

proving to his Catholic Majesty and the superior tribunals at Madrid, the services I had rendered to the royal treasury, and the injuries I had suffered by my contract with De Leon.

The captain-general made some difficulties about granting his assent to the indemnity, but at length acquiesced, and transmitted the necessary orders to all the commandants of the different ports in Venezuela, to throw no impediment in my way; at the same time that he informed the intendant and myself, that he should communicate his objections to his Catholic Majesty against allowing any stranger to enjoy such privileges as had been conceded to me by the intendant. As I had suffered severely from the collision of opinion in the Spanish authorities, and as I knew that every species of intrigue would be employed in Caracas, and perhaps in Cadiz, to prevent my enjoying the fruits of the indemnity, I resolved on acting with caution in my mercantile arrangements, until I ascertained whether his Catholic Majesty sanctioned or rejected the arrangement which the intendant had made.

On the 25th of August, 1804, the indemnity in question received the royal approbation, and the minister Soler, under that date, transmitted the *royal order* to the intendant. On the arrival of this important document at Caracas, it was immediately communicated to me officially, by the intendant. I was thus inspired with new confidence, and made my arrangements accordingly.

Scarcely had I begun to carry into effect this flattering indemnity, when I again became a victim to new outrages, not only against my interests, but my person.

On the 29th of August, 1805, the captain-general communicated his determination to the intendant, not to permit the execution of the indemnity which had been conceded to me, alleging that he had (*ordenes reservados*) *secret orders* from his court, which justified this extraordinary determination. The intendant, in a firm and indignant manner, opposed this resolution, and stated to the captain-general the serious consequences that would follow to the injury of a stranger, who had rendered important services to the Spanish government, and already had heavy pending claims upon the royal treasury: and he urged the consideration, that as his Catholic Majesty had given express orders for the strict fulfilment of the indemnity conceded to me, it would endanger the honour and good faith of the king, to violate engagements which had been thus solemnly entered into. In vain the intendant protested against the arbitrary conduct of the captain-general, and in vain I implored the latter, at least to permit me to pursue my operations under the indemnity, until we heard further from his Catholic Majesty. To all these just remonstrances and petitions he was deaf, and in fact issued orders to the commandants of the ports not to permit a single vessel to enter under my contract. Thus far the captain-general's arbitrary and unjust measures affected only my interests; but on the 7th of January, 1806, he issued a decree commanding me to leave the province immediately. On receiving notice of this decree, I waited on his excellency, and requested him to state to me his reasons for thus precipitately expelling me from the country. He replied, that he did not feel himself at liberty to state any reasons, further than his having

received orders from the Prince of Peace to send away every foreigner, without any exception, from the Spanish dominions under his control. I asked him, if he had any special orders respecting me? He replied, No; but that he conceived me to be included in the general instructions he had received. He permitted me to enter into a friendly expostulation with him, wherein I endeavoured to convince him, that it was impossible that his Catholic Majesty could have intended to comprehend me in the orders which had been transmitted by the Prince of Peace, more especially as my residence in Caracas had been specially sanctioned by his Majesty's approbation. I urged upon his attention all the services I had rendered his government, and the serious claims I then had pending. He replied, with great urbanity, that he was perfectly sensible of the force of all I said, and professed to be sincerely sorry for the peculiar hardships of my case, but that if I suffered in my interests, the door was always open for me to obtain redress, through the honour and justice of his sovereign; and, whatever might be the consequences, he had made up his mind to compel me to depart from the country, and, particularly as he had reason to doubt *whether I was a citizen of the United States or not*. On his making this remark, I replied, that it was in my power to furnish him with undeniable evidence of my being a native of the United States; that, in particular, in all the public documents, since the year 1799, when I first entered the province, I had been recognised as a citizen of the United States; and that, in virtue of being such, the intendant De Leon had entered into a contract with me, during the late war between Great Britain and

Spain. He then replied, with a good deal of petulance, "*Well, it may be so; but, as you cannot pursue your commercial operations but by an intercourse with English subjects, it is dangerous to his Catholic Majesty's interests that you should remain here, therefore you must depart.*" I attempted to repel this ungenerous and unfounded suspicion, by shewing that the disputes with Spain and Great Britain ought not to endanger my interests and personal rights as a citizen of the United States; and I further stated, that even if a war were declared between Spain and my own country, there was a special provision in a treaty existing between the two nations, whereby the respective subjects and citizens of each should be allowed one year from the date of a declaration of war, to remove their persons and effects from the respective dominions of either power; and of course that it was cruel to place me in a worse predicament, in consequence of hostilities with Great Britain, than I should have been in even in the event of a war between Spain and the United States. To all these arguments and expostulations his excellency finally answered, "You must depart; and if you do not immediately acquiesce, you shall be expelled the country by force."

I then requested, as a favour, that I might be permitted to present a memorial to him, which should embrace the same arguments I had verbally stated, as I wished to possess some documents to prove that I had in due season represented for his consideration what I deemed necessary in defence of my interests and personal rights; and I likewise desired, that should he decree any thing with respect to the said memorial, that

he would furnish me with an authentic copy of such decree. His excellency hesitated for a few minutes, but at length said that he would comply with my wishes, provided the memorial were presented the next day. Availing myself of this permission, I delayed presenting my representation until I should again hear from his excellency, hoping to collect all my papers together in the mean time, and to make the best arrangements in my power preparatory to my expulsion from the country.

On the 18th of January, 1806, I laid my memorial before the captain-general, which caused him to hesitate for several days before he finally determined to use forcible means to compel my departure, as I had solemnly declared that nothing but force should induce me to abandon my interests. He consulted the tribunal of the *real audiencia*, and some of the most distinguished lawyers of Caracas, on the subject. Some of them advised him to take no decisive steps until he should receive further instructions from Madrid; others counselled him to expel me without hesitation; while some of the merchants in Caracas, who had always been hostile to my views, endeavoured to persuade him that my mercantile connexions with British subjects were dangerous to the safety of the province.

On the 16th of February, the captain-general sent his adjutant to inform me, that I must depart for La Guayra, and embark in the first vessel that should leave that port. I requested the adjutant to inform his excellency, that I still adhered to my resolution of remaining in the country until compulsion should force me to quit it. A few hours subsequently, I called on the captain-general, who received me with his usual ur-

banity. With great good humour, the old gentleman shook me by the hand, wished me a pleasant voyage, and informed me that a military escort was then at the door, with orders to conduct me to La Guayra. I requested permission to return with his adjutant to my place of residence, in order that I might procure my clothes and papers; which he granted. After having collected my papers, the adjutant insisted that I should return with him to the captain-general, in order to submit them to his inspection. I complied accordingly; but his excellency declined making such examination, and censured his officer for having suggested the idea. The last words he said to me were, "I regret, Sir, that the orders which I have received from the Prince of Peace have compelled me to expel you from the province under my command; but I thank you, in the name of my sovereign, for the services you have rendered to our government, and the inhabitants of Venezuela, during the time you have been among us." I bade his excellency adieu, and proceeded to La Guayra, accompanied by the adjutant and a guard.

On the 21st of February, the commandant of La Guayra sent a notary to acquaint me, that a Danish schooner, called the *Maria*, was to sail the next day for St. Thomas's, and that if I did not voluntarily embark in the said vessel, he had orders from the captain-general to adopt compulsory measures. I answered, that I would not embark in the schooner, nor in any other vessel, but by compulsion. Accordingly, on the following day (February 22, 1806), I was conducted to the wharf by a military guard, attended by notaries, and a cavalcade of officers and inhabitants. The officer ordered me into

the boat, and continued with me until he saw me on board the schooner, and the vessel under sail.

Thus was I forcibly expelled from his Catholic Majesty's province of Venezuela, after having rendered the services to the royal treasury and to the country, before stated. And thus was the suit, then pending, for the violation of my tobacco contract, at once cut short; while the indemnity itself, granted for injuries done to me, became of no effect.

A few hours previous to my embarkation, I entered a solemn protest against the proceedings of the captain-general, his government, and all those who were in any way concerned in these outrages on my interests and person.

The papers which I succeeded in taking away with me were as follows:—*Copy of the Protest at La Guayra—Original Contracts respecting the Varinas tobacco—My Correspondence with the Intendant, and with the Captain-general—Notarial Copies of the Proceedings in the suit against the royal treasury—Indemnity granted me by the Intendant—Royal Order of his Catholic Majesty, approving of that indemnity—Powers of Attorney from, and Agreement with Edward Barry and Company, of the island of Trinidad—Decrees of the Captain-general and Intendant, authorizing me to execute the privileges granted by his Catholic Majesty to the said Edward Barry and Company—Subsequent Decrees of the Captain-general, suspending and violating his previous decrees—Proofs of the amount of property delivered by me to the royal treasury, on the faith of my first contract for forty thousand quintals of tobacco—Unquestionable Proofs that the Intendant De Leon, at the time he made the*

contract (September 5, 1799), well knew that the whole of the said tobacco was deteriorated and rotten, thereby committing an enormous and deliberate fraud, compromising the honour of his Catholic Majesty, and wantonly ruining those who had unfortunately relied on the good faith of the Spanish government. All these important documents are now in my possession.

Upon my arrival at St. Thomas's, I wrote to the ambassador of the United States at Madrid, transmitting through him a memorial to his Catholic Majesty, setting forth the wrongs I had suffered, accompanied by a notarial copy of the protest I made at La Guayra, on the 21st of February, 1806. I have reason to believe that the memorial was duly presented to the king; and I received information, toward the end of the year 1807, that his Catholic Majesty had been pleased to pass a royal order, reprimanding the captain-general for his precipitate and unjust conduct towards me; and commanding the intendant, in case I should return to Caracas, to permit me to carry into effect the indemnity which had been granted me.

At the period when this intelligence reached me, my mercantile affairs were so much embarrassed, and my credit had received so severe a shock from the unfortunate issue of my previous transactions with the Spanish government, that it was impossible for me to make any further use of the indemnity in question, and, in addition to this, I was so disgusted at the recollection of the perfidy and injury I had already experienced from the Spanish authorities at Caracas, that I felt a repugnance to place my person or interests a second time within the sphere of their power. Under these circum-

stances, the information respecting the royal order was a matter of indifference to me; and I resolved to proceed to Spain, and lay my case before the superior tribunals at Madrid. But while I was making arrangements for that purpose, the revolution of 1808 broke out in Spain; and the unsettled state of the government for several subsequent years, rendered it unadvisable to make any attempts to prosecute my claims, until the affairs of the kingdom should assume some degree of order and stability. I therefore concluded to let them "remain *in statu quo*," until the period might arrive, when the intervention of my own government should make it expedient to revive the claims.

It is not for me to say, in what manner, if at all, our government ought to interfere; but it is believed, it is not hazarding much to say, that, in the long catalogue of injuries received by American citizens from the Spanish government, there does not exist a single case, either in point of magnitude or outrage, a parallel to the one just detailed, or which, in the humble opinion of the writer, more loudly calls for the protection and investigation of the government of the United States.

It will be clearly perceived, from the foregoing statement, that all my commercial transactions in Venezuela directly emanated from the highest Spanish authorities; that the contracts were made on account of the Spanish government, and, together with the privileges and indemnities conceded to me, were sanctioned by the approval of his Catholic Majesty; that all the injuries my interests received, and the outrages exercised against my person, were directly caused by the acts of the Spanish

authorities; and, finally, that my forcible expulsion from Caracas, by the despotic conduct of the captain-general was a manifest infraction of the treaty then existing between Spain and the United States. An infraction of the treaty! Can an American citizen seek redress from Spain for such a wrong?—or must he not rather look to that benignant power, which, like a kind parent, encircles all its objects within its arms, feeling any outrage committed upon them as thrilling its own heart's blood? To my government do I look with confidence; for is it possible that I can obtain reparation from a government that has acted as that of Spain has invariably acted towards all our citizens, who for the last twenty-five years have had any claims against it? Has there been a solitary instance, within that time, of compensation being afforded for injury, excepting in the case of our fellow-citizen, Richard W. Meade, Esq.? And, even in his case, do we not know that the energetic interference of the American government alone prevented new outrages against his person and interests? These are important facts, known to every one who has paid the least attention to the conduct of the Spanish government towards our citizens, ever since the period of the violation of the right of trading on the river Mississippi.

Until, therefore, my case shall be honoured with the notice and protection of our government, I cannot hope to obtain reparation for my wrongs. The principal circumstances of the case have long since been made known to the executive of the United States, and to the American minister at Madrid; but, as it is only within a

few months past that I obtained possession of the papers and documents before mentioned (which have been in keeping, in the island of St. Croix, for the last thirteen years), I have never, until the present moment, been enabled to state the facts with precise accuracy, or to make a representation to our government with due formality, and supported by the proper proofs. Such a representation will now be made; and I flatter myself with the belief, that it will be found worthy of the attention and interposition of the government of the United States.

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