

[175]

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN PURSUANCE OF A RESOLUTION

OF THE

HOUSE OF REPRESENTATIVES, OF THE 20th INSTANT;

INFORMATION,

NOT HERETOFORE COMMUNICATED,

RELATING

TO THE OCCUPATION OF AMELIA ISLAND:

MARCH 26, 1818.

Read, and ordered to lie upon the table.

WASHINGTON:

PRINTED BY E. DE KRAFFT.

1818.

To the House of Representatives.

I transmit to the House of Representatives, in compliance with their resolution of March the 20th, such information, not heretofore communicated, as is in the possession of the executive, relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized, and of those who were engaged, in the invasion, and previous occupancy of that island; of the unfriendly spirit towards the United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromit them with foreign powers, in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of Mr. Pazos, agent of commodore Aury, that the project of seizing the Floridas, was formed and executed, at a time, when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding, in every stage and circumstance, was unlawful. The commission to general M^cGregor, was granted at Philadelphia, in direct violation of a positive law, and all the measures pursued under it, by him, in collecting his force, and directing its movements, were equally unlawful. With the conduct of these persons I have always been unwilling to connect any of the colonial government, because I never could believe that they had given their sanction either to the project, in its origin, or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

Washington, March 23, 1812.

List of papers transmitted with the Message of the President to the House of Representatives, in pursuance of their resolution of the 20th March, in relation to the occupation of Amelia Island.

Extract of a letter to a gentleman in the District of Columbia, dated Baltimore, 30th July, 1817, with an enclosure, being

Copy of a letter from Sir Gregor M'Gregor, to a gentleman in Baltimore, dated Fernandina, 17th July, 1817.

The same to the same, dated at Nassau, N. P. 27th December, 1817, with an enclosure, being

Extract of a proclamation.

Extract of a letter to the Secretary of State, dated 24th December, 1817, with an enclosure, being

Directions for sailing into Tampa Bay.

Extract of a letter to the same, dated 13th January, 1818, with enclosures, being

Directions for sailing into Tortola.

Translation of letter of marque, and of naturalization, granted by Sir Gregor M'Gregor.

Extract of a letter to the same, dated 19th January, 1818.

Major J. Bankhead, and commodore J. B. Henley, to the President, dated Fernandina, 20th January, 1818.

Don Vicente Pazos, to the Secretary of State, dated 8th February, 1818.

Don Luis de Aury, to the President of the United States, dated Fernandina, 23d December, 1817.

Memorial of Don Vicente Pazos, to the President, dated Washington, 7th February, 1818.

Documents communicated with the foregoing memorial.

1. Commission of Sir Gregor M'Gregor—translation.

Letter from Don Luis de Clemente, to Don Vicente Pazos, dated Philadelphia, 15th January, 1818.

2. Don Luis de Aury, to Don Jose Manuel de Herrera, dated Galveston, 21st July, 1817.

Commissions and employments of Don Luis Aury, certified by Don Vicente Pazos, Washington, 7th February, 1818.

3. Report of the committee appointed by the assembly of Amelia Island, dated Fernandina, 12th November, 1817.

4. Certificate of sundry inhabitants of St. Mary's, Georgia, dated 19th December, 1817.

Certificate of B. Lewis of the same place, dated 20th December, 1817.

Certificate of James Monk, of same place and date, the whole attested by H. Johnson, clerk of the House of Representatives.

The Secretary of State, to Don Vicente Pazos, dated 5th March, 1818.

Department of State, March 25, 1818.

*Extract of a letter to a gentleman in the District of Columbia.**Baltimore, 30th July, 1817.*

The enclosed reached me this evening. Allow me now to relate in detail the particulars of my intercourse with General M'Gregor, whilst in this city, in regard to his objects.

The day after his arrival here, he sought an interview with me, through Mr. —, at my house, where he continued to visit me almost daily, during a residence of about two months. At first, he was impenetrably reserved and circumspect; vainly endeavoring to collect funds without venturing to communicate to those from whom he desired to command them, the specific point on which his proposed expedition was to operate. After some days, he told me, apparently with much candor and solicitude, that as he believed I possessed the confidence of the government, he would confide to me his plans and intentions.

At several times, he desired me to bear in mind our conversations, and requested, should events make it necessary, that is, should he succeed in getting a foot hold, that I would communicate them substantially to the government.

He declared his object to be, in the first place, to take possession of Amelia. Thence to wrest the Floridas from Spain, when he should immediately call on the inhabitants, by proclamation, to designate some of their most respectable fellow citizens to form a constitution on the model of some of the adjoining states. That so far as it might depend on him, he would encourage the existing disposition of the people in that section to confederate with the United States; leaving it to the will and policy of this (our) government, and to political circumstances, as they might arise, to indicate the most favorable time for their admission into the Union. That, in the mean time, he would endeavor to hold them as the most eligible *depot* to collect and organize the supplies necessary to the establishment of South American independence. In connexion with that great object, he was inclined to view the temporary possession of the Floridas, under a provisional government, as of the highest importance and utility.

He was, moreover, of opinion, that it would be compatible with the best policy of the United States, under the explanations here given, to connive at the occupation of them (Floridas) by a patriot force; because, in that way, the patriots might have access to the resources, and profit of the enterprising spirit of this country, without necessarily involving a positive violation of any of our strictly neutral, or pacific obligations.

To any complaint from Spain, he thought, we might sufficiently answer, that we were not responsible for any operations conducted beyond our jurisdiction, in a territory claimed by her. Thus, he

was of opinion, that our government might be relieved from the embarrassment resulting from the uncontrollable propensity of our citizens, acting under motives of cupidity, (or others more honorable,) to embark in the contest between Spain and her colonies, in favor of the latter, without paying, in all cases, a decent regard to the requirements of existing laws. That, in this way, we might enjoy the satisfaction of seeing that assistance rendered to the patriots indirectly, which are forbidden to be directly offered by our actual relations with Spain. I warned him, that he would have to encounter the suspicion of subserviency to the views of Great Britain, which, if entertained by our government, on the ground of strongly indicative circumstances, ought, and would prove fatal to his enterprise; against which he urged, that nature had so obviously decreed the Floridas to the United States, on their passage from the hands of Spain, that all apprehension of an attempt to hold them by any other power, must be rebutted by the gross and manifest folly of such an undertaking: unless as a pretext for gratifying a previous disposition to engage in a war with the United States, for some other object—the holding of the Floridas not being an attainable one.

In these views and opinions, he hoped the government of the United States would coincide with him, at least so far as not to interpose any obstacles—a measure to which he conceived them not invited by any sound view of the interests of the country, much less by any sense of obligation to Spain, to aid in preserving the integrity of her possessions.

Enclosed in the foregoing letter.

Head Quarters, Fernandina, 7th July, 1816.

MY DEAR SIR,

Long before you receive this, you will have learnt the capture of this place; I have therefore now to request, that you will do me the favor you promised me at Baltimore; that is, to communicate to your government my views in taking possession of this place. I shall look, with impatience, for your answer; and I trust you will not attribute my silence to any other motives than the true one—a want of time, and a multiplicity of business.

Any news or information that you have, relative to our affairs, I trust you will do me the favor of sending me, and that I shall at least have two of your letters to my one. I trust every thing will go on well here, although some of my materials are not of the best description; but this I must expect, when I consider that they are taken, at random, from a populous sea port town: they appear to be

much fonder of money than military fame and glory; but probably after a victory or two, they will feel themselves inspired with more martial sentiment.

I remain,

My dear Sir, most sincerely yours.

GREGOR M'GREGOR.

From the same to the same.

Nassau, New Providence, December 27th, 1817.

MY DEAR SIR,

I regret that I have not had an opportunity of answering your kind letter which I received at Amelia. I have not time to tell you all the reasons that induced me to leave Amelia, but I trust you have foreseen them. I think you won't blame me for not accepting of assistance from a set of ——— whom it would not have done me honor to be connected with. I have endeavored again to realize the plans we have so often thought and talked of. I trust the persons I have employed will not disgrace the cause of South America. You know my objects, and I am afraid I am unjustly blamed for the actions of those that have come after me. The scripture says "that the sins of the forefathers shall be visited upon their children." I trust the congress will not visit the sins of the progeny upon their father. On the other side, you have the extract of a proclamation about to be published by the person in charge of making the settlement. I leave this to day for England to arrange my private affairs, which, from the many years that I have been in South America, have not improved by my absence: my family remain here till my return.

Pray remember me to all those that ask for me, but particularly to ——— and his family. I will write you from Europe, and trusting that you will not altogether forget me,

Believe me,

My dear sir,

Sincerely yours.

(Signed)

GREGOR M'GREGOR.

P. S. If you write me, pray send to the care of Messrs. Hayes and Story, merchants, Liverpool.

M.

Extract of Proclamation.

"Inhabitants of the Floridas! I expect soon to see general M'Gregor among you again; he was animated by a sincere wish for your happiness, and only desired to see you free from the yoke of Spain, in order that you might legislate for yourselves. He was aware, that neither the population, nor the extent of the country, were such, as to make it desirable for you to remain long as an independent government, and that it was most advisable to solicit of your *own free will and accord*, your incorporation with some other state, that might be able and willing to protect you."

Extract of a letter to the Secretary of State,

Dated December 21, 1817,

"I yesterday obtained from some of my friends, the enclosed paper, which I lose no time in transmitting to you, for the information of the government. My friends who presented it, assure me it is the handwriting of general M'Gregor, written in their presence, at Amelia Island, about the last of August, or first of September last; but on comparing it with his signature to a commission for an armed vessel, which was shown me, I thought the handwriting differed, though I cannot doubt the veracity of my informants. Woodbine was present when this paper was given, together with the signals mentioned therein, which signals I have seen, and can obtain a copy of them, if necessary.

My informants, I have no doubt, are possessed of as much information of the views and plans of M'Gregor and Woodbine, as any persons in the United States. They are gentlemen of respectability and integrity, and have kept the affair a secret till this time, but on finding that the President had ordered possession to be taken of Amelia Island, they have thought it their duty, as good citizens, to communicate to me, for the information of the government, the facts within their knowledge.

The informants went to Amelia Island, in the month of August last, with a fine brig partly armed and manned at sea, for the purpose of trying their fortunes with the patriots so called. When they arrived there, they found things in a very bad way, M'Gregor and Sheriff Hubbard were in a high quarrel. Hubbard having busied himself among the people and soldiers, in persuading them that M'Gregor was too arbitrary in his government; and the general having expended all his money, it was not difficult for Hubbard to per-

suade him that his family and person were not safe on the Island. So M'Gregor took his family on board Hubbard's vessel, the Morgiana; he being then completely in Hubbard's power, attempts were made to extort from him the necessary delegation of powers for carrying on the government without him. At this time, my neighbors visited the general on board the Morgiana, and seeing his interesting family thus detained on board an armed vessel, full of lawless men, Mrs. M'Gregor being far advanced in pregnancy, they remonstrated with Hubbard, and finally obtained the release of the general and his family, and took them on board their own vessel, and gave up their cabin to them.

Their vessel was then christened the M'Gregor, and received the commission which I have seen, and which is now here.

They sailed from Amelia, in September, in company with a schooner, belonging to Woodbine, he being on board. Sometime after they had got to sea, general M'Gregor and family were put on board the schooner with Woodbine, and steered for New Providence, and the M'Gregor sailed for Rhode Island, under pretence of getting supplies off the coast. On her arrival off Block Island, the crew were discharged, the commission taken on shore, and the voyage abandoned; and the brig sailed for Tenerife with a small crew.

From what has been written, it may readily be supposed, that my friends had an opportunity of learning something of the plan of future operations of M'Gregor and Woodbine, and they believe it to be as follows: Woodbine persuaded M'Gregor, that he could find friends and funds in New Providence, and that a British regiment had lately been disbanded there, that they would pick up as many of the soldiers as possible, and with what negroes and others they could gather, would make a tolerable force. They were then to sail for Tampa Bay, a fine harbor to the northwestward of Cape Florida, where they were to be joined by 1500 Indians, already engaged to Woodbine, and invade Florida from that point; they are then to march across, and attack St. Augustine.

The reasons for abandoning the east side of Florida, were the impracticability of cutting off supplies from St. Augustine, by land, and it being too near the United States. Whereas, at the other side, they calculate to land without opposition, and march through a friendly country, that will afford them ample supplies, as they say, till they come near to St. Augustine; they can then invest it, and by cutting off all the communication with the country, the Spaniards will abandon it, as they think. I am assured that M'Gregor left no authority with any one to hold the Island for the Patriots. One of my neighbors was employed by colonel Irwin, to negotiate with M'Gregor for such authority, which the general absolutely refused to give, leaving him his commission only. His difference with Hubbard was such, that he would not give him a commission for the Morgiana as a privateer, contending that she ought to be a government vessel."

Enclosed in the letter of December 24, 1817.

The vessels must be at Tampa Bay, commonly called Espiritu Santo. I calculate to be at Tampa Bay, by the latter end of April, or first day of May, 1818. There are three bars, the northernmost bar is the best, having five fathom water; keep on the larboard shore going in. There is a small sandy key betwixt the northern and middle channel; upon this sandy key, there will be a flag staff; and on hoisting your signal, will be answered by the Florida flag, and a pilot will come off.

Extract of a letter to the same.

January 13, 1818.

I have only time at present to forward a blank commission from M'Gregor, which was intended to be filled by the holder for a vessel of the description therein mentioned; likewise a blank certificate of naturalization. Both these papers, with many others, were entrusted to my neighbor, B., who held a high commission under M'Gregor, and had authority to fill blanks, &c. By the caption of those papers, it will be seen what and how he styles himself. I likewise transmit a paper, in M'Gregor's hand writing, with directions for sailing into Tortola, &c.

P. S. Mr. B. saw M'Gregor's authority, and heard it read in public more than once. It was on parchment, with many signatures, among which were Bolivar's and Mina's. Lord Cochrane's expedition was connected with M'Gregor's, as B. saw several letters from his lordship to M'Gregor, and copies of M'Gregor's to him.

ENCLOSED IN THE FOREGOING LETTER.

Directions for sailing into Tortola.

Private signal and instructions for going into Tortola.

White and green cross at the fore. The entrance is wide, with plenty of water. Bring the fort to bear, and lay to under English colors, and the signal, till a boat comes off.

The agent's name is Bezshallwill; he can sell prize goods, and furnish provisions, at a moderate price, the same as at St. Thomas. Keep clear of the Island of St. Thomas. At Tortola, there are no troops, and the signal man at the fort, is my friend.

Enclosed in the same.

(Translation.)

Free Floridas. Letter of Marque. No. 8. Eight.

Citizen Gregor M'Gregor, brigadier general of the armies of the United Provinces of New Grenada and Venezuela, and general in chief, employed to liberate the provinces of both the Floridas; commissioned by the supreme governments of Mexico and South America, &c. &c. &c.

In virtue of adequate powers vested in me, and in conformity with the usages generally observed among nations, in making war on their enemies by all lawful means, and under regulations adapted to the case, I hereby grant permission to ———, commander of the schooner called the Lady M'Gregor, of one hundred and ninety-nine tons burden, eighty feet keel, twenty-four feet beam, and twelve feet hold, with a deck ———, head ——— and no figure; her armament consisting of ten twelve pounders, fifty muskets, twenty-five pairs of pistols, fifty cutlasses, ammunition in proportion, and a crew as set forth in her shipping paper, to cruize, for the term of twelve months, against the Spanish nation, and capture all vessels under that flag he may fall in with on the high seas, or in any ports belonging to the said Spanish nation; it being, at the same time, well understood, that he shall not interfere with the coasts or ports of neutral or friendly powers, nor approach them nearer than the distance of three miles from the land, unless forced to do so by stress of weather; and that he shall respect all flags belonging to the aforementioned powers not carrying on war against the republics of Mexico and South America; conducting himself civilly towards such vessels as he may fall in with on their passage, and taking care that the indispensable overhaul be made with all the attention due to their neutrality.

Given, signed by me, sealed with the provisional seal, and countersigned by my secretary, at head quarters, in the city of Fernandina, (Amelia Island,) the first of September, 1817, the seventh of the revolution, and first of the liberty of the Floridas.

(Signed)

GREGOR M'GREGOR.

[Seal—arms of M'Gregor.]

Countersigned

JH. DE YRIBARREN,

Secretary.

Enclosed in the same.

(Translation.)

Free Floridas. Letter of Naturalization. Provisional.

Gregor M'Gregor, brigadier general of the armies of the United Provinces of New Grenada and Venezuela, and general in chief employed to liberate the provinces of both the Floridas, commissioned by the supreme governments of Mexico and South America, &c. &c. &c.

Mr. — having taken the requisite oath of obedience to the free government of the Floridas, and given proof of his zeal for the cause of independence, I have granted to him, and do by the present grant him, the title and privileges of a citizen of the Free Floridas, enjoining all authorities, civil and military, under my orders, to acknowledge and consider Mr. — in that quality, protecting him and causing him to be protected, in the rights and privileges which of right belong to him; and I request the civil and military authorities and magistrates of the independent states of Mexico and South America to receive and acknowledge him, as if he were a citizen of those countries.

Granted and signed by me, sealed with the provisional seal, and countersigned by my secretary, at the head quarters of Fernandina, the thirtieth day of August, 1817—7th and 1st.

(Signed)

M'GREGOR.

[Seal.]

Countersigned **JH. DE YRIBARREN,**
Secretary.

Extract of letter to the same, dated January 19, 1818.

Since my letter, dated the 13th instant, was forwarded with the accompanying documents, I have had several conversations with B. in order to obtain the necessary information. In answer to the questions respecting M'Gregor's authority, he says, that he did ask him what authority he held, and from whom. He answered, his authority was from the Patriotic government, and showed him the parchment, the writing on which was in the Spanish language, it was often read in public, and had many signatures to it, among which were Bolivar's and Mina's.

He pretended he was authorized to establish a government, and grant commissions, &c. Irwin believed his authority was sufficient, and strongly urged him to delegate it to him on his leaving the island; but this M'Gregor refused to do, so Irwin acted on his commission merely. Yribarren, the secretary, told B. that he could get the same authority in Philadelphia as M'Gregor's, and B. advised him to come to this country with him, to which he assented; but Woodbine and M'Gregor urged him, and he continued with them. He is a fine young man, was born in Carraccas, lost all his relations there in the earthquake, and has since made the world his home.

B. is of opinion, that M'Gregor received regular instructions from Philadelphia, as he transmitted a voluminous account of all his transactions by him, directed to a person there.

When B. first arrived at Amelia, about the 18th of August, M'Gregor told him that the government of the United States was privy to his plans; but some time after, about the first of September, when B. called his attention to some publication in a Savannah newspaper which seemed to contradict that idea, he equivocated, or rather denied it. After Hubbard arrived in the Morgiana, without money, B. saw that M'Gregor was totally disappointed, as to supplies from this country. About the first of September, Woodbine and Freeman Johnson arrived at Amelia, in a schooner about 150 tons burden, from New Providence; M'Gregor had been expecting her for some time. She was an English vessel. He gave her a commission, and after coming out to sea, went on board her with his family, and has since arrived in New Providence, where he is, no doubt, granting commissions to such as apply for them. I do myself know Freeman Johnson very well, having been captured by him in his own privateer, in the year 1799. His father was then very rich, and a famous, or, rather, infamous, privateersman. This Woodbine is a strange man. He was in Havanna last winter, and left it just before I arrived there. He was taken up by the Spaniards for his conduct at St. Augustine some time ago, and was soon after liberated, he said on account of his holding a British colonel's commission. Some of my neighbors were well acquainted with him. Mrs. M'Gregor is a Spanish lady, said to be a near relation of general Bolivar.

Respecting Aury and his people, B. says, that when he was coming out of the harbor of Amelia, Aury was going in with his schooner. He came on board, and appeared to be well acquainted with M'Gregor, they having been together at the taking of Marguritta, or some other place. M'Gregor then went on board the schooner with Aury, and some of B's men went with them. They think no authority was given by M'Gregor to Aury; and M'Gregor observed to B. after Aury had left them, that if he had remained at the island till Aury arrived, he must have seized his vessel. Aury's vessel was full of negroes. B. knows nothing of those who composed his government.

In answer to the question, what countenance or assistance was expected from Europe?

B. says he saw letters from Lord Cochrane to M^cGregor, and the answers; that his lordship was expected in the West Indies, and would co-operate with him; that M^cGregor had an understanding, as he said, with the British admiral on the Jamaica station, and that the Green Cross (his flag) would be respected by him, and that he could go to Jamaica with his cruisers and his prizes.

On B's asking M^cGregor what he would do in case he should take Florida, and the Spaniards should be likely to retake it? He answered, that he would sell it to the United States for the most he could get.

M^cGregor gave as one reason for abandoning his expedition, that he had just received from the Patriots, a commission as lieutenant general, and must repair to head quarters for orders. But he said some contradictory things.

From all I can learn, by what M^cGregor has said and written, he expects to be treated hospitably in the British West India Islands, and the Bahamas. And what confirms me in this opinion is, that an adventurer came to this place in October last, and had a vessel fitted out, under pretence of going to Porto Rico, but as soon as she had got out of the harbor, guns and men were put on board, and a commission was procured for her to cruize against the Spaniards. And I have it from undoubted authority, that her prizes were to be carried to the Caicos, one of the British Bahama Islands. The adventurer was an Englishman, from Tortola, and one of M^cGregor's friends there.

This plan was frustrated, and his vessel seized.

Major Bankhead and captain Henley to the President, dated Fernandina, Amelia Island, January 10, 1818.

SIR,

If any additional testimony were necessary, to prove that general Aury had no authority to take possession of this island, it may be found in the documents under which he claims, the right to have acted as he has done. At his urgent solicitation we have carefully examined these documents, and from them it is evident that he has had no privilege or power granted to him, even for the establishment at Galveston and Matagorda, but that which he derived from Don Manuel D. Herrera, who, it appears, was sent by the Mexican congress as minister to the United States, but proceeded no further than the city of New Orleans. During his stay at that place, a correspondence was opened between him and Aury, and the plan of an establishment at Galveston agreed on. They met at that place, and formed a provisional government, of which Aury was made the go-

vernor, subject to the confirmation or rejection of the Mexican congress. Before any communication was had with the said congress, it was dissolved and dispersed by the Spanish forces; and Aury, having lost a number of his vessels on the Mexican coast, and unable to maintain his position, either at Galveston or Matagorda, sailed for this place, which he had heard was in possession of the forces under general M'Gregor. On his arrival here, M'Gregor had abandoned the post, which was then held by Hubbard and Irvin, with the rabble which had been collected from the streets of Charleston, South Carolina, and Savannah. After considerable contention for the supreme power, between Hubbard and this rabble, and Aury, and his black followers, the latter, from the influence of the money brought with them, prevailed, and hoisted the Mexican flag.

These facts we have no doubt are all known to you, but as our information is derived from the best authority, the documents in the possession of general Aury, and from creditable witnesses, we have thought it proper, and have, therefore, taken the liberty, to make this communication directly to you.

We have the honor to be, with sentiments of the highest respect, your most obedient servants,

J. D. HENLEY.

Commanding naval forces off Amelia Island,

JAS. BANCHEAD,

*Major 1st battalion artillery, southern division,
com. U. S. troops on Amelia Island.*

*His excellency James Monroe,
President of the United States.*

PAPERS COMMUNICATED BY MR. PAZOS.

(Translation.)

Don Vicente Pazos to the Secretary of State.

Don Vicente Pazos, commissioner of the authorities lately established at Amelia Island in the Province of the Floridas, has the honor to salute the Secretary of State, and to request him to have the goodness to lay the enclosed papers before the President of the United States, and also to inform him of the resolution that may be taken on the subject.

Washington, January 8, 1818.

(Translation.)

*Don Luis de Aury to the President.***MOST EXCELLENT SIR,**

On the 23d instant, I received a communication from commodore J. D. Henley, and major J. Bankhead, commanding the naval and military forces of the United States, informing me, that agreeably to the orders of their government, they were, without loss of time, to occupy the Island of Amelia, and the harbor of Fernandina.

Being convinced, that resistance with the inferior force under my command, would only be attended with the loss of many worthy republicans, on both sides, I considered it my duty to sacrifice every consideration to this. I therefore answered the said commanders, on the same day, that I should make no opposition; and on this day, the 23d, the Mexican flag was struck, and the flag of the United States hoisted.

In consequence of this event, no less unpleasing than unexpected, and in order that the government of the United States, may be correctly informed of the grounds, on which this part of East Florida, was dismembered from the dominions of the king of Spain, by the arms of the Independent States of South America, I have appointed citizen Don Vicente Pazos, to undertake the said duty, and at the same time, to secure and demand reparation for, and place on a safe and sure footing, the injured rights of the said States. Of all which, I have the honor to inform your excellency.

God preserve you many years!

(Signed)

AURY.

Head quarters, Fernandina, 23d December, 1817, and 8th of independence.

 (Translation.)

Don Vicente Pazos, commissioned by Don Luis de Aury, captain in the navy of the Independent States of Mexico and New Grenada, political and military chief of the Island of Amelia, and general in chief of the sea and land forces, destined to expel the authorities of the king of Spain, from the province of the Floridas, addresses the chief magistrate of the republic of North America, to

explain the grounds, on which that Island was taken possession of by the arms of the independent governments of South America; and to demand reparation for the violation of the rights of the new republics, by a neutral nation; and has the honor to offer the following explanation to his excellency James Monroe, President of the United States of America, to wit:

That the Island of Amelia having been captured and occupied by force of arms, by the forces of the independent republics of South America, agreeably to the usages of nations in a state of war, and consequently, dismembered from the Spanish monarchy, a necessity has arisen to-day before his excellency, the violation of the rights of those republics, to declare the injuries they have sustained, and to demand reparation. But, at the same time, he has the satisfaction to assure his excellency, that he has received very positive orders, to testify the most profound respect for the great American nation, and the chief who so worthily presides over it. Penetrated with these sentiments, on commencing the execution of my commission, I feel myself greatly embarrassed by the unfortunate circumstances which have taken place in that Island, the fatal consequences of which, cannot fail to have a powerful influence on the new states, in their present vicissitudes, and absolutely to paralyze the emancipation of the Floridas, still occupied by the authorities of the king of Spain.

It is also my duty to express to your excellency, the admiration and veneration felt by the patriots of South America, for the government of the United States, and their high respect for that illustrious people, who so nobly prepared, and is still preparing the way for the emancipation and the liberties of the New World. Impressed and familiarized as they are with these ideas, they cannot fail to be sensibly affected by these unfortunate events, it being, in truth, impossible to recollect them, without great concern: nothing, however, shall influence my expressions, in stating the differences between people, who are brethren, being convinced, that they are united by bonds, which nature itself has formed, and that these fraternal relations, cannot but carry the United States to the highest pitch of glory and prosperity.

There are but few persons, most excellent sir, who are ignorant of the unfortunate situation of the people of South America, during the period they were subject to the dominion of Spain, which debarred them of all communication with foreign nations. By this despotic and suspicious government, jealous of every kind of knowledge and information, they were kept in the darkest ignorance, and by the rapacity of the subaltern agents sent from Spain, subjected, with impunity, to every degree of oppression, injustice, and vexation.

These sufferings, aggravated by the vicissitudes of the Spanish monarchy in Europe, combined with the contempt for, and scandalous privation of the enjoyment and possession of their natural

rights, gave rise in 1810, to their re-assumption, after being denied and usurped by their tyrants during three centuries; their governments were immediately framed upon popular principles; and although this great work partook of the inconveniencies common to all revolutions, and to the sanguinary system adopted by the Spanish government with a view to paralyze it, the efforts of the patriots triumphed, and their power and authority were established. By this political transformation, the people were inspired with vigor and enthusiasm, and the spirit of independence which secured their general liberty, was rapidly spread throughout the whole of the American continent, that is, in Mexico and Guatimala, New Grenada and Venezuela, in Rio de la Plata and Chilé, and in different parts of the viceroyalty of Lima

The population of the New Republic amounts to near eighteen millions of souls, and their territory extends from Bahia de San Francisco, in 34° north latitude, to Cape Horn, forming an extent of 88° of latitude, and including countries of every climate—the torrid and temperate zones—the best climes, producing the most precious and richest fruits, superior in quality and variety to those of all other parts of the world. Its coasts are washed on one side by the great Pacific Ocean, and on the other by the Atlantic, forming an isthmus, where the waters of both seas mingle, by means of rivers, easily rendered navigable. A country, in fine, intersected and fertilized by the greatest rivers in the world, that may be navigated for hundreds of miles.

Countries so favored, and abounding with a numerous population, could no longer remain under the Spanish yoke, confined to the pitiful and exclusive trade of Cadiz. Their interests loudly called for an intercourse with all nations, through the medium of a free and unrestricted commerce. Besides, the friendship of a people possessing such rich and varied productions cannot be viewed with indifference by any commercial nation; and their efforts to open the sources of their riches to the industry of all civilized communities must doubtless excite a general interest in their favor, and procure them the countenance and support of all nations.

In their determination to throw off the Spanish yoke, the South Americans were not influenced by the apprehension or anticipation of future evils. Their lot was notorious, and consigned to the page of history: their sufferings and miseries, while they called on heaven for vengeance, displayed the debasement and degradation of the human race. The most wretched of mankind would not exchange his lot with an American, subject to the king of Spain—deprived as he is of his natural rights, of the protection of law, and of all justice and equity.

Such was the state of the Spanish colonies, when a spark from the flame of the altar of liberty, whose temple is in North America, flashed forth, and rapidly spread to the south, to cheer the fainting hopes of its inhabitants. But as a people may be enslaved a longer

or a shorter time, by the machinations and arts of arbitrary power, and their minds benighted by ignorance and the shackles forged by despotism to enchain its victims, a length of time was necessary to ascertain the true means of guiding them in the path of that liberty, the passion for which is never extinguished in the human breast.

The abuses of the Spanish government increasing with the misfortunes of the monarchy in Europe, the South Americans then determined to manifest their sentiments on the amelioration of their lot, and to enter into the possession of the right of self government, holding up the United States as their model, who, by their noble courage, had burst their chains asunder. From them were taken the forms of government, both as to the frame of their constitution and the details of their interior administration. Impressed with the belief that to follow their example was the sure presage of the attainment of their liberties, they felt the conviction, that from this great people have been derived those enlightened principles of legislation, which secure to man the enjoyment of his property and social rights, of opinion and liberty, with the free exercise of his intellectual faculties.

Constitutions were soon promulgated, formed on similar models, with certain incidental changes, as was the case in the United States during the period of their revolution; but they never occasioned any change or fluctuation in the principles previously recognised: they served, on the contrary, to modify them by the aid of experience; it being notorious that in the deliberations of the new governments one of their first resolutions was, to select and appoint certain citizens, of fair and respectable characters, to proceed to the United States, for the purpose of informing the President of the change in their political system, and of the universal desire of opening the channels of an amicable intercourse. Thus deputies were despatched to North America, at different times, by the provinces of Venezuela, New Grenada, Rio de la Plata, and Mexico: and as early as 1811, that of Venezuela solicited the acknowledgement of its government, as sovereign and independent: but, although this measure doubtless would have tended to accelerate the liberty of that interesting portion of the new world, and stopped the effusion of blood, still so lavishly shed in its sacred cause, the United States did not think fit to take a decisive step in this matter.

In retracing these events, it is not my intention to dilate on the general rights of the parties in a state of insurrection in America, nor on the motives which influenced the course pursued by the cabinet, (ministerio,) nor is it the wish of my constituents; but I conceive that I may, without impropriety, be permitted to remark, that if the deputies had been received privately and informally, which was all they pretended to, it would not have been repugnant to cordiality, and the promotion of ulterior communications. The government of the United States would thus have acquired correct information, as these deputies, while they were enjoined to pay the greatest respect

to the policy and councils of the United States, were, at the same time, instructed to communicate fully the views of their governments, by stating their real situation and those unquestionable points of contact which offered the basis of a mutual and sincere amity and good understanding. This view is taken, I repeat it, not for the purpose of censuring the conduct of this government, but of explaining a truth which, by its internal evidence, naturally presented itself, and which, it might be anticipated, would not escape the attention of those abroad; because these public agents would have afforded certain means of forming a more accurate judgment than any persons sent thither for that purpose. A knowledge of the habits and moral and physical capacity of the people; of the hopes of their chiefs; of the state of public opinion; and finally, of the genius and ability of their rulers to undertake and execute their plans, could only be acquired by a familiar intercourse, cultivated during a long residence; obstacles, if not impossible, at least very difficult to be overcome by a stranger, from the difference of manners, customs, and opinions, local prejudices, religious distinctions, difference of religion, and, not unfrequently, by the very character of an observer, in which he appears, and which destroys all confidence.

The uninterrupted communication with the agents of the new governments should have satisfied the government of the United States, that the object and plan of occupying a part of the Floridas, in possession of the Spanish authorities, were acts which could never have been undertaken without due authority; and the want of this profitable exchange of ideas could never appear more palpable than by adverting to the fact, that its advantages were not fully attained, although the same agents communicated freely and unreservedly their measures and plans to the most respectable citizens of these states, through whose channel it was hoped that this government would become fully acquainted with them.

The horrible assassinations committed by the orders of the sanguinary Spanish generals Boves, Morales, and Morillo, and perpetrated by armed slaves, with a view to exterminate the whites of Venezuela, obliged a number of persons to take refuge in Carthagena, from which the constituted authorities, together with upwards of three thousand individuals, of all ages and sexes, were finally driven, by famine, pestilence, and a bloody warfare, and forced to seek an asylum in the West Indies and the United States, to escape the cruelties of the modern Duke of Alva, Pablo Morillo. These fugitives, inspired by the love of liberty, and animated by the resolution infused by adversity, formed the project of snatching the province of Florida from the gripe of their enemy, as it presented considerable advantages for supporting the cause of southern independence, and affording an asylum to the unfortunate emigrants from Venezuela and New Grenada, who were perishing with hunger in the West Indies, in August, 1816.

In consequence of the arrival of general Mina from England, with arms and supplies of all kinds, of general Toledo from New Orleans, and the interception of a despatch from Don José Fuertes, the enterprize against the Floridas was decided on, under the command of those two generals, and a regular plan formed for conducting it. General Mina sailed from Baltimore for Port au Prince in September, 1816, where he was to be joined by Toledo, for the purpose of making two simultaneous attacks. The damages sustained by Mina's vessels in consequence of a hurricane, and the base and unexpected defection of general Toledo, frustrated, for the time, the projected attack; but it was never abandoned by general Mina.

As the desertion of Toledo could not fail to produce fatal consequences to the cause of South America, it was the duty of the American agents to watch all the movements of the Spanish ministry with the greater vigilance. By such an event, he at once obtained the knowledge of important secrets, which would probably affect his policy and conduct towards the United States. That it did so, appears by his conferences and official correspondence with the Secretary of State at that period. The letters addressed by the latter, on the 6th and 10th January, 1817, to the chairman of the committee on foreign affairs, on the necessity of a new law the better to preserve the neutrality of the United States, and the law consequently passed on the 3d March, evinced that the change in the policy of the Spanish minister, was successful.

It was soon after known, that his secretary was to proceed to Madrid with despatches, and bring back the answer of the ministry. The South American agents, then at Philadelphia, readily anticipated, that the act of the 3d March and the communications of the Spanish minister to his court, could not fail to facilitate, either apparently or really, the consent of his government to the sale or cession of the Floridas to the United States; and foreseeing the injury that would result from such a state of things in that portion of the Spanish territory to the emancipation of their country, they found it necessary to hasten, or, as it were, to precipitate, these measures; and on the 31st March, 1817, they issued a commission in due form to Gregor M'Gregor, general of the armies of the Independent States of New Grenada and Venezuela. &c. observing due respect to the neutrality of the United States, to occupy by force of arms the Island of Amelia, being part of the dominions of the king of Spain, and in possession of the Spanish authorities, in the name of the New Independent Governments of South America, and all the Floridas, if his force and means proved adequate. I have the honor to annex a copy (No. 1) of the commission granted the said general M'Gregor by the deputies of the New Governments, together with an official letter from one of them. They doubtless recollected the conduct pursued by the illustrious Franklin in Europe, who granted commissions and other employments, even to persons who had never been in the United States.

On the 30th July, 1817, general M'Gregor took possession of Amelia Island and Fernandina, in virtue of a capitulation with the Spanish commandant. The several proclamations of the general, clearly prove the principles, which regulated his conduct. The good order he established, and his vigilance in preventing the violation of the laws of the United States, or tolerating the smallest abuse, that could give any ground of dissatisfaction to neighbors, with whom it was his wish to preserve the most perfect harmony and friendship, are well known. This state of things was unfortunately changed by means of a plot, formed by certain individuals of the United States, destitute of resources and of every principle of morality (although some of them had filled respectable places,) who arrived at Amelia in August, under the plausible pretext of aiding the cause of South American liberty; but with the fixed intention of introducing confusion and disorder; they attempted to destroy all order and subvert the lawful authorities for the purpose of committing every sort of plunder, and making money in every way; in fact, the combinations of these people put an end to civil peace and military discipline, and obliged general M'Gregor to leave the island. Following their inclinations, they, for a short time, usurped the authority in the most shameful manner, and in sight of the forces of the United States, posted at St. Mary's, who remained tranquil spectators of the scene.

A correspondence intercepted on board a Spanish vessel from Tampico, in March last, determined generals Mina and Aury to take possession of Sota la Marino, to facilitate the former in his attempt to penetrate into Mexico; in consequence, they proceeded from Galveston, on the 6th of April, with all their naval and military force. General Aury, after landing the troops under Mina, proceeded to Matagorda, and in July, received advice of the capture of Amelia by general M'Gregor, to which place, he directed his course, in order to co-operate with that officer in the conquest of the Floridas, or in case he should not have already occupied them, to take them himself, with the force under his command. He arrived at Amelia very shortly after the departure of the general, and found that Mr. Hubbard, the ringleader and promoter of all the disorder and confusion had, with other adventurers and speculators, usurped the authority, and that the enemy had vigorously attacked the post, which was on the point of being abandoned, for want of the necessary supplies. The Spaniards were immediately repulsed by the reinforcements under general Aury; the patriots succeeded in maintaining their ground, by force, and Hubbard, who had prudently taken refuge at St. Mary's, immediately returned from the territory of the United States to Fernandina. By the arrival of general Aury, his plan and party were entirely disconcerted, as he had assumed the military command, and hoisted the Mexican flag. In fine, these wretches, on seeing themselves thwarted in their projects, formed the terrible plan of driving general Aury from the Island, as they had done to M'Gregor, and to seize on his vessels and prizes. For this purpose, they seduced several officers, and a great number of sailors and

others, from the States; they clandestinely removed the powder and military stores from the public magazines, and deposited them in his house; and they finally took up arms to commence a civil war, which would have cost much blood, if general Aury had not checked it in the bud, by his presence of mind, and decisive measures. Mr. Hubbard, on seeing his plans discovered, and all his means annihilated, unable to survive the keenness of his feelings, died under the agonies of his crimes.

It was easy to foresee, that these speculating patriots, their agents in the United States, and those of the Spanish government, would heap the most improbable calumnies on general Aury, and his people, by attributing to them their own crimes, and the course they would have pursued, if the projects of piracy and slave trade they had formed, had not been effectually checked. After Hubbard's death, they still attempted to bring on a civil war, but this was cut short by the new laws; and time afforded to establish a government, which will serve as a model to other people, and scarcely existed twenty days, when it was dissolved by the occupation of Amelia, by the troops of the United States.

As some doubt appears to have existed, or been raised, on the part of the government of the United States, touching the public character of general Aury, your excellency will permit me to refer to the document I have the honor to transmit herewith, marked No. 2. It will serve to show the injustice, with which this worthy officer and distinguished patriot, has been confounded with pirates and malefactors, in newspapers, private letters, and other modes circulated through the United States. As a citizen, I can assure your excellency, that to his generosity and intrepidity, hundreds of unfortunates of all ages and sexes, at Carthagena and Venezuela, owe their existence, who were supported during the memorable siege of that place, and afterwards delivered from the cruelty of the bloody Morillo, by breaking the line, with three small vessels, of the enemy's squadron, composed of thirty-five vessels of war, on the 6th December, 1815. Many inhabitants of Fernandina, will also gratefully confirm his generous treatment of them, when, on being robbed by the conspirators, general Aury gave orders that they should be supplied with daily rations.

In this state of things, when the conquerors of Amelia looked for interruption only to the sole power at war with the patriots, namely, Spain, appeared the resolution of the government of the United States, to seize on that very spot, of which they had indisputable possession. I will endeavor to make myself acquainted with the motives alleged for the justification of this measure.

According to the message of the 2d of December last, the principal one is the want or insufficiency of the titles, by which this acquisition was annexed to the territories of the new republics of the south. But I may be permitted to declare, that according to the public rights of nations, such an inquiry should be preceded by that of

the competency of a foreign nation to scrutinize into such titles. That the republics of the south are at war with Spain, is a fact well known in these States; and that they ought to consider themselves, at least during the present dispute with the mother country, as real powers, is likewise an unquestionable fact, and to be inferred from the message. In such a case, the regular course always has been to respect the actual possession by one of the belligerents; and to its several authorities exclusively belongs the right of taking cognizance of the conduct of its subjects.

My reliance on this principle is strengthened by the consideration, that by this same document the neutral conduct of the United States, towards the revolted colonies and Spain, is established; consequently, so soon as, by means of a military expedition or otherwise, whatever may be its force, the standard of one of the contending parties has waved upon a territory, the rights of neutral governments go no farther, than considering such point as belonging to the power by which it is occupied. A contrary doctrine would give rise to endless confusion, and be rendered still more inconsistent by the diversified movements, attending a state of war. I conceivé, therefore, that I may justly infer, that a portion of the Floridas, heretofore Spanish, being occupied by a patriot force, operating in the name of the Free States of the South and under their flag, must be notorious to all; and that the declaration alone of their generals, that they possess obedience to the republics, and act with its forces, ought to be satisfactory to neutrals; and on the other hand, as has occurred in this case, if ministers duly authorized, afford sufficient evidence, that they derive their powers from their government, that single fact should exempt them from all suspicion and imputations as adventurers.

A negotiation between the United States and Spain, for the cession or purchase of the Floridas, does not destroy the validity of the conquest, either of the whole or a part of them. Whilst a Spanish possession has been unlawfully severed from the crown of Ferdinand, remains subject to the operations of war, and may be occupied and dismembered from that crown by the patriots, let us suppose, that the arms of the new republics should invade Havana, or one of the Balearic Islands in the Mediterranean, and that the United States, to improve their trade or increase their power, should wish to acquire those possessions by purchase or cession; in entertaining so vague a project, they could have no ground of complaint against the patriots. The case is the same in respect to Florida, which not having actually passed under the dominion of these States, they could suffer no loss of rights by the conquest, and the more so, if, as is declared in the message, it appears doubtful, whether Spain will consent to the proposal. As neither the sale nor the cession has taken place, so the case has not yet occurred, in which the United States can bring forward the titles, which they can only acquire by that means.

What would be said, if another nation, desirous of having the Floridas, should complain of the United States, for having acquired

them of Spain, when it contemplated purchasing them? And what is to be said of Amelia, now held by the United States, neither by virtue of a donation from Spain, nor from the patriots, the only powers which have alternately been possessors of the island, and that too in the midst of peace and friendship, and of that neutrality, which had just been declared in the face of all nations?

But without insisting on this conclusive consideration, one independent of general laws recognized by all nations, the special circumstances attending the plan of the occupation of the Floridas by the patriots, effectually bar the pretensions formed on grounds of this nature. The Secretary of State, in his letter of the 14th January, 1817, a period subsequent to the project of generals Mina and Toledo, expressly shows the refusal of the Spanish minister to accede to any agreement by which Spain would consent to alienate her rights, and that therefore, it was unnecessary still to insist on the question of boundaries. To these facts may be added another, which affords an additional evidence, namely, the intercepted despatch of Don José Fuertes, confidential minister of the Spanish government at Havana, in which he combats forcibly every idea of the cession of the Floridas to these States, and removes all doubt on the existence of any negotiation relative to the cession, until new and weighty considerations should produce a change in the policy of the cabinet of Madrid.

It was, probably, in consequence of the treachery of Toledo, that the government of Spain was induced to speak of this cession, as that person was one of the officers of the patriots who were to co-operate in the taking possession of the Floridas, was informed of the whole plan, and knew that their final incorporation in the union of these States, was connected with the basis of that plan. The consequence of Toledo's desertion, could not but be anticipated by the agents of the republics; because the Spanish ministry must have been sensible, that a simultaneous and combined expedition against Pensacola and Amelia, would decide the fate of the Floridas in 24 hours after its appearance, and that by the occupation of a province, which is the key of the Gulf of Mexico, the patriots of Mexico and the Main would be essentially aided, and Cuba itself menaced; so that in all events, the patriots promoted the views of the United States, either in driving the Spaniards from Amelia, or in reducing the territory; but in no event did they counteract their rights or wishes.

Your-excellency will pardon me in stating, that it was not casually, but by such legal mode, that this possession could be annexed to the territories of the United States. I observe that its proximity is insisted on, as if the nature of right could thereby be changed, and that become just, on the frontiers, which was objectionable at a distance. But if there was not a definite point in the property of the public, as there is in that of individuals, claiming a sacred respect, the limits of the territories of a government would be indefinitely extended, and every step forward would justify encroachments upon our neighbors.

On this point, an allusion has been made to that kind of right which has been sometimes used to interfere with adjacent territories, when they are so circumstanced as to create apprehension for the internal tranquillity of their neighbors. It was on this principle that the European nations acted in the league against France during her revolution. It is evident that the jacobins of Paris gave rise to those doctrines which led to the stability of thrones, as it is that by their example they offended them, without bringing on their destruction. The governments leagued to extinguish, on their first breaking out, the devouring flames of a conflagration too mighty in its principles to be stifled, or waited for at home. But, excellent sir, there was nothing at the insignificant places of Galveston and Amelia, to create alarm on the part of these States; the one being desert, and the other regulated agreeably to the great plan held out by this magnanimous people to all who aspire to freedom, could give no alarm to its policy. Properly speaking, this very establishment was a field for the other colonies, on which, under the immediate influence of this nation, the acts of heroism performed by it forty years before, would be repeated. Its inhabitants, as those of the United States, were republican. They depended on the other republics of America, whose existence, aggrandizement, and friendship, far from being injurious, would seem not to be indifferent to this government. Fortunately the whole continent of America is still in that state, in which the European doctrine on the right of inspection to be exercised on foreign powers, is applicable to none of its governments, nor the balance of power, the source of so many usurpations and wars. In such a state of things, when all parts of the new world respectively call for harmony and concord, and their common enemies are found beyond the seas, in the monarchs of Europe, no one will be able to comprehend how the establishment of Amelia, for so many years in the hands of the kings of Spain, should not have caused some alarm to this republic, and that orders should have been given for its suppression and occupation, when in the hands of the patriots.

I may be permitted to add, that the infant state of the free territory of Amelia removes the suspicion, (but little favorable, in my judgment, to the importance of the United States) that its existence was incompatible with the safety of this government; a ground on which the interference with foreign powers is admitted in Europe. Admitting that the disordered state of things at Amelia was such as to claim the attention of the United States, still, before this extremity was resorted to, suitable reclamations should have been made of the local authorities and the new republics of the South, and they would have tended to show the dependence which that establishment felt on these States. And if they were considered as pirates, why were they not proceeded against, conformably to the laws of nations, without allowing them to evacuate the place with their troops and effects? Why grant this indulgence to people who are proscribed by all governments? Why treat them at one time as patriots at war

with Spanish royalists, and at another as if they were to be considered in a different light? I am at a loss, most excellent sir, to comprehend the true meaning of these opinions.

I should be essentially wanting in the due discharge of my duty, were I to omit to state, that the government of the United States exercised a premature authority in the island, even before their forces took possession of it; while, at the same time, under a sense of its justice, it is my duty to declare, that my constituents attribute this remarkable circumstance to the irregularities of the officers apparently destined to detect smugglers. The United States brig of war Saranac intercepted and retook prizes made on the high seas by independent privateers, coming in or going out; not within the jurisdiction of the United States, but within the waters of Florida, and while there at anchor; and further, the said prizes were detained within the United States, and condemned in their courts, notwithstanding their incompetency. By the same means, all the prizes made by the independent privateers on the high seas might have been detained. Hitherto neutrals were only required by the law of nations, to refuse the entry of their ports to the prizes of belligerents, or their sale in them, or affording any facilities directly favorable to one of the parties in carrying on hostilities. In the present case, the prizes were taken possession of, without attempting to enter the ports of the United States. But that a foreign government should establish an admiralty court, or transfer this court, which should be on the proper territory, within that of the United States, is a thing wholly inexplicable. They have admitted the reclamations of the agents of Spain, one of the belligerents; and when certain prizes escaped the aforesaid brig Saranac, they have even been pursued into the harbor of Amelia, and carried off from their anchorage, as occurred in the case of the schooner "Tentativa," which will appear by the document annexed, No. 3.

But even admitting that the situation of Amelia was favorable to smuggling and the introduction of slaves into the United States, this will not justify its occupation more than it would that of the whole coast of Africa, the great nursery of slaves. In such case the right of a foreign government is confined to watching its coasts; but not to go and destroy, within an adjacent territory, whatever may be employed in carrying on a contraband trade. A fact not to be omitted, and which I shall substantiate, is, that a greater number of slaves were introduced into Amelia, when in the hands of the Spaniards, than when in possession of the patriots, and that this infamous traffic was carried on regularly, at the river St. Johns, by the Spaniards and the inhabitants of Georgia; that all this was notorious and evident as the sun at noon-day; and, finally, that a vessel which sailed from Amelia returned from the coast of Africa, with a cargo of slaves, direct to that port, without knowing it was in possession of the patriots, and was confiscated in consequence; but that the in-

roduction of those slaves gave no alarm to the government of the United States.

The commanders at Amelia, conforming to the solemn and efficacious decrees of the republics of the South, prohibiting this abominable traffic, never tolerated its being carried on from that place. It is true, the slaves captured from the Spaniards, were carried thither: this species of trade, the accidental result of warfare, could neither be restored to the enemy nor destroyed. If American citizens went to purchase them at Amelia, and afterwards conveyed them into their own country, they alone were the violaters of its laws, and not the South Americans. Desirous to prove to this government, that the patriots have not infringed the internal regulations of these States, I take the liberty to enclose to your excellency, the certificates of several respectable inhabitants of St. Mary's, in Georgia, comprised in the paper No. 4.

The last objection offered against the establishment of the patriots, at Amelia, consists in the humiliating character attributed to them, doubtless for want of the data, which I now do myself the honor to lay before your excellency. Such, has ever been the fate of those who combat for national liberty, to be applauded by posterity, and mortified by their cotemporaries. When the great Washington, at the head of fifteen hundred men, displayed his constancy in the defence of the liberties of his fellow citizens, it was not allowed to call him disturber of the public peace, and desperado. But finally, the patriots are not a handful of adventurers—the employments and services to which were appointed by the governments on which they depend, remove all doubts as to their character, and the commission issued by the ministers of the new republics, directing their operations, exempts them from the imputation of belonging to such a description of persons. If, however, the competency of this power be questioned, and it be necessary to establish it by the amount of the force, it must be recollected, that on the breaking out of civil wars, and when the establishment of a nation is still disputed, some apparent informalities are admitted, which are not overlooked in settled governments. In these cases, the contest is carried on more by individual, than by the public resistance, as time is not yet afforded to organize the latter, and by the pecuniary aid of private persons, as well as by their opinion. On this point, I confidently appeal to the signal experience acquired by your excellency, in the struggle for the independence of these States; and, if in the course of their history, the existence which it was the object of their effort to give to this nation, seemed to depend on a few, there appears no sufficient reason to disparage the firmness of modern republicans.

I shall make bold to affirm, that the various descriptions of persons, composing an army, never affected its national character, provided they acknowledged a dependence on some government; in the same manner as individuals, though of different origin, are incorporated into a nation, by the fact of their submitting to its laws. Your

excellency will thus perceive the true light in which the establishment at Amelia, is to be viewed—as one formed by the new republics of the South, at the hazard of the perils of war, and authorized by the regular proceedings of their ministers. If, however, it was regular, or admissible, to claim the sanction of those governments for the occupation of the Floridas, it might be done by the means established by those, who conceive they have some positive right and title to a succession to the Spanish authority; but at least, the testimony of their agents is entitled to respect, when they give the solemn assurance, that they have been regularly authorized to take that step—that they made suitable arrangements, and held it by the force of arms; and finally, (I hope I may be permitted again to refer to the heroic history of these United States) under the circumstances in which some of their provinces were placed, the same authority should be respected in their agents, as was exercised by the immortal Franklin, at Paris, when he issued letters of mark and reprisal, and signed commissions to officers, notwithstanding the British minister, lord Stormont, also treated them as *pirates* and rebels;—and here, the memorable answer of the count de Vergennes, seems particularly deserving of being cited with gratitude, when, on the British minister's remonstrating on this point, he replied definitively: "That the king has a right to consider the inhabitants of that vast continent, in the light of an independent nation, especially as their sovereign had proved the impossibility of subjugating them." In our case, the same impossibility has been proved by the king of Spain, because his forces were neither able to retain possession of the place, nor to recover it, when reduced. Hence, it follows, that the patriots of Amelia, having no other declared enemies, than the king of Spain, any foreign force employed against them, must be considered as allied with Spain, and acting in its name, which is in direct opposition to the neutrality declared by the United States, in the face of the world.

Relying, therefore, on these incontrovertible grounds, to wit: that the occupation of Amelia by the patriots was a real conquest, and thereby conferred all the rights acquired by an open and regular warfare; that the proposed negotiation with Spain transfers no right of property to the United States; that the right of watching over the observance of their laws gave them no right to destroy or *suppress* an establishment of another government; that the island of Amelia, having never belonged to the United States, they could not pass laws affecting its internal government and the sovereignty of its territory; that the allegations of contraband trade and the introduction of slaves, through that island, are unfounded, and refuted by the documents exhibited; that there does not exist a single fact to prove the infraction of the laws of the United States by the patriots; that, on the contrary, the authorities and inhabitants of that island have been scandalously injured and deprived of their rights, without lawful cause or motive, in time of profound peace:—Wherefore, and in con-

sequence of the injuries and wrongs committed by a neutral nation, I am fully authorized to address this express reclamation to your excellency, to the end that, and above all, restoration be made of the island of Amelia, the possession of which has been, by force and violence, wrested from its possessors and liberators.

To these violations, wrongs and injuries, must be added the detention and seizure of the private property of the citizens of the republics of the south, which, without the colour of authority, has been captured within the waters of the Floridas, by the brig of war Saranac, thereby depriving the lawful owners of their property, with manifest injustice; an act supported only by an arbitrary exercise of force. And as this seizure of the property of citizens, not within the jurisdiction of this government, must be viewed as a flagrant outrage, and highly injurious to the national character, I reclaim of your excellency to give orders for the restoration of all vessels captured, including the schooner "Tentativa," and those prizes which came in after the occupation of the island by the arms of the United States; and as these vessels come under the description of private property, which was excepted in the summons of surrender, it must be considered as very little decorous that their owners have not been reinstated in possession of them. But if, contrary to my expectation, an act of justice so clear and evident should be withheld, I am under the necessity of protesting, as I now do protest, in the name of the independent republics, of the authorities acting under them—namely:

I protest against the violation of the laws of nations, regulating my protest according to the construction given to the said laws by the authorities of the United States, which declare, that in the case of a civil war, there can be no arbitrament or umpire been the parties, but by their own consent.

I protest against the interruption, seizure, and detention of the several vessels and cargoes, taken from the enemy on the high seas by the patriots, and against the violation of the neutrality of these states, and of the freedom of the seas, in having carried the arms of this government beyond their jurisdiction, and into the waters of the Floridas; and I demand indemnification for these losses and injuries, together with the value of the property so taken.

I protest, in the name of the said states, against the injuries committed on the cause, in general, of the Independent Republics of the South, by the invasion of the Island of Amelia by the United States.

I protest against the damages and arrears, resulting from the nonperformance of the agreements and obligations entered into by the patriot authorities and their agents at Amelia, to obtain the means of effecting the independence of the Floridas, occupied by the Spaniards, and of aiding and assisting the other states of the south. I demand that, in case of the continuance of the dispossession of the island, the public property therein captured by the patriots in fair warfare, may be justly valued, such as the forts, warlike stores, and

the public buildings, constructed by them after their entry and occupation, at their own cost and charge, and that their value be refunded; and in respect to the moveable property, which may still remain in the island or in the United States, that it be placed at their disposal, to be freely enjoyed by them, or the value thereof refunded them, by adjusting this and other just reclamations, within a given period and in the shortest possible delay, by commissioners to be respectively named for this purpose

I also demand that the said commissioners, so duly authorized, be charged with the examination of the great charges and expenses attending the military expedition of the patriots against the Floridas, and that their liquidations be prepared by the General Treasury of the United States; all which I require in virtue of my instructions.

And reserving further whatsoever may justly appertain to the rights of the new republics in relation to these events, and in the discharge of my trust, I ratify and confirm, before the universe and the impartial justice of the great people of the United States, each one of these protests and demands, trusting that they will be satisfactorily attended to by the chief magistrate of this free and kindred nation, and that I shall thus be enabled to transmit to the extremities of the American continent and the globe, this fresh proof of his justice.

(Signed)

VICENTE PAZOS.

Washington, 7th February, 1818.

Documents communicated by Don Vicente Pazos with his memorial to the President.

No 1.

Translation of Sir Gregor M'Gregor's commission.

The deputies of Free America, resident in the United States of the north, to their compatriot, Gregor M'Gregor, general of brigade in the service of the United Provinces of New Grenada and Venezuela, greeting:

Whereas it is highly important to the interests of the people whom we have the honor to represent, that possession should be taken, without loss of time, of East and West Florida, and the blessings of free institutions, and the security of their natural rights, imparted to their inhabitants: In pursuance of our instructions, and in conformity to the desires of our respective governments, we have commissioned brigadier general Gregor M'Gregor, for the purpose of carrying into execution, either wholly or in part, an enterprise so interesting to the glorious cause in which we are engaged.

Therefore, taking into consideration your zeal and devotion to the republic, we request you, in the name of our constituents, to proceed, on your own responsibility, and that of the above named provinces, to adopt such measures as in your judgment may most effectually tend to procure for our brethren of both the Floridas, East and West, the speedy enjoyment of those great benefits to which they are invited by the importance of their geographical situation; and for that purpose we authorize you, without departing from the usages and customs of civilized nations in like cases, and the due observance of the laws of the United States, and particularly those regulating their neutrality with foreign powers, to cause vessels to be armed, without the limits of their jurisdiction, and provisionally to grant rank to naval and military officers, until the government to be established by the free will of the said people, can provide in the most suitable mode for the arrangement of their several departments: in the execution of all which, the instructions delivered to you of this date will serve as your guide.

Signed, sealed, and delivered, at the city of Philadelphia, the thirty-first of March, 1817.

LINO DE CLEMENTE,
Deputy from Venezuela.

PEDRO GUAL,
*Deputy from New Grenada, and as proxy for
F. Zarate, Deputy from Mexico.*

MARTIN THOMPSON,
Deputy from Rio de la Plata.

A true copy of the original in my possession. Philadelphia,
15th January 1818—8th.

(Signed)

LINO DE CLEMENTE.

A true copy.

(Signed)

PAZOS.

(Translation.)

From Don Sino de Clemente, to Don Vicenté Pazos.

SIR,

By letters from general Don Luis de Aury, and Don Pedro Gual, dated at Fernandina, the 26th December last, I have been informed that they have commissioned you for the purpose of presenting to the President of the United States, a protest, in the name of the inde-

pendent government of South America, against the invasion of Amelia Island by a naval and military force of the said States, on the 23d of December last, and to demand the restitution of the vessels captured from the enemy, which have been detained and sent to different ports by American vessels of war.

Although the government of Venezuela, of whose full powers I am bearer, is included in your commission jointly with those in whose name possession was taken of Amelia Island, yet it has seemed to me to be proper, specially to authorize you, as I do hereby, to protest, in the name of my said government, against the invasion of Amelia, and all such further acts of the government of the United States, as are contrary to the rights and interests of the several republics, and the persons sailing under their respective flags, duly commissioned.

And to enable you satisfactorily to prove, that Amelia Island was taken from the Spaniards by a competent authority, I enclosed a copy of the commission granted to general M'Gregor on the 31st of March last, by the deputies of the independent republics.

The motives alledged by the government of the United States, in justification of their hostile measure, serve to prove their own futility, and clearly demonstrate, that the sole object was the acquisition of the Floridas, without forming any other calculations, than those founded on the more or less exhausted state to which the Patriots may reduce the Spanish government, and in consequence, the pretext of a want of authority in the parties who took possession of Amelia and Galveston, was one while resorted to, and at others, that those establishments were formed to serve as a shelter to pirates and smugglers; finally, that no foreign power could be permitted to establish itself in the Floridas, alleging a secret act passed in 1811, which is inapplicable to the present case.

I flatter myself, that it will be very easy for you to prove, that the United States have no other grounds for this step, than their own convenience supported by force.

I have repeatedly transmitted an account to my government of the occurrences at Amelia Island after its occupation by general M'Gregor, requesting it to communicate the same to the government of New Grenada, at Casanare; and to enable me to continue my communications, which existing circumstances make interesting, I request, sir, you will be pleased to inform me, as speedily as possible, of the result of your mission.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

(Signed)

LINO DE CLEMENTE.

Philadelphia, 15th January, 1818—8th.

A true copy.

(Signed)

PAZOS.

To Senor Don Vicente Pazos.

No. 2.

(Translation.)

Galveston, 21st July, 1817.

SIR,

Circumstances attending our situation, have induced me to make a diversion for the benefit of the cause we are engaged in the defence of, and to take a new position, with a view to distress the enemies of our liberty. After consulting with persons attached to the cause of Mexican independence, I have, for the present, determined to abandon the establishment at Galveston. I inform your excellency of this resolution, and that I take with me the judge of the admiralty court, the administrator of the customs, and all the constituted authorities; and, at the same time, notifying, that all proceedings, since the 31st July, are to be considered as having taken place without my consent, and contrary to my will; and, therefore, that every transaction, not signed by citizen Pedro Rousselin, acting administrator of the customs, now with me, is to be held as illegal.

It was my original intention, to have left a lieutenant governor and a deputy administrator of the customs in my absence; but I was apprehensive, that these officers would not have a force sufficient to maintain order, and that attempts might therefore be made, to commit disorders in violation of the law of nations, and particularly of those of the United States, which is contrary to the orders of my government and my principles.

God preserve you many years.

(Signed)

LUIS AURY.

*To the most excellent, &c. Don Jose Manuel Herrera,
Minister Plenipotentiary of the Mexican Republic.*

A true copy.

(Signed)

VICENTE PAZOS.

(Translation.)

Commissions and employments of Don Luis Aury, citizen of the Republics of New Grenada and Mexico, captain in the navy of the said Republics, as appear by the original documents in my possession.

June 9. 1813. Entered into the service of the republic of New Grenada, as lieutenant in the navy, as appears by a certificate of the

secretary of war, Don Vicente Vesos, dated at Carthagena, May 6, 1815.

August 10. Appointed commandant general of the naval forces of New Grenada, stationed at Carthagena, where he performed the most signal services during the siege and blockade of that place, in saving the lives of near three thousand persons, and the remaining portion of the naval force. These eminent services are acknowledged and commended by general Don Joseph Francisco Bermudes, in his certificate, dated at Cayes, 25th May, 1816.

September 12. At a meeting held at Galveston, in the province of Texas, in the territory of Mexico, by Don José Manuel Herrera, minister plenipotentiary of the Republic of Mexico, appointed to repair to the United States of America, a declaration is made of his full and ample powers, authorizing him to proceed and take all requisite measures in aid and support of the cause of Mexican independence; by virtue of which, he proceeded to form a government with all the necessary authorities, by arranging the several branches of public administration, and declaring the place of Galveston, as the established port of the Mexican Republic, or, in case of a want of the necessary security, at Matagorda, or any other more suitable.

The commandant Aury was appointed by the said minister, civil and military governor of the province of Texas and the new establishment, and after taking the oath of fidelity to the Mexican Republic, its flag was hoisted, as appears by the record of the proceedings of that day.

September 16. The minister created and appointed the necessary authorities, traced out their respective functions, established the public treasury, and invested the governor with a discretionary power to fix the asiento, or residence of the governor.

October 18. Received ample and general instructions to act according to circumstances, in defending himself against the enemy, and for the effectual promotion of the public service.

October 20. Authorized by the minister to form rules and regulations for the navy.

January 27, 1817. Received despatches from the minister at Nantla, with information of the state of the interior, and recommending to keep possession of a harbor, from which succors might be sent to the patriots.

Conformable to the documents referred to.

(Signed)

VICENTE PAZOS.

Washington, 7th February, 1818.

REPORT

Of the Committee appointed by the Honorable Assembly, to obtain information relative to the transactions between this Republic and Jno. H. Elton, Esquire, commander of the United States's brig Saranac, &c.

V. PAZOS, *Chairman.*

J. MURDEN.

L. COMTE.

Fiat Justitia: ruat Coelum.

LIBRE. AMERICA.

FERNANDINA, NOVEMBER 12, 1817.

REPORT, &c.

The committee appointed by this honorable assembly to obtain information relative to the transactions between the republic and the United States' brig *Saranac*, J. H. Elton, Esq. commander, beg leave to

REPORT:

That in obedience to the trust reposed in them, they have endeavored to procure every information, and have the honor to lay before the house a copy of the correspondence between the republic of the Floridas, and J. H. Elton, Esq.; also the affidavits given by respectable and worthy characters, who were actually on board the vessel, when attempted to be boarded.

By these documents, it is proved beyond a doubt, in the opinion of your committee, that the schooner *Tentativa* was attempted to be boarded, and was, by the boat sent to intercept her, fired upon in the very waters of Amelia. Whatever may have been the motives of the commander of the *Saranac*, in ordering or approving such a violation of neutral rights,* they can, in the judgment of your committee, never be sanctioned, much less could they have been ordered, by that enlightened government, which has itself contended against the right of search on board their own vessels, even when out of their waters. How, then, could captain Elton, certainly unauthorized, take upon himself to board our vessels in our very waters? What authority could he have had to detain those vessels, to molest our commerce and threaten us, if we should rescue from him, or protect a vessel under our own flag, and at anchor in our own harbor, he would consider us as having hoisted the flag of defiance, and should act accordingly? What authority? None other than that which he must have unjustifiably assumed.

These are not the only observations that are to be made respecting his correspondence; but the committee will dispense with entering upon further details, which are but too plain to the honorable assembly, to admit of additional explanation; they, therefore, beg leave to present the following resolutions, which they strongly recommend to be put in immediate execution.

Resolved, That the correspondence and other documents relative thereto, now before the house, be immediately printed.

Resolved, That these documents, with a statement of the transactions that have taken place, be officially transmitted by the earliest opportunity, to the President of the United States, exposing the injustice and arbitrary conduct of captain Elton, well assured that complete justice will be done us.

Fernandina, December 12, 1817.

* See article 2d of the treaty of friendship, limits, and navigation between the United States and the king of Spain, October 27, 1795.

DOCUMENTS.

No. 1.

*Republic of Floridas,**Fernandina, November 9, 1817.*

John Austin, prizemaster of the schooner *Tentativa*, being duly sworn, replied as follows: Question. What day did you arrive at the port of Fernandina? Answer. I arrived on the 8th of this month, in the armed schooner *Tentativa*, prize to the Mexican armed schooner *Brutus*, captain Jolly, at about eight o'clock in the evening. Question. What happened to you when coming into the harbor? Answer. Between five and six o'clock of that evening, I was boarded by the *Saranac's* boat outside of the bar, and treated politely, but after passing the buoy in the middle ground, I saw another boat full of men, attempting to board my vessel again, but missing her, they caught hold of the boats, that were astern; I then cut the painter; upon which the officers jumped into the boats and hailed, saying, "to hell, you d—d rascals, we shall fire into you," which they did; and the American fort and the *Saranac* then immediately fired each three shots. Question. What did you afterwards? Answer. I fired two muskets, and prepared to defend my property. Question. Why did you fire at an American boat, knowing that we are at peace with the United States? Answer. I did not know whether that boat was American or Spanish. Question. How can you say this, when the American colors were displayed in the boat? Answer the Spaniards could have done the same to decoy and take the vessel. Question. Were you in the American waters, or what they called before, the Spanish waters? Answer. I was as close to the beach of this island, as I could be, and of course I was in what they generally call Spanish waters.

The same day appeared before me, Mr. Charles Johnson, who being duly sworn, deposeth as follows: Question. Did you see the Guineaman schooner come into port? Answer. I did. Question. Did you see the boats, when they attempted to board the schooner? Answer. No; but I saw her when she was luffing round the outer point of Amelia, close into the beach, where the boats were and did keep a steady fire, until she had entered the sound, and then the fort and brig *Saranac* fired three shots each; the last shot fired by the *Saranac* after the prize entered considerably into the harbor of Amelia. Question. Did you believe the *Saranac* to be in the Spanish or American waters? Answer. I believed her to be more than half way over the channel of St. Mary's River, and of course in what was originally called Spanish waters. Question. Do you think, or are

you certain, whether the schooner was in the American or Spanish waters, when fired upon? Answer. I am certain she was in the Spanish waters. Question. How do you know that? Answer. From the experience and knowledge I have of those waters, having been a pilot seven years or thereabouts, and having known the place for thirty-four years, being a native. Question. Are you a regular pilot under the American government, as well as from the state of Florida? Answer. Yes; having had my branch for about seven years, from the American commissioners at the port of St. Mary's.

Also, on the same day appeared before me, Mr. John W. Johnson, who being duly sworn, gave the following testimony: Question. Were you on board the slave schooner *Tentativa*, when she entered this port on the evening of the 8th instant? Answer. I was; being her pilot. Question. What did the officer of the *Saranac's* boat say or state, when they attempted to board the vessel? Answer. They attempted to board the schooner without saying a word, until she had passed and they had hold of the boat astern; the carpenter of the schooner then cut away the painter, and they, being adrift, jumped up in the boat, saying, "you d——d rascals, if you do not heave to, we will fire into you," and immediately fired, being at a distance of about the vessel's length, or within pistol shot. Question. What did the prizemaster answer in return? Answer. He made no reply, but prepared for defence, and fired two muskets, after the officer of the boat who I believe fired twice, before the men had fired. Question. Was the vessel then in the American or Spanish waters? Answer. She was in the Spanish waters; as I had carried her so close into *Amelia Beach*, that had I gone any nearer, the vessel would have grounded. Question. At what distance from the beach was the vessel, when they commenced firing? Answer. One hundred and fifty feet, or thereabouts. Question. Was the *Saranac* laying in the American or Spanish waters? Answer. To the best of my knowledge, in the Spanish.

On the same day, appeared before me *William Price*, captain of the British schooner *Betsy*, detained by the private armed schooner *Brutus*, captain *Jolly*,* who being duly sworn, gave the following testimony: Question. Were you on board the schooner, when she was boarded by the *Saranac's* boat? Answer. Yes; the boat boarded first when outside of the bar, and hailed us very politely; after crossing the bar, and being on the *Middle Ground*, another boat attempted to board the vessel, but missing her, caught hold of the boats towing astern; upon which, the captain gave orders for the carpenter to cut the tow rope, which being done, the officer stood up in the boat, desiring the captain to heave to, or he would fire into the schooner, which the captain, or prizemaster, not thinking proper to comply

* The British schooner *Betsy* was detained, as has been reported by the captain of the *Brutus* to the court of admiralty, on the ground of being despatched by the intendant of Havana, with a cargo of ammunitions of war for general *Morillo*, on the Spanish Main.

with, they fired one musket; the prizemaster then called for arms to defend himself, upon which the boat fired another musket, whereupon the prizemaster returned the fire twice. Question. What was the distance between the vessel and the beach? Answer. About twice her own length; for I heard the pilot say, if he went any nearer, he would touch the Amelia Beach. Question. Was the Saranac in the American or Spanish waters? Answer. Having no knowledge of these waters, I cannot say.

*Head Quarters, Fernandina, Amelia Island, Dec. 10, 1817;
and 1st of the Independence of the Floridas.*

GENTLEMEN,

In consequence of your letter of yesterday, I have the honor of enclosing you a copy of the documents in my possession relative to the correspondence that has taken place between this republic and Capt. Elton, commander of the United States' brig Saranac, and also the proceedings of the court of inquiry appointed to investigate carefully the conduct of Capt. Austin, verifying the different statements which had been made.

I have the honor to be, &c.

(Signed)

AURY.

Hon. V. Pazos, I. Murden, L. Comte.

No. 2.

United States' brig Saranac, Cumberland Island,

November 3d, 1817.

SIR,

I have just received a note from B. Farnham, mentioning his confinement at Fernandina, and requesting my interference, as he conceives his life in danger. As he is an American citizen, and situated as Fernandina is, I am bound to make that request, and hope that his offence is not so great but that he may be delivered to an officer of this vessel, sent for that purpose. If he has willingly subscribed to any military law or regulation, and has broken them, I

shall not urge this request; but the life of a citizen being too valuable to be jeopardized, I shall write to the President of the United States on the subject, and expect, until his determination is known, that his life is not injured. If he has not subscribed to any military law, it would be well to consider the right to try him, as no declaration of independence has been issued, or acknowledged by the United States.

I am sorry to trouble you; and have the honor to be, &c.

(Signed)

JOHN H. ELTON.

Gen. Aury.

No. 3.

*Head Quarters, Fernandina, Nov. 1th, 1817,
and 1st of the Independence.*

SIR,

Your letter of yesterday, relating to Captain Farnham, or Var-num, a prisoner in this place, and accused, before a general court martial, of sedition, and as a ringleader in mutinous acts, was duly received. I am sorry to state to you, in answer, that the circumstances attending the case of this individual are very different from what he has reported to you. Mr. Farnham has been serving on board of privateers of South America, and was actually fitting out a schooner, for which it was refused to him a privateer's commission, in consequence of his former irregular behaviour. Besides this, the nature of the crime of which he is accused, tending to nothing less than the disturbance and annihilation of social order, our right to try and punish him conformably to the laws of the United States, which we have momentarily adopted, can in no manner be put in question. This is a right common to all nations, for the observance of which we are as deeply interested as the United States. Allow me, however, to assure to you, that only the esteem I have for yourself personally, the respect and interest with which every citizen of this republic looks forward to every thing that interests our neighbors and brothers of the United States, could have induced me to enter into the present exposal.

I have the honor, &c.

(Signed)

AURY.

John H. Elton, Esq.

No. 4.

*U. S. brig Saranac, Cumberland Island,
November 9, 1817.*

SIR,

Last evening a schooner passed into Amelia or Fernandina that had been attempted to be boarded by a boat from the Saranac. She fired at the boat: whatever character she assumes, she must answer for the insult according to the laws of the United States. I cannot believe that yourself or the people of Fernandina can give the least sanction to such proceedings; under that belief, I have sent a boat to bring her over to American waters, provided no objection was started. If she is refused or protected, I shall consider that Fernandina has hoisted the flag of defiance, and act accordingly.

I have the honor to be, &c.

(Signed)

JOHN H. ELTON.

Gen. Aury.

No. 5.

*Head quarters, Fernandina, November 9th, 1817,
and 1st of independence.*

SIR,

I have received your official letter of this day. As its contents relate to matters of so much consideration, I have ordered that the necessary investigation of the conduct of the prizemaster be made. I may, however, inform you, that should he be found culpable, he shall be punished according to the laws of nations, as this government has no other views, than to maintain good understanding and harmony with yourself, or any other officer of the United States, it will not remain behind hand in giving every satisfaction that is just.

I have the honor, &c.

(Signed)

AURY.

John H. Elton, Esq.

No. 6.

*United States' Brig, Saranac, Cumberland Island,
November 10th, 1817.*

SIR,

Your letter of yesterday, was duly received. I had hoped that the rising republic of Amelia, would not undertake to harbor vessels that might commit themselves, particularly where the laws of the United States were concerned, but supposed it would comport with the honor and interest of the place, to turn any such vessel from their waters. You say that the conduct of the prizemaster shall be examined into, and punished if found guilty. I had mentioned the insult offered, and wished the offence to be tried in the United States. The verbal message returned by the officer of the Saranac, is not such as I expected. I did not request you to deliver the vessel to me, it was a belief that you would, on hearing the offence, refuse her a harbor; other responsibility I would take on myself. You have heard my individual opinion as regarded the patriot cause; with the same candor, I again inform you, that assume whatever character that vessel may, she must be accountable. I likewise inform you, that if ever I fall in with the sloop Astrea, without the jurisdictional limits of the Floridas, she will be seized for a breach of the revenue laws.

I have the honor to be, &c.

(Signed)

JOHN H. ELTON.

General Survey.

No 7.

Head quarters, Fernandina, November 13th, 1817.

SIR,

Your preventing vessels from going out and coming into this port, in consequence of your boat having fruitlessly attempted to board the schooner Tentativa, prize to the private armed schooner of the republic of Mexico, the Brutus, within our waters, and not more than 150 feet from the beach of this Island, has induced me, in order to

avoid all difficulties for the present, to consent to give her up to you, in hopes that the government of the United States, will do us the justice which becomes a free and great people.

I have the honor to be, &c.

(Signed)

AURY.

John H. Elton, Esq.

N. B. Letter, No. 4, was presented by an officer of the Saranac, who intimated that the answer must be given within an hour.

N. B. Other documents to be continued.

Es copia.

(Signed)

PAZOS.

No. 4.

We, the subscribers, citizens of the United States, residing in the state of Georgia, and town of St. Mary's, and its vicinity, do certify, that we believe that the government of the republic of the Floridas, has not intentionally, nor in any manner knowingly violated the laws of the United States. We farther certify, that we have no knowledge of any law being passed in that republic, encouraging the introduction of slaves from Africa, into the province, but that their vessels have captured and brought into the port of Fernandina, several Spanish vessels, from the coast of Africa, with slaves. We farther certify, that no one instance within our knowledge, has occurred, where a slave from this or any other of the United States, has made that place his resort, but he has immediately been restored on application being made. We further certify, that we have sufficient reason to believe it was never their intention to make that place a port for smuggling into the United States, as the principal property from that port, has been brought and entered in the custom house here.

We farther certify, that from the honorable deportment of that infant republic, we believe their intentions are good, and that they wish to be friendly, not only with the United States, but with all

other nations but that of Spain, with whom they are now struggling for that inestimable blessing we now enjoy.

(Signed)

J. PARSONS, M. D.
FRANCIS YOUNG,
EDMUND RICHARDSON.
JOSHUA HICKMAN.

December 19, 1817.

The subscriber being a citizen of the United States, residing in the town of St. Mary's, Georgia, has had an opportunity of making himself acquainted with most of the public transactions that have taken place at Amelia Island, since the arrival of what is termed the liberating army of the Floridas, at that place, and having read many very erroneous statements in several public newspapers, printed within the United States, against the character and conduct of the persons in authority, at Fernandina, considers it no more than an act of justice to the individuals composing that government, to state, that as regards any encouragement given to runaway negroes, from the United States, a public order was issued by the authorities there, at an early period, to prevent that evil. Nor has there been a solitary instance of any such slave being detained from his proper owner, on due proof thereof being made. With regard to the introduction of slaves from Africa, the subscriber is of opinion, that none have been imported to Amelia Island, since the month of June last, except such as have been captured in Spanish vessels, bound from the coast of Africa to the Island of Cuba; and so far as has come within the knowledge of the subscriber, the principal persons in authority there, have universally manifested a becoming respect for the persons and property of the citizens of the United States, and have on all occasions, expressed their veneration for the constitution and laws of the same.

(Signed)

D. LEWIS.

December 20th, 1817.

By request of doctor Chappell, I acknowledge, that since my residence in this place, I have not known that the patriots of Fernandina has induced negroes to leave the United States, but on the contrary, has issued proclamations to return any runaways to their re-

pective owners. As respects — in some purchases I have made there, I can only say, I have sustained considerable losses from their non complinace with the conditions of sales.

(Signed)

JAMES MONK.

St. Mary's, Georgia, 20th Dec. 1817.

I certify the above to be a true transcript from the minutes of the honorable House of Representatives.

H. JOHNSON, Clerk.

Yo certifico que la antecedente firma del Co. Henry Johnson is la que usa en to dos los antos publicos como clerk de la asamblea de representantes, y que toda fé debe lor atorgado a ella como. tal.

Firmado y sellado con el sello provisional del gobierno a 23d de Dic. de 1817—8re de la independencia.

[Seal.]

LUIS COMTE,
Secretaris per order del Comt. in Gefe.

(Translation.)

I hereby certify that the above signature of Henry Johnson is that used by him in all public acts as clerk of the house of representatives, and that all faith is due to it as such.

Signed and sealed with the provisional seal of the government, this 23th of December, 1817—and 8th of independence.

(Signed)

LUIS COMTE,
Secretary—by order of the Commander in Chief.

[The Secretary of State to Don Vicente Pazos.]

Washington, 5th March, 1818.

SIR,

Your memorial addressed to the President of the United States, and the papers accompanying the same, have been laid before him: and I am directed to inform you, that his views of the transactions at Amelia Island, and the measures which he thought proper to take in consequence of them, have been made known to the world by his communications to Congress at the commencement of their present session, and by his message of the 13th of January last. He has given full consideration to your memorial, and other papers, and perceiving nothing in them exhibiting the proceedings at Amelia Island in a different character from that in which he had before viewed them, he sees no reason for revoking any of the measures which have been taken by his directions in respect to that place, and nothing that requires any other answer to your representations.

I am, sir, your very humble servant,

(Signed)

JOHN QUINCY ADAMS,