

I have the honor

to be

Yours

J. M. Mason

JAMES MASON
Legation of the U.S.

Recd Oct 24 1857 4

Commercial Agency
of the United States.
Havana October 18th 1857.

Sir.

I had the honor on the 18th ult.^o to write you by the Bark Elizabeth I. bound to Philadelphia; a duplicate of that communication is now sent by the steamer Empire City via New York.

Within the past few days two men of the Lopez expedition have been brought in, having been taken in a small boat at sea, as they say some twenty or more miles from the coast of Cuba.

I have written to the Governor and Captain General to know where they were captured, and what course he proposed to pursue with them. I have not received a reply to my inquiries yet. Capt. Platt of the Albany, (Commodore Parker being absent at the time)

called upon the Captain General,
and was informed by him that
my note had been received; that
the prisoners would not be sent
away with those now about being
sent to Spain. In the mean-
time, I will endeavor to get the
Captain General to allow these
men to be sent to the United States.
I will thank you to instruct
me what under the circumstances
I ought to do, if they shall be de-
tained long enough for me to hear
from you.

I have the honor to be, Sir,
with great respect,

Yr obt servt

A J O'Wells

Hon^{ble} Daniel Webster
Secretary of State
Washington City.

Dear Mr. Abbott.

Havana Dec 7th 1851

Sir

I have the honor to inform the Department that I took passage on board the Steamer Isabel on the 1st inst from Charleston and reached here on the morning of Saturday the 4th. I was not wishing to leave Havana without making your effort for our captive countrymen, and on Monday the 6th made a special call on His Excellency the Captain General in company with Mr. Owen our Consul for Havana and Mr. McLean our Consul for Trinidad.

The Captain General received us in the most frank and friendly manner and to our application in relation to the prisoners still remaining here, he said in all of whom seven are Americans he stated that the orders respecting them had already gone forward to Spain and that he could not listen to any application in mitigation of their sentence, from any quarter. That he had already done as much as he could for any barracks for, and had treated the captives as prisoners of war when he might have treated them as pirates, he then spoke of the Crittenden party and observed that the order for their execution had been passed at 7 o'clock in the morning and that no interposition from any source whatever could have

after the purpose is missed that we
seen that but shows our gentlemen by
consider for the place could not have
accomplished any thing for the prisoners
under the circumstances

I shall return to the town by the
mail train to morrow and enter upon
the duties of my office

I have the honor to be

Yr. Obedt. Servt.

J. W. Prosser.

Thomas J. Prosser,
Secretary of State

Done.

Daniel Webster

Secretary of State

Recd 10th Oct Mr Abbott.

Havana, October 8th 1881

Mr

Samuel Webster
Secretary of State,
Washington

Sir,

I have the honour to inform you that I arrived at this place on the 2nd Inst, and will proceed tomorrow to my consulate.

I availed myself of the detention I met with here to call on his Excellency the Capt. Genl. in company with Mr. Owen the Envoy, and Mr. Allen and Mr. Hedley the Consul at Matanzas. After expressing to his Excellency our thanks for the kindness he has manifested towards the unfortunate beings belonging to the late Lopez expedition, thirteen in number, but only seven American, who are still detained in the Hospital and prison here, we made an ineffectual appeal to him for their release. His Ex^{cy} stated, that their fate was now in the hands of the Cuban to whom application must be made for any mitigation of their punishment.

I have been careful to collect as much information as possible relative to the course pursued by Mr. Owen during the late disturbing events that have occurred in this Island, and am satisfied, after a careful examination of the same, that no attempt of Mr. Owen to alter the sentence of death given against the prisoners, or even to delay the execution of the same, would have been attended with the slightest success.

I was informed by Commodore Parker who left for Pensacola yesterday in the Harbinger, that he had ordered the U.S.S. of War Despatch to the South side of the Island. I will do all in my power to further

the views of Capt Green who commands her &
during her stay in that quarter.

I have the honor to be
Sir with much respect
Your very obt. servt

Saml McLeary

U.S. Consul
Sancti Spiritus

Recd 25th Oct
Mr Abbott

No 25

Consulate of the United States.
Havana October 14th 1851.

Sir.

I have the honor herewith to
send you, copies of the *Exequatur*
and of the letter of the Minister of
State of Spain to the Minister of
the United States at Madrid, with
translation of the latter, defining
the powers which the *Exequatur*
will permit the Consul to exercise.

The *Exequatur* was delivered to me
on the 12th Inst. with the signature
of the Governor & Capt General, and
I began to act under it on the 13th.

With great respect

I have the honor to be

Sir,

Yr obt servt.

J. F. O'Wells
Honble Daniel Webster
Secretary of State
of the United States.

Conte Mr. Owen; No. 25

Primera Secretaria
del Despacho }
de Estado }

Palacio 20 de Agosto de 1857.

Muy Sr mio. Habiendo dado cuenta
a la Reina, mi Señora, de la nota
que V. S. dirigió a mi antecesor con
fecha 7 de Abril último, remitiendo
la patente de Consul de los Estados
Unidos en la Habana, a favor
de Mr Allen F. Owen; S. M. se ha
servido mandar se le expida el
Régio Esequatur en la forma acos-
tumbrada, bajo la condicion igual-
mente impuesta a todos los Consules
de las demas Naciones en los domi-
nios de España en Ultramar, de
que en el momento que las Autorida-
des de los respectivos puntos de su
residencia adviertan que cualquiera
de estos funcionarios promueve in-
quietudes, deslealtad, ó desobediencia
a S. M., en el mismo hecho y a su
discrecion, puede el Capitan General
de la isla, sin necesidad de formar

expediente, suspenderle, y aún hacerle salir de ella, sin que se entienda por eso ofendidos los respetos debidos al Gobierno a quien sirve.

Con este motivo creo oportuno deber llamar la atencion de V. S. acerca de la conveniencia de que Mr Allen F. Owen se penetre bien, al tomar posesion de su destino, de la naturaleza y extension de sus funciones en el referido punto. Considerado allí los Consules como Agentes exclusivamente Comerciales, no es posible consentirles que se mezclen en negocios diplomaticos, y ajenos a su instituto, ni que falten en sus representaciones a la templanza y decoro correspondientes. Espero que V. S. se servirá hacer presente esta observacion al interesado, de cuyas recomendables circunstancias se promete el Gobierno de S. M. procurará no incurrir en semejantes excesos, que no podrian menos de producir serias desavenencias con las Autoridades del pais, como

desgraciadamente ha demostrado
la experiencia.

En consecuencia de la referida Real
determinacion, tengo la honra de
devolver a V.S. la mencionada pa-
tente, poniendo en su conocimiento
que con esta fecha remito su cor-
respondiente Escripatura al Ca-
putan General de dicha isla
para su debido cumplimiento.

Aprovecho con gusto esta ocasion
para reiterar a V.S. las segurida-
des de mi mas distinguida consi-
deracion.

B. S. M. de V. S.

En mas atento seguro servicio
(firmado) El Marques de Miraflores.

El Ministro Pleno de los Estados Unidos
en esta Corte.

With Mr. Owen, No. 25-

Office of the Principal Secretary
of State.

In the Palace, August 20th 1857.

Dear Sir,

Having informed the Queen,
my Lady, of the note that your
Lordship addressed to my predecessor
under date of the 7th of April last,
transmitting the Commission of
Consul of the United States at
Havana, in favor of Mr. Allen F.
Owen; Her Majesty has been pleased
to order that the *Regium Breve* be
issued in the usual form, under
the condition equally imposed upon
all the Consuls of the other nations
in the ultramarine dominions of
Spain, that in the moment that
the Authorities of the respective places
of their residence should discover
that any of those functionaries
promotes disturbances, disloyalty
or disobedience to H. M., the Captain
General of the island by that fact

and at his discretion, and without
the necessity of instituting proceed-
ings, is authorized to suspend him,
and even make him leave the island,
without this ^{being} considered disrespectful
to the Government whom he serves.
For this reason, I deem it proper
to draw your Lordship's attention
to the convenience that Mr Allen
H Owen, should be well informed,
on taking possession of his office,
of the nature and extent of his functions,
in the said place. Consuls being
there considered as strictly Commercial
Agents, it is not possible to allow
them to interfere in affairs, dipl.
matic, and foreign to their institution,
nor that they should in their re-
presentations, fail in the proper
moderation and courtesy. I hope
that your Lordship will be pleased
to make this observation known
to the interested party, of whose
commendable circumstances, Her
M's Government promise themselves
that he will endeavor not to incur

in such excesses, which could not but bring on serious misunderstandings with the Authorities of the Country, as experience has unfortunately proved.

In consequence of the said Royal determination, I have the honor of returning to Your Lordship the before mentioned Commission, and of informing^{you} that under this date I forward the corresponding Requatur to the Capt General of said island, for its due fulfillment.

I avail myself with pleasure of this occasion to reiterate to Your Lordship the assurances of my most distinguished consideration
and kisses Your Lordship's hands

Bel me atc & oth servt.

(signed) The Marquis of Miraflores.

To

The Minister Plenipotentiary of the
United States at this Court

Translation

Donas Isabel, the Second.

By the Grace of God and the Constitution
of the Spanish Monarchy
Queen of Spain.

In as much as, the Minister Plenipotentiary
of the United States, has represented, that
the President of said Republic, has
appointed Mr Allen T Owen Consul of
the same for Havana, as it appears from
the Commission which he has exhibited,
begging that I would be pleased to
approve of it, in order that he may
exercise the functions of said office,
and to which I have assented: —
Therefore, I command the Captain
General of the Island of Cuba, and
the other authorities, whose duty it
may be, to see this, My Royal Decree,
carried out, to receive and to recognize
the aforesaid Mr Allen T Owen, in the
capacity of Consul of the United States
at Havana, in the form prescribed by
the Royal Ordinance of the twenty
fourth of March, one thousand eight
hundred and twenty nine, and to permit

First Council of Defamation of the

him to enjoy and to exercise his
functions, in doing which, he is not to
exercise any act of Jurisdiction, being
only allowed to interpose his arbitration,
in controversies which may occur
between merchants and sea-faring
people, with a view of reconciling them
and of settling their differences. Under
which condition and none other,
I grant him this my Royal Authority
to perform the functions of said
office; and to this effect, I order, that
he may be allowed to exercise the
privileges and to receive the emoluments
appertaining to the same, and that
he may enjoy the exemptions, pre-
rogatives, and immunities, compatible
with the special law, which is in force,
in that Colony. — Given in Madrid,
on the twelfth of August, one thousand,
Eight hundred and fifty one.

(L.S.) /Signed/ = The Queen.
I countersigned/
The Marquis of Misaflores.

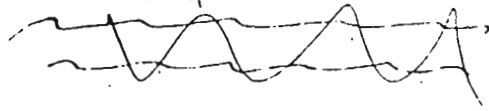
Extract from Royal Decree of Jan. 17th 1812

§1. All foreigners belonging to powers and countries that are friendly to me, who may wish to establish themselves, or who may already be established in the Island of Cuba, must produce suitable evidence before the government of said Island, that they profess the Roman Catholic Religion, and, without this indispensable qualification, they will not be allowed to become domiciled there; but my vassals in these Dominions and those inhabiting the Indies, need not be compelled to certify to this effect, in as much as, in regard to them, there can be no doubt upon this point.

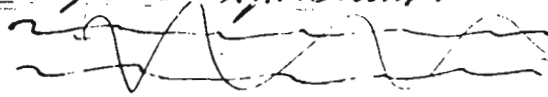
§2. Those foreigners, who shall be admitted, conformably to the provisions of the foregoing article, shall take the oath of allegiance and vassalage before the Governor, by which they shall promise to obey the general laws and ordinances of the Indies, to which all Spaniards are amenable.

§3. At the expiration of the first five years of residence in the Island, on the part of foreign

Colonists, and on their contracting them, the obligation to remain there perpetually, they shall be allowed also the rights and privileges of naturalization, equally with such children as they may have brought with them, or who may have been born to them, in the aforesaid Island, in order that the same may consequently be allowed to hold honorable offices, both civil and military, according to their talents of each individual.



The same Decree also provides that a foreigner may reside in Cuba for the period of three months, without letters of Domicil, but that on his remaining there, without such letters, beyond the times specified, he becomes guilty of disobedience to the laws, and amenable to such just punishment as, after a close examination of the cause, may be imposed upon him.



Upon the same subject, and in corroboration of the above, the Royal Colonization Decree of October 21st 1817, says, that letters of Domicil

shall be issued to any foreign colonist who
professes the ^{Roman} Catholic Religion and takes the
oath of allegiance by means of which, during five
years of residence, it shall be optional with
him either to return to his old country, or
to present himself before the superior magistrate,
at the expiration of those five years, for the
purpose of obtaining his naturalization papers,
which will be granted to him without any
great formality, in order that, on being
thus naturalized, he may enjoy all the rights
and privileges appertaining to Spaniards,
as well as his sons and legitimate descendants.

Recd 5th Nov Mr Abbott.

Havana Oct. 27 1851

Hon. S. Webster,
Sec. &c. -

Sir

The fore part of August last the brig Franklin of Portland, Capt. Sanabee, went on shore near Bahia Honda. Capt. S. was seized by the local authorities, tied, and thrown into a place used as a plantation prison for negroes, and at the time occupied by several of these persons, of course filthy and swarming with vermin. The negroes, besides, were encouraged to insult him in the worst manner. After being here two nights and a day, he was removed with his arms tied behind him, to the stocks of the police office of the district, and on the way was dragged on the ground sometimes by one leg, sometimes by both, and the flesh of his head and back was lacerated and off. By the intercession of a woman, he was put on board a coaster and sent to Havana. Such was his account when he arrived at my hospital.

When brought in from the coaster, he had typhus, and gangrene of the lacerations on the head and back, - also on the arms, from the cords, and on the legs from the stocks. He retained his reason up to within a few hours of his death, four

days after coming into the hospital and gave the same account of his usage several times to different persons. The Consul was notified of his condition when he arrived, and of his death but took no notice of his case. He also promised to call on him or send to him, but did neither.

Capt. Larabee stated that soon as the vessel struck, the inhabitants commenced to rob, and his mate with some of the men joined in the proceedings. The remains of the wreck were sold by Drake & Co. and the proceeds remitted of which the Consul was advised, in time to have ^{had} sufficient deducted to pay the captain's expenses. He refused to interfere and said there was no provision by law for the aid of distressed masters of vessels. The bill for the sickness and funeral expenses of Capt. Larabee, is Eighty eight dollars, and remains unpaid. It is proper to notice that Mr Owens took the declarations of the mate and crew, who according to the statements of Capt. Larabee and others should have been put in confinement. The vessel was clearly plundered, and it would, ~~and would~~ have been easy, according to general opinion, to ~~find~~ ^{have} found proof that the crew took part in the robbery. They were protected, and the captain, notwithstanding his dangerous condition, and death from brutal treatment, was neglected.

There is now in this hospital a disabled seaman, left in an American vessel, without being discharged, and

without any provisions being made for his expenses. Another American vessel left a mate sick, since dead, without being discharged, without a second shirt, and without any provisions being made for his expenses.

May I ask to know what methods to adopt in cases like these? - In order to do something to diminish the obstacles to a proper care of seamen in sickness, the prices at my hospital are 25 per cent. less than in others, - still Mr Owens employs the influence of his office in favour of another, the proprietor being a sycophant and happening to be a near neighbour, and renders his services to him gratis, or rather is paid by official influence and an extra price for sick men in the charge of the consulate. This favourite of Mr O. is a criole and in every sense as anti-American as the most bigoted of his race -

The efforts of Mr J. S. Thacker in behalf of the American prisoners drew upon him the notice of the government - his newspaper was suppressed, and business broken up - Afterwards he was arrested and officers kept with him in his own house. - lately he has been put in the worst dungeon in the common prison, and no person permitted to see or communicate with him - indicating by reasonable inference, that if sickness should take him off it would save time and trouble. On the application of the Consulate he was removed to the Prisoner's Hotel,

a place more airy and comfortable, but still
he is incarcerated. - Other things are alleged
against Mr Thrasher, but his attachment to the
prisoners is the true cause of his confinement. - He
will be sent to Spain if thought best to make
up a case against him, which is easily done
if the gov't decides it best to do so. - It can obtain
the most ample proofs of whatever it wishes - for this
reason Mr T. must be considered to be in very
great danger.

A very long residence in Havana, belonging
to no clique or cabal, with care never to speak of
the gov't or country but with respect, together with
my profession, have given me means of information
that a foreign officer or any stranger can
not possess. - I venture the remark on account
of the extremely crude and erroneous statements
that appear in what is deemed the most reliable
part of the press. - The horrors of the execution of the
fifty prisoners, the brutal treatment before, and mutila-
tion after, have never half been published. The shot
was not to kill, but to bring down, to terrify and
torture and mutilation afford facilities for mutila-
tion. - Crittenden was brought down by the slashes of
an officer's cut-throat across his legs, ^{arms and behind him} in the limbs, and finally killed by the butt of a musket
breaking in his skull. - Other cases were more re-
volting, and within the 20 officers left the ground, the rest
were not so much hurt but they might have been saved.
- The knives of the mob were ordered the killing and proceed-
ed to the most revolting mutilation.

"It is worthfully, Sir, your obedient servant" Wilson

Rec'd 3^d November Mr Abbott,
NO 26.

U. S. Consulate
Havana Oct 29, 1857.

Sir,

I have the honor to transmit a copy of correspondence with the Governor Capt. General relative to the arrest & imprisonment of Mr John S. Thrasher. Mr T. is still incommunicated.

I have the honor
to be Y^r O^bdt^t Serv^t
A J Owen

Hon: J J Crittenden
Acting Secy of State
of U.S.

Consulate of the United States.
Havana October 23^d 1857.

Sir.

It devolves upon me, as a duty, to draw Your Excellency's attention, more particularly, to the case of Mr John S. Thrasher, a citizen of the United States residing in this city, and who was arrested, as I informed Your Excellency I had learned, by order of the Government.

Your Excellency will recollect the interest I manifested in the release of Mr Thrasher, and that he should have a fair trial, and that I might be present at the same, and assist him as far as I should be able in the way of council and advice. Having now just been informed that Mr Thrasher is incommunicado, I avail myself of the earliest moment to reiterate the views and wishes I had the honor to express in the personal interview with You Excellency. Under instructions from my

Government, I beg leave to state
to Your Excellency, that while I
am required to bear in mind that
my duties are such as strictly belong
to the Consular character, and that
the Government of Spain has refused
to consider the Consular functions
here as in any respect diplomatic,
yet, the Government of the United
States requires the Consul to be
vigilant in ascertaining, who,
among his countrymen in his
Consular district, are charged
with crimes against the sovereignty
of Spain, and to see that they have
a fair trial.

I close, by earnestly requesting Your
Excellency to allow Mr Thrasher
to be put in communication, and
~~that I be permitted to see and converse~~
with him relative to his case.

His Excellency
Sr D. José de la Cueva.
Govt Capt General
of the Island of Cuba
to to to

I have the honor to be,
Your Excellency's
Obedt Servt
(signed) A. F. Owen

(Seal)

Secretaria Política.

En contestacion al oficio de V. S. fecha 23 del actual, referente al asunto de D. Juan I. Thrasher, le diré que se halla pendiente de la decision de un Tribunal sobre si ofrece o no mérito para la formacion de causa, en cuyo primer caso esta habra de ser pública, segun se acostumbra en tales circunstancias.

Con referencia a los deberes que V. S. expresa le exige su Gobierno, recordandole las atribuciones que gozan los cónsules en las demas naciones, solo puedo referirle a las explícitas palabras de su Regium. Esequatur sobre este punto, y son las siguientes.

"... con el cual (el empleo de cónsul) no ha de ejercer acto alguno de jurisdiccion, permitiendole solo la interposicion de su arbitrio en las controversias que se ofrecieren entre mercaderes y gente de mar pa-

"ca conciliarlos y avenirlos."

Respecto a los deseos que V.S. se sirve repetirme de visitar a Mr Thrasher, abrandose la incomunicacion en que se halla; siendo esto de la incumbencia de los Tribunales, no residen en mi facultades para interrumpir su accion; tan luego como el mismo Tribunal disponga se alce aquel entredicho, podrá V.S. pasar a verle.

Comprendo los buenos sentimientos que animan a V.S. en favor de Mr Thrasher; siendome, por consecuencia, muy sensible no poder acceder a su peticion como deseara.

Dios que a V.S. m.d.a. Habana
25 de Oct. de 1851.

(signed) José de la Concha.

Por Consul de los Estados Unidos.

Sent

Political Department.

In reply to your communication of the 23rd inst. relative to the case of D Juan I. Thrasher, I have to say, that it depends upon the decision of an independent Tribunal, whether or not proceedings shall be instituted in said case, and that, in the event of the former course being adopted, such proceedings would be public, as it is customary, under similar circumstances.

With regard to the duties which, you say, your government requires you to perform, while reminding you of the functions which belong to the Consular character, near other nations, I can only refer you to the explicit words contained in your Regium laequatur, on this point, which

are as follows:—

"With which (the consular office) he is not to exercise any Jurisdictional Functions whatever, being only allowed to arbitrate in controversies which may occur between merchants and sea-faring people, for the purpose of reconciling them and settling their differences."

With regard to the wishes which you have been pleased again to express to me, to be allowed to visit Mr Thrasher, remonstrating against the incommunicated condition, in which he is, — this being a matter under the exclusive control of the tribunals, there is no power vested in me, to interfere with their action; as soon as the aforesaid tribunal shall have ordered that

interdiction to be removed, you will
be able to visit him.

Understanding as I do the kind feelings
which actuate you in behalf of Mr

Thrasher, I greatly regret, therefore

not being able to accede to your request.

as I would have wished to do.

May God preserve you for many years!

Havana Oct 25th 1854.

/signed/ José de la Concha.

To the Consul of the United States.

No. 26.

Received November 5th 1851

U. S. Consulate

Havana, Oct. 29th 1851.

Sir,

I have the honor to transmit a copy of correspondence with the Governor and Captain General relative to the arrest and imprisonment of Mr. John S. Thrasher. Mr. T. is still incommunicated.

I have the honor to be

Your obt. servant

(Signed) A. F. Owen

Hon: J. J. Crittenden

Acting Secretary of State
of the United States.

It may be proper to add that I have done what I could for both these men; & that I believe there is hardly a doubt but that Mr. Breckensridge will be liberated - Mr. Beach I think will not. Mr. Breckensridge will owe his liberation to the good offices of Commodore Parker & Capt. Prendergast to whom I think the Capt. General will pay the compliment. I have anticipated your request to intercede for the prisoners here & to endeavor to procure their liberation - but I shall be able to renew my applications which I repeat to say were successful in a few cases only.

I have the honor
to be Respectfully
Yr obt servt

Hon J. W. W. A. I. D. W.
Acting Secy of
State of Md.

Recd of the Hon. Mr. Abbott.

No. 27

Consulate of the United States,
Havana Oct. 31, 1857.

Sir,

I have had the honor to receive your two letters of the 29th ult. one of the 1st & one of the 18th inst. with two letters from the Hon. J. M. Mason - one to the Hon. Paul Webster Secy of State & the other to myself; & also copies of your communication to the Spanish Minister Mr. Calderon de la Barca & our Minister to Spain Mr. Barringer & a duplicate of the letter from the State Department of the 1st ult. by the then acting Secy of State the Hon. W. L. Garrison.

The Steamers sail within a short time & I have not the power to reply at length to these several communications - but I shall do so by the next steamer

that sail for the United States
I will endeavor to give a full
reply.

In the matter of Mr. Becken-
ridge & Mr. Beach whose names
I did not know at the time
of writing to the Department
it was not my intention to
"assume" that they belonged
to the Lopez Expedition - I
was informed by Capt. Platt
that the Governor & Captain
told him that he had proof
that they were of the Expedi-
tion.

As they were proved to
be of the Lopez party the
Captain General refused
any "interference" on my
part to act as their
counsel or. Said that
they would share the fate
of the other persons who
had surrendered or been
captured after his procla-
mation giving quarter.

Recd 24th Nov Mr. Abbott
N^o 28

St. Louis

Consulate of the
United States
Havana Nov. 15, 1857.

Orden de la plaza del 11 de Noviembre de 1851.

Mañana celebra consejo de guerra público la comisión Militar para ver y fallar la causa seguida contra D. Juan S. Thrasher; acusado del delito de infidencia, cuyo acto tendrá lugar en el pabellón del primer comandante del regimiento de Barcelona, sito en el cuartel de la Fuerza.

Sir;

I had the honor on the 29th ult. to transmit a copy of a correspondence with the Governor & Capt. General of Cuba relative to the case of Mr John S. Thrasher a citizen of the United States residing in this City. I herewith have the honor to transmit to you a duplicate of the same.

On the 12th inst. Mr Thrasher was tried, for the crime, as the papers state 'de infidencia'. The notice of the trial in the Government paper is herewith sent.

The Fiscal, an officer of the Government, has

proposed that he be sentenced to eight years in the Presidio. The sentence has not yet been passed, so far as I can learn.

It is said the Court is to meet to day.

The Governor & Capt General has the power I am informed to revise the sentence, if one be passed, & to approve of the same or to disapprove of it.

I have addressed a note to the Governor respecting this matter & when his answer is obtained, I will forward the note & thereply to the State Department.

I have the honor
to be with great
Respect
Yr obt Servt

Hon.

J. J. Brown

Paul Webster
Secy of State
of the U. S.

Recd 20th Nov Mr Webb

29

United States' Consulate
Havana Nov 17, 1857.

Sir,

In the case of Mr John
S. Thrasher, I am inform-
ed & believe that the Court
have agreed to the propo-
sition of the Fiscal, & that
the sentence is right to
the presidio.

The Capt. General
has the power to revise
the sentence & to approve
or disapprove.

The mail bag is
to be closed in a
few moments.

I have the honor
to be with
Great Respect
Yr obt. Servt
A F O'Connell

Hon. Saul Webster
Secy of State of U.S.

Consulate of the
U. S. - United States

No. 30. Consulate of the
U. S. - United States
Havana Nov. 25, 1857.

Sir;

Herewith, I have the
honor to inclose duplicates
of my communications nos
28 & 29 together with sev-
eral copies of communi-
cations of Mr John S. Throsh-
er to me ^{dated} respectively the
7th 8th & 15th Inst. Also cop-
ies of my communications to
the Governor & Capt. Gen-
eral of the 12th 15th & 16th
& 21st Inst. & copies of
the Govr & Capt. General's
letters to me in reply dated
10th & 23rd Inst. all of them
relative to the trial & sen-
tence of Mr John S.
Throsher.

In the letter from the
Capt. General of the
23rd Inst. marked "re-
ceived this day" 25th Inst,

You will perceive that
he declines to allow any
interference on my part
in behalf of Mr Thresher.
Such interference being
as he says not within
the Consular functions.
And he therein also as-
serts that he is a mere
subordinate of the
Spanish Government
without the right to
disturb the course of
the laws established
by the Spanish Gov-
ernment for this
Island. It being
his duty to comply
with the ^{decisions} ~~directions~~
of justice.

The Capt. General
said to the mother
of Mr Thresher to
advise that her son
would be sent
to Spain on the

27th Inst.

Mr. Throcker request-
ed me in writing to ask
the Capt. General to
commute his punish-
ment of eight years
to Ceuta (the Presidio)
to his banishment
from the Island &
I have done so - but
have yet had no
reply.

I have the
honor to be
with great res-
pect Yrs. Obedt. Servt.
J. F. M. G. M.

Hon. Secy of State
of U.S.

Copies

Consulate of the United States

Havana November 12th 1857

Sir,

I am requested by Mr John S. Thrasher to protest against the trial of his cause coming on today.

Mr Thrasher informs me that the time allowed him to make a defence to the charges is not sufficient. He says that the two hours per day to have intercourse with friends has been too short, and that the military officer, whom he selected to defend him has not consulted with the legal counsel whom he has chosen, and who is of his naming. He says that his counsel have only had twenty four hours to examine the proceedings including the evidence which is much at length, and that after such examination only one hour remained of the time allowed, and that it is wholly insufficient to enable him to enter upon his defence to the charges against him.

Mr Thrasher asks me, as the Consul

of the United States within whose jurisdiction he is, to offer this protest. I do not know how far Your Excellency will allow me to proceed in this matter by Protest. but I desire by this communication to secure such rights as belong to Mr Thrasher as an American citizen, under the Treaty stipulations between the United States, and the Government of Spain.

I have the honor to be
Your Excellency's
ob^d serv^t.
(signed) A. F. Owen.

His Excellency
Sr D. José de la Concha
Gov^r Capt General
of the Island of Cuba
~~de de de~~

Consulate of the United States
Havana Nov. 15th 1857.

Sir

Mr J. S. Thrasher is in a

state of anxiety as to the course the cause against him is taking since his protest in Court, that the judgement should not be entered without allowing him every fair and legal means of defence, which he now avers has not been allowed him; saying that his defender or advocate never consulted him as to the best mode of defence, nor enquired of him what rebutting evidence he could bring, nor consulted the legal counsel of Mr Thrasher as to the points of law involved.

I am requested by Mr Thrasher to state to Your Excellency, that as an American citizen he is not amenable to the charge of Treason which he says is brought against him; and that he ought not in time of peace to be tried by a Court Martial wherein he has not been allowed a fair and free defence as he insists. He requests me to state to Your Excellency that the law in regard to Letters of domicile

incubus does not affect, in any degree, the rights of a citizen of the United States, nor deprive him of his rights as such, and that Letters of domicil are essentially different from Letters of naturalization.

Mr Thrasher requests me to draw Your Excellency's attention to the refusal, in August 1858, of the Government here to allow him to publish the paper called the "Fair Industrial," unless he would take out letters of naturalization, and that he presented, within the prescribed time, to Your Excellency a memorial in which he declined to take out letters of naturalization, and stating in the memorial that he had ceased to publish said paper.

Mr Thrasher requests me to say that this was a recognition of his rights as a citizen of the United States, and as showing that he was not then regarded as owing allegiance to Her Catholic Majesty The Queen of Spain, and that at that time

he possessed the same letters of
somicil. under which the right
to accuse, try, and sentence him
is now held. He requests me to
say that since that time he has
done no act by which he has lost
his rights, nor is he aware of any
law by the operation of which, he
has lost them.

Mr. Thrasher calls upon me, as the
Representative of the United States here,
to bring these facts fully to the at-
tention of Your Excellency, and to protest
against the infringement of the rights
of a citizen of the United States in his
person, and of the denial of justice
to him. He requests that Your Excel-
lency will allow him, or cause to be
allowed to him full and sufficient
time to make his defence, and that
he be furnished with full copies
of all the proceedings and evidence
in the case, to which he is entitled
by law, and by the treaty, and that
he be furnished with all documents
which he may deem necessary to

his perfect exculpation from the charges brought against him. Mr Thrasher requests me to draw Your Excellency's attention to the incompatibility of his being regarded at one moment as a citizen of the United States, and at another a subject of Spain.

I desire to repeat to Your Excellency that my object in presenting these views is to secure the rights of Mr Thrasher as a citizen of the United States, which are his by law and treaty.

I have the honor to be

Your Excellency's

Obt servt.

(signed) A. F. Owen

To

His Excellency

Sr D. Jose de la Concha

Govr & Capt Genl

of the Island of Cuba

&c. &c. &c.

Consulate of the United States
Havana Nov^r 16th 1851.

Sir

I am requested by Mr Thrasher
to ask and insist upon having
a copy of the order of Your Excel-
lency relative to the publication
of the paper called Faro Indust-
rial. It was issued, he thinks,
between the 1st & 10th of Sept^r 1850.

Awaiting Your Excellency's reply

I have the honor to be

Your Excellency's

ob^t serv^t

(signed) A. F. Owen.

His Excellency

Fr. D. Jose'de la Concha

Gov^r & Capt Genl

of the island of Cuba

fc. fc. fc.

Consulate of the United States
Havana Nov^r 21st 1851.

Sir

About 5 o'clock P.M. I received

from Mr John J. Thrasher a note
stating that the Fiscal had just
been to the Punta, and read to him
his sentence, the same having been
conformed to by Your Excellency,
of eight years to Punta. Mr
Thrasher requested to see me. I
called at the Prison immediately,
when he suggested the propriety of
my having an interview with Your
Excellency relative to his condemnation,
which I shall be glad to have at
the earliest hour it shall be con-
venient to Your Excellency to receive
my call for that purpose.

I have the honor to be
Your Excellency's
Obedt Servt
(signed) A. F. Owen

His Excellency
A. D. Vosi' dela Concha
Govr + Capt Genl
of the island of Cuba
&c. &c. &c.

Rec^d 10th Nov^r 1851.

(Genl) Secretaria Política.

He recibido dos comunicaciones de V.S. fhas 8 y 9 del corte ámbas relativas á la solicitud de Don Juan S. Thrasher, para que se permita á sus amigos entrar á verle á todas las horas del día en la fortaleza de la Punta, donde se halla arrestado; en cuya contestacion debo manifestar á V.S. que las horas de 12 á 2 del día, son las mismas que se hallan establecidas con aquel objeto en la referida Fortaleza, respecto á los individuos que, como Thrasher, se encuentran en estado de comunicacion; no siendo posible, en consecuencia, se alteren dichas reglas.

Dios que á V.S. m^{te} as. Habana
10 Nov^{re} 1851.

(signed) José de la Concha.

Sr. Consul de los Estados Unidos

Rec.º 23.º Nov. 1851.

(Real) Secretaría Política.

Adjunto remito a V. S. el permiso para que la señora madre de D. J. S. Thrasher pueda visitarle en el Castillo del Morro, donde se halla ahora hasta su salida para cumplir con su condena. También le incluyo otro para V. S. a fin de que ~~la~~ pueda ver siempre que tenga por conveniente, advirtiéndole que considerado ya D. J. S. Thrasher como presidinario le prevengo que en tal concepto no pueda escribir ningún documento sin que sea con el consentimiento del Comandante del Castillo del Morro, habiendo hecho detener ayer tres cartas cerradas que sacaba de la prisión su criado. Queda V. S. sin embargo autorizado para verle, y conferenciar libremente con el Sr. Thrasher mientras permanezca en esta plaza, y todas las horas en que es permitida la entrada en aquella fortaleza.

Dios que a V. S. m. a Habana
23 de Noviembre de

1857.

(signed) José de la Concha.

El Consúl de los Estados Unidos

Rec.^o 25th Nov. 1857 at 3 P. M.

(Ycal) Secretaría Política.

Se ha servido V. S. dirigirme dos comunicaciones en 12 y 15 del corrte, relativas ámbas á la causa de Mr J. S. Thrasher; y aunque sob se propone en ellas, segun dice, asegurar lo que llama los derechos de Mr J. S. Thrasher, como ciudadano de los Estados Unidos, mi deber no me permite entrar en contestaciones sobre los diferentes particulares q. comprenden.

Sabe V. S. muy bien, que ni los Consules son otra cosa que puros Agentes Comerciales, ni yo mas que un mandatario del Gobierno español en esta provincia para gobernarla con arreglo á las leyes y disposiciones que el juzgue oportuno establecer. Las

quejas y reclamaciones de Mr. J. S. Thrasher
están por lo tanto fuera de las reclama-
ciones que V. S. pudiese entablar en el
ejercicio de sus funciones Consulares, y á ellas
nunca me sería permitido contestar.

Mr. J. S. Thrasher se queja por conducto de V. S.
de q. se han vulnerado en él los derechos con que
se considera como ciudadano de los Estados Unidos,
cuando ha sido condenado por un tribunal de
justicia que segun las leyes de este país debe en-
tender en los delitos de conspiracion contra el
Estado, de que ha sido acusado. En este asunto
á V. S. solo puede corresponderle dirigirse á su
Gobierno, dándole los informes que estime justos
y convenientes, sobre la sentencia que ha recaído
contra Mr. Thrasher, y si diere lugar á alguna
reclamación, el Gobierno de S. M., mi Reyna, at-
tenderá á ella con la consideracion debida,
quedandome á mi el deber entretanto de hacer
cumplir los fallos de los tribunales de justicia
establecidos en esta isla, confiada á
mi mando.

Dios que á V. S. m. a. S. Habana 23 de
Nov. de 1857. (signed) José de la Concha.

J. Consul de los Estados Unidos.

Punta castle.

Havana Nov: 7th 1857.

A. F. Owen Esq.
Consul for U. S. A.
Present.

Dear Sir

I have just received an intimation from the Commander of this fortress that I must inform my friends they will only be allowed to see me from the hour of twelve until that of two o'clock of the day. Besides the inconvenience of this part of the day, it being during the hottest portion of it, I must protest against this turning what can only be considered a measure of security for my person pending my trial, into a punishment, the more severe from the fact that I have for eighteen days been debarred all communication with my friends and that not only my friendly relations but my business and my pecuniary interests now require a more assiduous

attention than under ordinary circumstances.

I would therefore request you to address an urgent communication to H. E. the Captain General requesting that the necessary orders may be at once given to the Commander of this fortress not only not to prevent my seeing and communicating with my friends at any hour of the day, as is the custom with other parties in confinement here but that no measures shall be taken here pending my sentence that shall in any way view me in the character of a criminal.

With a request that you will attend to this today as tomorrow is Sunday, I have the honor to be, Respy

Yr very ob^d serv^t

(signed) J. S. Thrasher

Punta Fortress Havana Nov 8th 1854

Allen F. Owen Esq.
Comd^g for the U.S.A.

Dear Sir

I addressed you a few lines

yesterday in regard to my friends
not being allowed to see me except
at the hours from twelve till two of
the day with a request that you would
elevate the same to H. E. the Captain
General.

I have had the mortification to
learn that the Commander of this
fort has repeated that order to the
guard of today, and that several of
my friends have been refused permis-
sion to see me.

This is contrary to the usage in this
fortress where other prisoners are allow-
ed to receive the visits of their friends
during all hours of the day - it is
contrary to justice thus punishing
me, and in the most severe manner,
to the prejudice of my interests, and
the wounding of my feelings, before
~~my trial has been concluded - and~~
I must protest in the most urgent
manner against it.

I beg you will today address an-
other urgent communication to
his Excellency the Capt General,

requesting that this evil may be removed, and not repeated for I am well convinced it emanates from personal pique of the Commander of the fort, and not from any demerits of my own.

Respy

Your very obdt servt
(signed) J. G. Thrasher

Punta Prison

Havana Nov. 15th 1851.

Allen F. Owen Esq.
Commr. for the United States of America.

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 herein do most solemnly aver has not been allowed me, my nominal defender or advocate never having in any manner consult-

-ed 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 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 nonamenable-
-bility to the charge of Treason which they bring forward against me; the incongruity of trying me by a Court martial in time of profound peace; and the injustice of refusing me there a fair and free defence.

Besides the evident and well known state of the law in regard to white colonization in this Island, by which domiciliary letters are granted to foreigners without effecting 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 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 our own if necessary.

About the middle of August of last year (1880) I started as a matter of speculation, the paper entitled "El Pro Industrial de la Habana". I presented to the Censorship an Editor, other than myself, and who was a Spanish subject, and undertook myself only the printing and publication of the paper. For reasons best known to the Government an order was issued by the Capt. Genl. (which I would 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 naturalization. Within the pres-

cribed term I replied to the order in a memorial which I presented to the Capt. General declining to take out letters of naturalization, and stating that I ceased 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 operation 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 duirance, and 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 I have placed them.

I call upon you therefore, as Consul of the United States, and representative here of our common country and government, to bring these facts forcibly and ~~urgently~~ to the knowledge of the Government of Cuba; to protest firmly and energetically against the infringement of the rights of an American citizen in my person, and the denial of justice to me; and to ask from the Capt. General that there be accorded to me a proper and 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 and by treaty; and that I may be freely 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 incompatibility of considering me at one moment an American citizen, and at another a Spanish subject; the impossibility of my holding allegiance to two powers at the same moment; and that the Government here, having viewed me in the light of a foreigner and as not holding the allegiance of a Spanish subject, allow me to prosecute my exculpation and 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 and energetic action in my behalf.

I have the honor to be

Yr very obt. servt.

(signed) J. J. Thrasher.

Punta Prison

Dear Sir

I have just received a private communication to the following effect:
"you are sentenced to eight years presidio - the Auditor of war will approve it - Perhaps the Captain General may reserve the right to alter the sentence, but I doubt it as it has emanated from his will - it is said you will be sent to the quick silver mines."

You will see by this that there is but little time left, & it requires energetic action, as all steps after the sentence will be naturally attended with delay.

Do me the favor to write strongly to the President, as I understand the New York steamer is delayed until tomorrow.

Respy Yours
(signed) J. S. Thrasher

Nov. 15th

To A. F. Owen Esq.
bome for the U. S. A.

Recd to the Secy Mr. Abbott

Jackson Miss

25th Novr 1854

Hon. Gerrit Wetten

Secretary of State of the U. S.

Dear Sir

I have the
honor to enclose my official Bond as
Consul of the United States at Havana
with the proper Certificates endorsed
thereon. In a in obedience to direc-
tions contained in your letter of
the 7th inst I state that I was
born in the State of Tennessee, and
have never resided Cuba.

Your obedient serv^t

W. Sharkey

Recd & H. Dear Mr Abbott
No 31

Consulate of the United States
Savannah Nov^r 27th 1851

Sir:

I have the honor to enclose to you
herewith duplicate of my com-
munication No 30 with copies of
the papers that accompanied the
original. I now beg leave to lay
before you a copy of my commu-
nication to the Capt. General
dated 23rd Nov^r & referred to in my
letter to you, asking at Mr
Fraser's request for a commu-
tation of his sentence. But His
Excellency states in a letter to
me, of which I have the honor to
send you a copy, that it is not
in his power to accede to the
petition; and that no other resource
is left for Mr Fraser, but to
apply to Her Majesty the Queen
of Spain.

I have therefore presented to
the Captain General a Petition
of Mr J. J. Fraser, asking

for copies of the proceedings against
him to submit to the Queen.

Mr. Thrasher has this morning
left this port in a Spanish vessel
bound to Vigo in Spain.

I have the honor to be
with great respect

Yr Obedt servt.

A J O W M

Hon^{ble} Daniel Webster
Secretary of State
of the United States.

Copy

Consulate of the United States
Havana Nov^r 23^d 1857

Sir

I have received from Mr J. S. Thrasher, a communication in writing, which bears date the 22^d Inst. in which he uses the following language.

"Will you make interest with the Captain General to have my sentence commuted to banishment from the country?"

As the Consul of the United States for Havana, within whose Consular jurisdiction Mr Thrasher is, I respectfully solicit from Your Excellency the commutation of the sentence in this case, upon the terms mentioned by Mr Thrasher, and which I have quoted above.

By sending Mr Thrasher from the Country, it will put it out of his power (even if he desired such a thing) to intermeddle with the affairs of Cuba; and I trust it

will meet Your Excellency's views
to accede to this request. If however,
it should not, I desire to request
that Your Excellency will give di-
rections for a continuance of the kind-
ness which has been shown to Mr
Thrasher since his arrest, imprison-
ment, and trial. I which I assure
Your Excellency, is acknowledged and
appreciated by Mr Thrasher and his
friends.

I have the honor to be
Your Excellency's
Oblt servt.
(signed) A. F. Owen.

His Excellency
Sr D. José de la Cocha
Govr & Capt. General
of the island of Cuba
fc. fc. fc.

Copia

(Seal) Secretaría Política

He recibido la comunicacion de V. S. de 23 del actual, transcribiendome los terminos en que el presidiario J. S. Frasier se ha expresado en la carta que le ha dirigido, y que son los siguientes.

"Quiere V. interesarse con el Capitan General para conseguir que se conmute mi sentencia en destierro del pais?"

No me es posible acceder á esta solicitud, ni tampoco complacer á V. S. en la que me hace con este mismo objeto, pues no está en mis facultades, habiendo sido ya aprobada la sentencia.

En la situacion en que se encuentra el interesado no le queda otro medio para alcanzar la gracia que pretende, que dirigirse á S. M. la Reyna, mi Señora.

Dio, que á S. M. A. P. Habana 25 de Nov. de 1851. (signed) José de la Concha.
Sr. Cónsul de los Estados Unidos.

Recd 26th Dec Mr Abbott

Consulate of the United States,
Havana December 2^d 1857.

Sir,

I herewith have the honor to
inclose a paper written and signed
by Mr J. S. Thrasher.

His friend, a Mr Charles Tying,
informed me that he had already
forwarded two copies (to Newspaper
Editors in the U. S.) of this production.

What you will think of such a
paper, it is not for me to say,
but I must do myself the justice
to inform you that I should not
have thought of sending it except
at the urgent solicitation of Mr
Thrasher, whose request, I do not
feel at liberty to decline.

You will observe that Mr Thrasher
has "solemnly affirmed", that he
never had any connexion with
the parties who invaded this Island &c.
If this be true, he has been unfortunate,
& has done himself great injustice,
for I believe I have not heard a

person of respectability and
candor speak upon the subject,
who has not said that he believed
Mr Thrasher was very deeply
implicated in the affair of the
invasion of the Islands.

I have the honor to be,

Yr. obt. servt.

J. H. C. W. L.

For Mr. Daniel Webster
Secretary of State
of the United States,

In a dungeon of the Pinta Castle
Havana November 21. 1857.

To the Government of the United States of America
and to my fellow Countrymen.

An American Citizen deprived of liberty
and denied justice respectfully begs leave to lay before you
the following facts and appeal.

Upon landing from the Steamer Georgia on the
16th of October last I was suddenly and without previous
accusation arrested and taken to the office of the police
On searching my person and that of a gentleman who
accompanied me, no papers or letters of any kind were
found upon either of us. We were then taken to the
Hotel where I boarded, accompanied by the Chief of
Police, who demanded to be shown my room. On
ascertaining that I had no room there, we were
taken to my residence and all my papers seized.
The gentleman who was with me was then put at
"liberty". Myself and all my books and papers
were taken to the residence of one of the police
Commissioners where four days were occupied by
two government interpreters in reading my letters.
On the 21st of October I was thrown into

a dungeon of the City Prison and all communication with any person strictly prohibited - On the 25th I was removed from present dungeon and the fiscal of the Military Tribunal made his appearance and began a judicial examination. On the 26th inst. this was continued, and then I saw no one until the 4th inst. when the questioning was proceeded with, and on the 6th I was again questioned and finally informed that I was accused of Treason.

At the same time I was required to select one from a list of officers that was presented to me, who should conduct my defence. Not knowing any of them I chose at random, supposing he would consult with me and with my legal advisers, as is usual in such cases, in regard to my defence. On the 7th instant I was, for the first time allowed to see my friends and to consult with them as to the best course to pursue -

I conferred with our Consul and he passed several communications in my behalf to the government here, all of which have been utterly disregarded and not replied to. On the 11th I was informed that I was to be brought up the next day for sentence - I immediately wrote

I to my nominal defender requesting him to come at once to consult with me and to bring with him the proceedings, which are in writing. He replied verbally that he would come in the afternoon. He did not come and I extended at once a protest against the proceedings, alleging that I had not been heard, and that neither myself nor my legal advisers had been consulted for a proper defence. I sent this to the President of the Military Commission, that night, who refused to receive it saying it could only be admitted by the Captain General.

The American Consul, Mr. Owen, as soon as informed of this, proceeded to the palace and protested against sentence being pronounced as I had not been heard in defence. In the morning my nominal defender came to my prison to inform me that he had been allowed by the Court only forty four hours to prepare my defence, that he had been occupied till that moment examining the proceedings, which are voluminous, and that within an hour he must return them to the fiscal.

On the 12th I was taken before a Court

Marital composed of a Brigadier Genl and six officers of the Army. The testimony & proceedings were read before I was brought into Court, which is contrary to law and to customs, and when brought in I was asked what I had to say to the charges against me. I replied that I had not been furnished with a copy of the charges, that I had been denied access to the proceedings and testimony, that my nominal defender had neither consulted with me nor with my counsel, and that I now asked that my protest and petition for stay of proceedings should be admitted. I was told by the President of the Court that it should be considered. I was then remanded to my dungeon & heard nothing more of the proceedings until today when I have been formally notified that I have been sentenced to Eight years labor in chains at Ceuta, in Africa, with payment of costs.

It is unnecessary for me to enlarge upon the impropriety of bringing me before a Court martial in a time of profound peace, on the injustice of sentencing me without a hearing, on the utter contempt of international law, civil rights & treaty stipulations in my trial; or upon the wilful

2. disregard of the Constitution and rules of the very court which has assumed a jurisdiction over me without right, has tried me without a crime, and has sentenced me without defence.

The government that has the power and the will to commit these acts is beyond the reach of reason, and my only resource is to appeal to the physical power of our own government for that protection which its moral power has not been able to extend to me; - and to ask from my fellow countrymen such Countenance as will encourage the Executive in the manifestation of firmness, and carry some appreciation of national rights and national duties to the hearts of the unscrupulous rulers of Cuba.

I solemnly affirm that I have never had any connection with ~~the~~ ^{any} parties which have invaded this Island, and that the only grounds for hatred to me on the part of the government and a rancid portion of the population here are, that I am an American, that I refused to change my nationality one year since when required by this government to do so or to abandon the business I was then engaged in; that I encouraged so far as I was able those of my unfortunate countrymen who were captives here; and that in the Court I had the independent spirit (they call it audacity) to rely upon my

innocence and my rights as an American Citizen.

Having been denied justice I now ask
at the hands of the American government and
the American people that liberty of which I am
so iniquitously deprived - all the horrors of
the Spanish galleys are before me, and my
only hopes are in the sympathies of my coun-
trymen and the prompt action of our national
government.

C. J. Frasher

Rev. Mr. Geo. W. Allen
No. 32.

Consulate of the United States
Havana December 24. 1857.

Sir,

I received yesterday your communication of the 12th ult. addressed to the "American Consul or the Acting American Consul at the Havana". You state in the first part of that communication that you "have addressed it in that manner from an apprehension that Mr Owen may have left Havana before it shall arrive there". As I have had no official notice of my dismissal from office, I have not felt at liberty though it has been my desire to leave this city.

I observe in your letter that mine of 29th October with its inclosures had been received at your Department. Since that date, I have had the honor to address you on the subject of Mr. Franklin's affair for com-

communications, on the 15th 17th 25th
 & 27th of November, accompanying
 copies of all the correspondence that
 has passed between the Capt General
 and myself, and ~~between~~ ^{communications to me.}
 Thrasher's ~~expressly~~ Duplicates
 of the same have also been
 forwarded, and it is expected
 that ere this reaches you, those
 letters and papers will have under-
 gone your examination.

From the information I have
 been enabled to gather in relation
 to Mr Thrasher's residence here,
 I can say, that he first came
 to the Havana about seventeen
 years since (in 1833) when he was
 a mere youth; that he commenced
 as a clerk in mercantile houses;
 afterwards became a partner of a
 Mr Charles Tyng —, under the firm
 of Charles Tyng & Co. ship brokers
 and Commission merchants; this
 partnership was dissolved some three
 or four years ago, and he went
 to the United States, where he remain

some months, and returned here
as agent for a Mercantile House
in the United States; then he
returned to the States, and again
came back to Havana. This
last return was about the end
of 1849, or commencement of
1850. What business he did at
this time, was unknown, but
it was supposed that he was
a correspondent of one or more
newspapers in the United States.
Then in the month of July or August
1850, he rented or bought the news-
paper called the "Paseo Industrial
de la Habana". His difficulties to
obtain permission to publish the
paper are referred to in one of
his letters to me, copies of which
have been sent.

✓ In the papers sent to you, about
Mr. Trasher, you will discover
all that you wish to know in
relation to his arrest, imprisonment,
trial, and sentence, and his final
transportation to Spain.

As it is said that the Government
here founded their right to try Mr
Thrasher upon the fact of his
having a domiciliary letter
(which Mr Thrasher refers to in
one of his letters to me) I send you
copies of the Royal orders on the
subject of domiciliary letters;
and also copies of the oaths re-
quired before such letters are
issued; and likewise the form
of the letter of domiciliation.

I have the honor to be, Sir,

Yr Obedt servt

A F O'BM

Hon^{ble} Daniel Webster
Secretary of State
of the United States

Law 8th established by Royal order
of 12th July 1791 Title 2^d

Consequiente al punto ante-
cedente se dirige este á arreglar
el modo de gobernarse con cada uno
de los extranjeros, segun sus diferen-
tes calidades de avecindados ó
transeuntes; pues los avecindados
deberán ser Católicos, y hacer ju-
ramento de fidelidad á la Reli-
gion, y á mi Soberanía ante la
Justicia, renunciando á todo fue-
ro de extrangeria, y á toda relación,
union, y dependencia del país en
que hayan nacido, y prometiendo
no usar de la protección de él, ni
de sus Embaxadores, ministros, ó
Cónsules; todo bajo las penas de
galeras, presidio, ó espulsion abso-
luta de estos Reynos, y confiscación
de sus bienes, segun la calidad de
las personas, y de la contravencion;
y los extrangeros transeuntes serán
notificados de no permanecer en
la Corte sin licencia, que deberán
obtener por la Secretaria de Estado

dentro del término que se les se-
ñale; lo que se hará según el moti-
vo y calidades de las personas, aun-
que reduciéndolas á términos breves
proporcionados á la necesidad, y
perentorios.

También deberá notificarse á
los que se declaren transeúntes,
que no pueden ejercer las artes
liberales, ni oficios mecánicos,
en estos mis Reynos sin avecin-
darse, y por consecuencia no pue-
den ser mercaderes, ni vendedores
por menor de cosa alguna, enaños,
modistas, peluqueros, zapateros, ni
médicos, cirujanos, arquitectos ha-
á menos que preceda licencia, ó
mandato expreso mio; comprendien-
diéndose en esta prohibición la
de ser criados, y dependientes de
vasallos y súbditos míos en estos
dominios. A las personas de tales
oficios y destinos se les darán quince
días de término para salir de la Cor-
te, y dos meses para fuera de estos
mis Reynos, ó habiéndolo renunciado

en el mismo término de quince días el fuero de extranjería, averse-
ciudarse, y hacer el juramento que
va explicado, con sujeción a las
penas mencionadas.

Royal Order of 21st October 1813. Oct 24th

Pasados los cinco años, y quene-
do naturalizarse los extranjeros ex-
tranjeros, ocurrirán al Gobierno
con su carta de domicilio, y mani-
festarán que se obligan a permane-
cer perpetuamente en la Isla.

El Gobierno tomará los informes
oportunos, y resultando calificadas
sus buenas calidades, residencia
continua de los cinco años, arraigo,
o industria, les admitirá a prestar
el juramento de naturalización,
en el cual prometerán fidelidad
a la Religión Católica, al Rey, y a
las Leyes, renunciando todo fuero,
privilegio, y protección de extranjería,
y ofreciendo no mantener dependen-
cia, relación, y sujeción civil al
país de su naturaleza, con el

plificación de que esto no comprende las relaciones o correspondencias domésticas de familia o parentela, ni las económicas de bienes o intereses que podrá mantener todo extranjero vecindado en.

In conformity with the foregoing Royal Orders, when a foreigner wishes to settle in the Island, he must, before the expiration of three months, take out a domiciliary letter (carta de domicilio). Licenses being required to travel on the island, none ~~are~~ ^{are} granted to ~~xx~~ foreigners & that had not the "cartas" but for fifteen days at the expiration of which they must return to the place where the ~~travelling licenses were~~ ^{were} granted.

Before a Carta de domicilio is issued by the Government, the party applying for it, must give his name and those of his parents, state the place of his nativity, & his trade or occupation, and also

if he brought any property into the island. He must make oath of his being a Roman Catholic, and that his parents were of the same Religion. After which he takes the following oath before the Notary Public, & subscribes it.

"Acto continuo se le recibió juramento al expresado (name of the party) bajo del cual prometió fidelidad a la Religion Católica, a S. M., y a las Leyes, renunciando todo fuero, derecho y protección de estrangeria, ofreciendo no mantener dependencia, relación, ni sujecion civil al pais de su naturalera, explicandole que esto no comprendia las relaciones domésticas de familia y parentesco que podia conservar, ni las económicas de bienes e intereses, y firmó de que doy fé.
(Signature of the party) (Signature of the Not. Public)

After which the domiciliary letter is given to the party, and

in the following form.

Por cuanto (name of the party)
ha hecho constar por los medios
correspondientes que profesa
la Religión Católica Romana;
y concurriendo en él las demás
calidades y circunstancias pre-
vistas en la Real Cédula de 21
de Octubre de 1817.

Por tanto al expresado (name)
que es de nacion de estado
de edad de años;

de profesion le concedo
esta carta de domicilio, con la
cual podrá establecerse en el
lugar de esta Isla que le conven-
ga, ejercer su oficio ó profesion
y gozar de todas las gracias
y franquicias concedidas por
S. M. en la expresada Real Cédula
debiendo presentarse con esta carta
a la Comision del Gobierno encar-
gada del asunto para lo que corres-
ponda, y valer por el tiempo de
cinco años, pasados los cuales

ha de solicitar la de natu-
ralizacion, o usar este colono
de su libertad de salir de la
Isla, segun le conviniese.

Dada en la Habana, firmada,
sellada, y referendada por el in-
fante Secretario de la Capita-
nia General, encargado de lo po-
litico, y anotada en su libro
correspondiente a de
de 18...

(signature of the Govr & Capt Genl.)
(ditto of the Political Secretary)

Translation

Law 8th established by Royal order
of 12th July 1791. Title 2^d

In pursuance of the foregoing, the present decree is issued for the purpose of settling the rules of conduct to be observed towards all foreigners, according to their different capacities of domiciled or transient; In as much as domiciled foreigners must be Catholics, and take the oath of fidelity to the Catholic Religion, and to my Sovereignty before a Court of Justice, renouncing all alien privileges, and abjuring all relation, union, and dependency to the country of their nativity, and promising not to avail themselves of the protection of the latter, nor of its Ambassadors, Ministers, or consuls; all of which, under penalty of the Gallies, imprisonment to hard labor, or absolute expulsion from these realms, and confiscation of their property, according to the condition of the individual and the nature of the transgression; And transient foreigners shall be notified, that they are not to remain in the Royal District, / Corte / without licence, which

they must obtain through the Department of State, within the period of time which may be specified to them: all of which shall be done, according to the object and condition of each individual, though limiting said licence to a short period of time, in proportion as necessity and peremptory circumstances may require.

Those who announce themselves as transient foreigners, shall also be notified, that, without becoming domiciled, they cannot exercise the liberal arts, nor be engaged in mechanical pursuits in these my realms, and that consequently, they cannot be merchants, nor sellers of any thing whatever, nor Tailors, costumers, wig makers, shoe makers, nor physicians, surgeons, architects, etc. unless a licence to that effect, or express order from me, shall previously have been issued: this prohibition comprising also the inability, on their part, to perform the functions of servants and dependants to any of my vassals and subjects in these dominions. Persons thus circumstanced, shall be allowed fifteen days time to leave the royal

District, and two months to passport of the boundaries of these my realms or, they must renounce, within said period of fifteen days, all alien privileges, become naturalized, and take the required oath, subjecting themselves to the penalties above mentioned.

Royal order of October 21st 1817. Art. 24th

At the expiration of the five years, on the foreign colonists desiring to become naturalized, they shall apply to the government, each with his domiciliary letter, and declare their willingness to bind themselves to remain perpetually in the Island. The government shall institute the necessary inquiries and on being proved that they possess the proper qualifications, of five years of uninterrupted residence, landed property or vocation, they shall be admitted to take the oath of naturalization, by which they must promise fidelity to the Catholic religion, to the King, and to the laws, renouncing all alien privileges

of protection and others, and promising to preserve no dependency, relation or civil allegiance to the country of their nativity, with the understanding that this does not include the domestic relations or intercourse with the family or relatives of the individual naturalized, nor the management of his property or interests, which all adopted citizens of foreign birth, will be at liberty to preserve. etc.

Form of the Oath taken before the Notary public on receiving the Homiliatory letter

In continuation of the above, the aforesaid individual (name of the party) was admitted to take the oath, in virtue of which, he promised fidelity to the Catholic religion, to H. M. and to the laws, renouncing all alien privileges, and all title to protection as foreigners, pledging himself to preserve no dependency, relation or civil allegiance to the country of their nativity, with the understanding, that this does not include

the domestic relations to his family
and relatives, which he is at liberty to preserve,
nor the management of his property or
interests: the above was signed by him,
to which I bear witness."

(Signature of the party) (Signature of the Not. public)

Form of Homiliatory Letter.

In as much as, (name of the party)
has given evidence, through the medium
prescribed, that he professes the Roman
Catholic Religion, and being in possession
of the other requisites and qualifications
prescribed in the Royal Decree of October
21, 1817.

Therefore, I grant this letter of Homilic
to the aforesaid (name) who is a native
of of the condition
aged by profession

in virtue of which letter, he will be at
liberty to establish himself wherever he
thinks proper in this Island, exercise his
calling or profession, and enjoy all the
privileges and immunities granted by
His Majesty in the aforesaid Royal Decree;

it being incumbent upon him to present himself with this letter, before the Commissioners of the Government, who have charge of the matter, for whatever may require to be done in the premises; said letter being good for the period of five years, at the expiration of which, the naturalization papers must be asked for, or said Colonist use his freedom to depart from the Island, according as he may think proper to do.

Given in Havana, signed, sealed, and countersigned by the Undersigned Secretary to the Captain General, and charged with the affairs of the Political Department, and entered by him in the proper book, on the of 18.

Signature of the Gov & Capt General
Title of the Political Secretary.

Recd 23d Dec Mr Abbott

Consulate of the United States,
Havana Dec 8, 1857.

Sir;

I have the honor to ~~send~~
herewith ^{inclosed} copies of two letters,
addressed by me to the Capt.
General, dated respectively
by the 5th & 8th inst.

John Morland Esq. will
act in the discharge of the
duties of this office till
the arrival of the newly
appointed Consul & he
shall be ready to enter on
the same.

I have the honor
to be Yr. off. Servt.
A. J. M. L.

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

Consulate of the United States,
for Hawaii Dec. 5th 1857.

Sir;

I shall have the honor
on Monday next - with leave
of Your Excellency - to ap-
ply for permission to ap-
point either John Morland
Esq., or Thomas Savage Esq.
- my capable & efficient sec-
retary - as the acting Consul
of the U.S. in this City, till
the newly appointed Consul
(who is said to be the Hon.
Wm. L. Sharkey of Missis-
sippi, a gentleman of
great private & public
worth, and who is worthy
of the consideration for
any official ^{of his Country} station,)
shall arrive & apply
for leave of Your Excel-
lency to act under

His Commission

I have the honor to be
Your Excellency's obedient

(Signed) A. F. Smith

His Excellency,

Dr. D. José de la Bodega,

Gov^r & Capt. General,

of the Island of Cuba,

H. H. H.

Consulate of the United States,

Havana, December 8, 1857.

Sir:

Though no official information of my recall from this Consulate has reached me, yet I cannot doubt the fact.

In view of this action, on the part of the President of the United States, I have the honor to request that Your Excellency will despatch me a Passport; it being my intention to sail, in the United States Mail Steamer, ~~Seahell~~, on the 15th inst.

for Charleston, South Carolina.

I also, respectfully, request,
that Your Excellency will ac-
knowledge John Morland Esq.
as acting Consul, or Commer-
cial Agent, of the United States,
for Havana, to discharge to
discharge the duties thereof, till
the arrival of the newly ap-
pointed Consul; she is a-
dy to enter upon the same.

I have the honor to be

Your Excellency's obedient

(Signed) A F Totten
His Excellency

Dr. D. José delatorrecha,

Gov^r & Capt. General,

of the Island of Cuba.

to be. to be. to be.

Recd Dec 13th

Dr. Abbott

Treasury Department

December 13, 1857

Sir

I have the honor to acknowledge receipt
of your letter of the 8th instant transmitting
the official bond of W. L. Shawkey Esq. appointed
United States Consul at the Port of Brunswick

I am respectfully

Yours obedient servant

W. H. H. H.

acting Secretary of the Treasury

Wm. Brewster Esq.

Brunswick, Maine

New York Jan 11/51

New Orleans

Dec 24th 1851

Sir,

I have the honor to inform
you that I have taken passage
for Havana on the Steam Ship
Empire City, which will leave
this Port tomorrow morning.

Yours obediently

~~Wm. L. Webster~~

Wm. L. Webster

Secretary of State

Recd. 11th Jan'y Mr Abbott.

Consulate of the United States
Havana December 27th 1851.

Sir

Your communication, addressed to the Consul or acting Consul of the United States, of 28th ult^o, was received at the Consulate in due course, asking information relative to Mr John S. Thrasher's case.

On referring to Mr Owen's last communication to you under date of the 2^d Inst. (duplicate of which I herewith enclose together with duplicates of the documents which accompanied it that referred to Mr Thrasher's case) I find the required information had been fully given, and nothing has transpired since to throw any more light on the subject; except that I have learned from the Agents usually employed to take out domiciliary letters here for foreigners, that the business has been done very loosely, and the

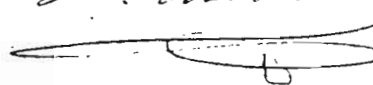
oath which the foreigner takes or is supposed to take, has been in many cases signed by Proxy, and never properly administered according to law. But in Thrasher's case I could learn nothing the records not being open for inspection.

I understand that Judge Sharkey will be here tomorrow.

I have the honor to be, Sir,
with great respect

Yr. obt. servt.

Mr. Otterland

 acting Consul

Hon^{ble} Daniel Webster
Secretary of State
of the United States.
Washington City.

Recd 7th Jan'y Mr Abbott.

Post of Havana
Dec 30th 1851

Sir

I have the honor to in-
form you that I arrived in this City
today. Mr. Owen left here several days
ago, leaving the office in Charge of
Mr. Montland. As yet I have not had
time to look into the affairs of the office,
but will soon more fully in a few days.

Very respectfully,

Your obt^d Servant

A. L. Shreve

Wm. L. Webster

Secretary of State
of the U. S.