

17th CONGRESS.]

No. 211.

[1st SESSION.]

CONSTRUCTION OF SMALL VESSELS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 29, 1822.

Mr. McLANE, from the Committee on Naval Affairs, to whom was referred the resolution of the House of Representatives of the 4th instant, instructing them to inquire into the expediency of modifying the act entitled "An act for the gradual increase of the navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built, reported:

That, by the act above referred to, passed the 29th April, 1816, the sum of one million of dollars per annum was appropriated for the gradual increase of the navy of the United States; and the President of the United States was authorized to cause to be built nine ships to rate not less than seventy-four guns each, and twelve ships to rate not less than forty-four guns each, including one seventy-four and three forty-four gun ships authorized by a previous law; the President was also authorized to procure steam engines, and all the imperishable materials necessary for building and equipping three steam batteries; and, by the fourth section of the act, it was provided that the moneys appropriated by this act shall not be transferred to any other object of expenditure. By the act of 3d March, 1821, instead of the appropriation contained in the original act, the sum of five hundred thousand dollars per annum for six years was appropriated, to carry into effect the purposes of the said act; and that the whole of this sum will be required to complete the objects contemplated by these acts.

That, pursuant to the instructions and objects of these laws, there has been built and equipped one ship of the line, viz: the Columbus; and that there have been built and launched three ships of the line, viz: the Ohio, the North Carolina, and the Delaware; and one frigate, at Washington, the Potomac. That there is now on the stocks, built and ready to launch, one ship of the line at Boston; and that there are now on the stocks, nearly finished, one ship of the line at Portsmouth, N. H., one frigate at Philadelphia, and one frigate at New York; and that there is on the stocks, about half finished, one ship of the line at Gosport, Virginia; that preparations have for some time past been making for putting on the stocks one ship of the line at Boston, one frigate at New York, one frigate at Portsmouth, N. H., and one frigate at Washington; and that the frames and nearly all the other timber and other materials have been provided for building one ship of the line at Philadelphia, one frigate at Washington, one frigate at Boston, and one frigate at Norfolk; that the live oak frames and nearly all the other timber, and two steam engines, have been provided for two steam batteries at New York and one steam battery at Washington.

The committee further report, that the articles on hand, and those contracted for, could not be advantageously applied to the building of vessels of a smaller class than those for which they were provided and designed. "The frames of our ships of the line are all got to moulds; each particular piece has its appropriate place in the frame," and the labor of reducing them to a size suitable for smaller vessels would be nearly, if not quite, equal to the expense of a new frame. The copper provided, too, is generally heavier than is used for sloops of war.

In the opinion of the committee, (the frames being cut to moulds, which, being the cheaper and better plan, the Commissioners of the Navy, with a due regard to the before-recited acts, were authorized to direct,) there would be great risk of losing them entirely, by their warping out of place, if they are not put together.

The committee are of opinion, also, that the fund appropriated for the gradual increase of the navy cannot be diverted to other objects consistently with good faith or the real interests of the nation.

The policy was adopted upon great consideration, and with a view to the defence of our seacoast, and in a well-founded conviction that it was wise and prudent gradually to increase our naval force in time of peace, and to render it efficient in the exigencies to which the country must be always more or less exposed. It is believed that the best defence for this country, and that on which it must principally rely, not only for the protection of our commerce, but to prevent the actual invasion of the soil, is the naval force. The act for the gradual increase of the navy was founded on this presumption, and designed by gradual means, in a manner least oppressive to the country, to lay the foundation of an efficient naval power, and to prepare, in time of peace, that description of force which could not be easily raised up in time of war, but which would be indispensable in such a crisis. It requires much time and great care to prepare the materials and construct the vessels of that class provided for in the acts, and the experience of the late war had fully demonstrated the necessity of such a force, by teaching us the facility with which the enemy could blockade a large portion of our coast with a single ship of the line.

The committee are of opinion that it would be unwise to change this system, founded upon so many important considerations, without some urgent necessity; and, in their opinion, none such exists. On the contrary, there seems to be even stronger reasons for adhering to the policy and cherishing the growth of our naval power, now that foreign nations are modelling their naval architecture after our improvements, and at a moment when our foreign relations are about to be extended upon a scale which should at least admonish us against any diminution of, or an indifference to, the means of national defence.

The committee are aware of the importance of sloops of war as a class of naval force indispensable both in time of peace and war; but they are a class which may be provided in a shorter time, and with considerable advantage even after the exigency has arisen; and though they would be useful in time of peace for many services, and especially for the discipline of our officers, and the more effectual suppression of the piratical marauders upon our commerce, the committee believe it would be unwise to break in upon the fund for the gradual increase of the navy, even for such objects; and they therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient to modify the act entitled "An act for the gradual increase of the navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by the said law to be built.

17th CONGRESS.]

No. 212.

[2d SESSION.]

CONDITION OF THE NAVY, AND ITS OPERATIONS.

COMMUNICATED TO CONGRESS, DECEMBER 3, 1822.

SIR:

NAVY DEPARTMENT, November 30, 1822.

In compliance with your request, I have the honor to transmit to you herewith sundry papers, numbered 1 to 5, inclusively, which contain the information desired.

No. 1. List of piratical vessels, &c. captured by vessels of the navy of the United States.

No. 2. List of vessels of the navy of the United States, in actual service.

No. 3. List of vessels of the navy of the United States, in ordinary.

No. 4. List of vessels built and building, under the act for the "gradual increase of the navy;" and, also, a general view of improvements at the several building yards.

No. 5. Copies of correspondence between the commanders of our cruising vessels and the Spanish authorities.

All which is respectfully submitted.

SMITH THOMPSON.

The PRESIDENT OF THE UNITED STATES.

No. 1.

Statement of captures of piratical vessels and boats made by vessels of the United States' navy in the West Indies.

Four piratical schooners, of about forty tons each, and one sloop of twenty-five tons, in all carrying about one hundred men, captured by Lieutenant Commandant L. Kearney, in the United States' brig Enterprise, at Cape Antonio, island of Cuba; October 16th, 1821, in the act of robbing the American ship Lucies, American brig Aristides, and English brig Larch; burnt two of the piratical schooners; the other two, and the sloop, were sent into Charleston, South Carolina, and condemned.

Schooner Moscow, captured by Captain Robert Henley, in the sloop of war Hornet, October 29th, 1821, sent into Norfolk.

A boat laden with goods, captured by Lieutenant Commandant Ramage, off Cape Antonio, November 8th, 1821; took out the goods and destroyed the boat; crew escaped.

A schooner of about thirty-five tons, captured by Lieutenant Commandant Kearney, 21st December, 1821; crew, about twenty-five, escaped.

Six piratical vessels captured by Lieutenant Commandant Ramage, January 7th, 1822; burnt five of them, manned one, took three prisoners, and destroyed their depot, &c., on the coast of Cuba.

A large barge taken by gun vessel Revenge, 7th March, 1822; she was deserted by her crew, and evidently fitted for piratical purposes.

Three piratical launches and four barges, captured by Lieutenant Commandant Kearney, in the United States' brig Enterprise, at Cape Antonio, on the 8th March, 1822; destroyed.

Two piratical schooners captured by Lieutenants Commandants Perry and Gregory, in June, 1822; three pirates prisoners.

Spanish privateer Palmyra, alias Pancheta, captured by Lieutenant Commandant Gregory, August 16th, 1822; sent into Charleston, South Carolina.

Five piratical vessels captured by Captain S. Cassin, commanding United States' ship Peacock, on the 28th and 30th September, 1822; burnt two; found eighty-nine bags coffee concealed in the woods by the pirates: two of the vessels sent to New Orleans.

A Dutch sloop was recaptured from pirates by Captain John H. Elton, commanding United States' brig Spark, in January, 1822, and the prize crew, seven men, were sent into Charleston, South Carolina.

Portuguese ship Mariano Faliero, captured by Lieutenant Commandant R. F. Stockton, in the United States' schooner Alligator, sent into Boston.

No. 2.

List of vessels of the United States' navy, now in service.

In the Pacific Ocean.

Ship Franklin,	-	-	-	-	-	-	74 guns.
Schooner Dolphin,	-	-	-	-	-	-	12 "

In the Mediterranean.

Frigate Constitution,	-	-	-	-	-	-	44 guns.
Sloop of war Ontario,	-	-	-	-	-	-	18 "
Schooner Nonesuch,	-	-	-	-	-	-	12 "

On the coast of Africa.

Corvette Cyane,	-	-	-	-	-	-	24 guns.
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In the West Indies.

Frigate Congress,	-	-	-	-	-	-	36 guns.
Corvette John Adams,	-	-	-	-	-	-	24 "
Sloop of war Peacock,	-	-	-	-	-	-	18 "
Brig Spark,	-	-	-	-	-	-	12 "
Schooner Alligator,	-	-	-	-	-	-	12 "
" Grampus,	-	-	-	-	-	-	12 "
" Shark,	-	-	-	-	-	-	12 "
" Porpoise,*	-	-	-	-	-	-	12 "
Gunboat No. 158,	-	-	-	-	-	-	1 "

Sloop of war Hornet, eighteen guns, preparing for a cruise in the West Indies, at Norfolk, Virginia.
Brig Enterprise repairing at New York, for a cruise in the West Indies.

No. 3.

List of vessels of the United States' navy in ordinary, exclusive of ships on the list of the Navy Commissioners; exclusive of list No. 4.

Ship Independence,	-	-	-	-	-	-	74 guns.
Ship Washington,	-	-	-	-	-	-	74 "
Frigate United States,	-	-	-	-	-	-	44 "
" Guerriere,	-	-	-	-	-	-	44 "
" Java,	-	-	-	-	-	-	44 "
" Constellation,	-	-	-	-	-	-	36 "
" Macedonian,	-	-	-	-	-	-	36 "
Steam Frigate Fulton,	-	-	-	-	-	-	30 "
Sloop of war Erie,	-	-	-	-	-	-	18 "

* And on survey coast Florida.

No. 4.

Vessels built and building under the law for the gradual increase of the navy; with a general view of improvements completed at the several building yards.

Columbus, seventy-four, launched in ordinary at Boston, with a roof over her to protect her from the rain, sun, &c.
Ohio, seventy-four, launched in ordinary at New York, with a roof over her to protect her from the rain, sun, &c.
North Carolina, seventy-four, and Delaware, seventy-four, launched in ordinary at Norfolk, and now covering with roofs to protect them.

One seventy-four at Boston, nearly finished; house over her, and perfectly protected.

One seventy-four at Boston, frame raised; under a house, perfectly protected.

One seventy-four at Portsmouth, New Hampshire, nearly finished; under a house, perfectly protected.

One seventy-four at Norfolk, Virginia, about half finished; house over her, perfectly protected.

One seventy-four at Philadelphia, keel laid, frame nearly out, house now building over, and probably raised by this time.

Potomac, forty-four, launched and hauled up on the inclined plane at Washington, where she now lies, under a house, perfectly protected from the sun, rain, &c.

One forty-four at Washington, about half finished.

One forty-four at Philadelphia, nearly finished, house over her, perfectly protected.

One forty-four at New York, frame getting out, and nearly ready to raise.

One forty-four at Portsmouth, New Hampshire, in forwardness; house over her, perfectly protected.

The frames of the other frigates authorized to be built, excepting a few pieces yet to be delivered by the contractors, and nearly all the other materials excepting the iron, are procured and placed in situations where they will probably not sustain any immediate material injury.

Two steam battery frames are securely deposited under cover at Washington navy yard.

One steam battery frame is securely deposited under cover at New York.

Two steam-engines are put up, and in a state of preservation at New York.

The building yards are in as good a state as the means placed at the disposal of the Department would allow; but to erect the necessary warehouses, repair wharves, cover some of the vessels now building, and to erect suitable sheds over the timber, for its preservation, there will be required for the year 1823 the sum of \$150,000.

General view of improvements completed at the several building yards in 1821 and 1822.

At Norfolk, timber dock filled up, and house built over new ship of the line.

At Washington, inclined plane, with a house over it, large warehouse, sail loft, and rigging loft.

At Philadelphia, foundation of a new ship laid, house built over a frigate, and house now raising over a ship of the line.

At New York, foundation of a new ship laid, house built over a frigate; low ground filled up to an extent to afford sufficient room to work on.

At Boston, foundation of a new ship laid; a house built over a ship of the line; a blacksmith's shop erected; the timber dock piled and improved; cover placed over the frame of a forty-four; about two acres of ground levelled.

At Portsmouth, New Hampshire, foundation of a new frigate laid, and a house erected over it.

No. 5:

Copies and extracts of letters and reports, exhibiting a general view of the correspondence between the commanders of our cruising vessels in the West Indies and the Spanish authorities.

SIR:

U. S. FRIGATE MACEDONIAN, HAVANA, May 6, 1822.

I have the honor to inform you that I arrived here on the 28th ultimo; my passage was somewhat protracted by chasing, out of my course, suspicious looking vessels among the islands, and by having two days under convoy an American schooner, that requested me to see her safe past Cape Antonio. On my arrival, I saluted the Captain General and the Admiral, receiving from each, in return, gun for gun, agreeably to previous arrangement. On the 29th I had an interview with the Captain General relative to the business with which I am charged by Mr. Adams, the Secretary of State. On the 30th I addressed a communication to him upon the subject of landing our boats and men upon the coast of Cuba when in pursuit of pirates. I enclose a copy of my communication, as also of the Captain General's answer; and you will perceive he declines acceding to the proposition I made to him. I think it preferable to pursue one object at a time with the Government here, and I shall therefore drop this subject for the present, renewing it when my correspondence in regard to the Florida documents is terminated. He certainly ought, and perhaps will consent to our landing upon those parts of the coast that are uninhabited, and where, though within his jurisdiction, he is utterly incapable of exercising any authority. There are many such places on the coasts of this island.

The measures adopted by the Captain General, and to which he refers in his letter to me, consist simply of a proclamation, in March last, establishing certain regulations with respect to the clearances of coasting vessels, launches, and other boats. These regulations, I understand, are not strictly enforced, and, even if they were, they are altogether insufficient for the suppression of piracy along the extensive coast of Cuba. As this proclamation has been published in the American newspapers, I do not think it necessary to send you a copy.

I regret to state that I have not met any of our cruisers either at this port or off Cape Antonio, nor have I been able to gain any information as to where they probably now are. It is some time since any of them were here. The British frigate Tribune is here, from Porto Bello, and is about to sail for England with specie.

I have the honor to be, &c.

JAMES BIDDLE.

Hon. SMITH THOMPSON, *Secretary of the Navy.**Captain Biddle to Governor Mahy.*

SIR:

U. S. FRIGATE MACEDONIAN, HAVANA, April 30, 1822.

I have the honor to represent, that the commercial relations between the United States and Cuba are already very considerable, and that they would unquestionably be more considerable if rendered more secure from unlawful depredations. As these relations, too, are mutually beneficial, it is important to both parties that they should be effectually protected. For this object, the Government of the United States, on its part, has employed an adequate naval force, which is placed under my direction and control. But as the depredations have been committed chiefly in open boats, immediately upon the coast and off the harbors, it is important that we should have your excellency's co-operation. I have therefore the honor to propose that your excellency should so far co-operate with me as to sanction the landing, upon the coast of Cuba, of our boats and men, when in pursuit of pirates. This measure would be promotive of our common benefit, is indispensable to the entire suppression of piracy, and is not intended in any manner to infringe upon the territorial rights of your excellency. It will operate against those only whose atrocious crimes render them obnoxious to every regular Government, and should place them without the protection of all law.

I have the honor to be, with great consideration and respect,

Your excellency's most obedient and very humble seryant.

JAMES BIDDLE.

His Excellency Don NICHOLAS MAHY, *Captain General and Governor of Cuba, Havana.*

[TRANSLATION.]

Governor Mahy to Captain Biddle.

HAVANA, May 2, 1822.

I am too sensible of the importance of the commercial relations which exist, and may continue, between the ports of this island and those of the United States, which I am desirous of cultivating, not to have adopted measures to put a stop to depredations which might obstruct them along the extensive coasts of this island under my jurisdiction. I repeat, that such measures have been adopted, and have been made public, and, with the zealous co-operation with which you inform me you are charged, we shall doubtless effect shortly a happy extermination of those enemies who, under all colors, have laid waste and committed robberies, both upon the high seas and every coast, without respecting any flag.

With respect to the permission you solicit for landing upon this coast with troops and people in boats, for the purpose of pursuing those pirates, I cannot and must not consent to it. I repeat, that the necessary measures have been adopted to defend my territorial jurisdiction, and for the apprehension of every description of outlaws.

All which I communicate in answer to your official letter of yesterday.

God preserve you many years.

NICHOLAS MAHY,

*Captain General of the Island of Cuba.*JAMES BIDDLE, Esq., *commanding U. S. ship Macedonian.*

Extract from a report of Lieutenant Francis H. Gregory, commander of U. S. schooner Grampus, to Captain James Biddle, commanding the U. S. naval forces in the West Indies, relating to the capture of the Pancheta, dated

U. S. SCHOONER GRAMPUS, ST. THOMAS, August 24, 1822.

I have the honor to acquaint you, for the information of the honorable Secretary of the Navy, that I arrived at St. Bartholomew on the 2d of August, and sailed again on the 7th, with convoy for St. Thomas. On the morning of the 9th, fell in with two Spanish cruisers off Portola, who demanded permission, and claimed a right, to board the convoy, which being peremptorily refused, they hauled off. The same day I arrived at St. Thomas, and received from Captain John Souther, of the schooner Coquette, of Georgetown, D. C. the enclosed deposition, having been plundered by those vessels. On the 14th I left St. Thomas with two valuable vessels bound to Curaçoa, and on the evening of the 15th saw an hermaphrodite brig hovering upon our weather quarter, apparently a cruiser; continued my course without regarding her; at daylight made her ahead, and gave chase; at half-past nine, having gained considerably upon her, she hoisted English colors, changed them to Spanish at ten and fired a gun to windward, and at half-past ten hove to and set a white flag at the fore. On nearing her I perceived her to be the pirate that had fired upon and plundered the Coquette, and therefore considered it my duty to arrest her. At twenty minutes past eleven the Grampus was laid under her lee, within pistol shot, and her surrender demanded as a pirate, which she affected not to understand, and answered me to that import. While repeating the demand, he poured into us a full volley from his small arms and cannon, which was instantly returned, and continued three minutes and a half, when he struck his colors, a complete wreck, having one man killed and six wounded, and in a sinking condition. The boats were despatched instantly to their relief, and it was only owing to the great exertions of Lieutenant Voorhies that she was prevented from going down, having received three shot between wind and water, one of which injured the pumps. The Grampus received some trifling injury in her sails and rigging, but not a man hurt.

The captured vessel proved to be the notorious privateer Palmyra, formerly the Pancheta, from Porto Rico; carries one long brass 18 and eight 18 pound carronades, and a crew of eighty-eight men. They acknowledged the robbery of the Coquette, and the only excuse given by the officer, is, that they could not prevent those things happening now and then. Several of the plundered articles were found on board.

ST. THOMAS, August 10, 1822.

Personally appeared before us, Captain John Souther, commander and in part owner of the schooner Coquette, of Georgetown, D. C., who, being duly sworn upon the Holy Evangelists of Almighty God, deposed and saith: That he is a native born citizen of the United States of America; and that, while on a voyage in said vessel to the West India islands, and on his passage from St. Bartholomew to St. Thomas, on the morning of the 9th of August, 1822, at 5 A. M. or thereabouts, he was fired at by a sail in chase, upon which the deponent saith he immediately hove to. Was boarded by an officer and boat's crew under Venezuelan colors; they immediately demanded his papers; after examining them they commenced searching the vessel, then went into my cabin and searched the berths, chests, &c. They took from the vessel stock, and clothing from the officers and men. The deponent further says, she was an hermaphrodite brig with a red streak, and one long gun midships, and several others, not knowing the exact number.

JOHN SOUTHER.

Attest: { J. ROHDE, *Capt. R. Navy and harbor master.*
FRANCIS H. GREGORY, *Lieut. Com. U. S. Navy.*

The foregoing deposition of Captain John Souther having been read before John Peabody, Jun., mate of the schooner Coquette, John Reynolds and Henry Sterling, seamen, and they, being duly sworn, declare the same to be true.

JOHN PEABODY, JUN.
JOHN REYNOLDS,
HENRY STERLING.

Attest: { J. ROHDE, *Capt. R. Navy and harbor master.*
FRANCIS H. GREGORY, *Lieut. Com. U. S. Navy.*

Extract of a letter from Lieutenant Commandant Francis H. Gregory to the Secretary of the Navy.

I have the honor to inform you that this vessel, accompanied by the Palmyra, alias Pancheta, was safely anchored in this port on the 12th, after a passage of fifteen days from St. Thomas. The Palmyra was captured on the 16th of August, to the southward of St. Croix, by the Grampus, after a short action, in which she was principal sufferer, as detailed in my reports to Captain James Biddle, commander of the United States' naval forces cruising in the West Indies, copies of which have, for your information, already been forwarded to the Department.

It was my wish and intention to have entered a more northern port, but light and adverse winds, and the great number of prisoners on board, obliged me to make the nearest port, and that as soon as possible. The prisoners, seventy-six in number, have been safely lodged in jail, committed for piracy. At least one-third of them are of the Sugar Key gang, who have come to Porto Rico for the purpose of covering their villany with Spanish commissions. All the original documents respecting this vessel have been placed in the hands of the United States' district attorney, and the vessel libelled. Several of her own crew have turned informants, and I expect a great scene of villany will be exposed.

I frequently saw gentlemen from Porto Rico while at St. Thomas, and was informed that several small privateers were fitted out there, which, if not looked after in time, will certainly commit some very serious depredations upon our commerce, as they are in reality nothing but pirates; most of their crews being from the establishments of Cuba, and to their thirst for plunder add a deadly desire of revenge whenever they fall in with a defenceless American.

Extract of a letter from Lieutenant James Ramage, commander of the United States' schooner Porpoise, to the Secretary of the Navy, dated.

ST. THOMAS, July 9, 1822.

Having sailed from St. Bartholomew on the evening of the 6th instant, I fell in, the next morning, with two brigs of war, bearing the Mexican flag. I run down, with our colors flying, between them, and, when opposite to each, received a gun from the one to windward, which was instantly returned from this vessel. Shortly after, I received a similar salute from that to leeward, which was promptly replied to. Both vessels, on firing, hauled down the Mexican and hoisted the Spanish national colors. I then ranged alongside the brig to leeward, observing her crew in a state of extreme confusion; they opened an irregular and ill-directed fire of grape and musketry, but without any effect. I was in the act of giving orders to return our broadside, when hostilities ceased, and I directed Lieutenant Curtis to board the brig and examine her papers. They proved to be His Catholic Majesty's brigs Palmyra, of fourteen guns and one hundred and thirty men, and G. Boves, of eight guns and one hundred men, both from Cadiz. The enclosed is a literal copy of a letter addressed me by the senior commanding officer.

I now hasten to communicate the intelligence received by me at this place, which I believe to be entirely authentic, that several Spanish privateers, of considerable force, have lately been equipped from the island of Porto Rico, for the purpose of capturing all vessels sailing to or from the ports on the coast of Spanish America, in possession of the Patriot forces, under the plea that they are violating a system of blockade established by the Government of Spain. These privateers have already made several captures of American and other vessels which have been carried to remote ports in the island of Porto Rico, and will doubtless be condemned. The injury that will result to the commerce of our country, from this system of pretended blockade, will be very serious, if not timely checked by an adequate force in this quarter; and, as I have no means of communicating from hence with Captain Biddle, I consider it my duty to lay the present information before you.

M. RAMAGE, *U. S. Sc. Porpoise.*

S. N. B. G. BOVES, *At Sea, July 8, 1822.*

SIR: I am sorry you will be incomodod with me by firiyng you this morning, being the case that we thought you were Patriots, and we have comission from our Government to blockade all the men ports, and happened that must all the vessels from the men hoisted and fight with the American flag, we took you to be one of them.

I hope, therefore, you will forgived the uncaasionally affair.

I remain your sincear, &c.

PABLO LLUAGER.

To the CAPTAIN of the U. S. Sc. Porpoise.

UNITED STATES' SCHOONER PORPOISE, CURACOA, July 22, 1822.

SIR: I had the honor to address you on the 9th instant, from the island of St. Thomas, communicating the injuries committed on our commerce by Spanish vessels of war near to Porto Rico, in consequence of their pretended blockade of the coasts of Spanish America. I have now to inform you that the same causes have produced the same effects in this quarter, and that four American vessels have been condemned at Porto Cabello for a breach of blockade. The naval force of Spain, in these seas, consists of an old forty-four gun frigate, (one of the Russian contract,) a brig and schooner. These are employed in furnishing supplies to Porto Cabello from this island, and yet with such a force, and so employed, they uphold the monstrous principle of blockading a coast of more than twelve hundred miles in extent. It does not appear that any injury has been committed on our commerce by the vessels of the Colombian Republic.

I have the honor to be, &c.

JAMES RAMAGE.

Hon. SMITH THOMPSON, *Secretary of the Navy.*

Extract of a letter from Lieutenant James Ramage, commander of the United States' Schooner Porpoise, to Captain James Biddle, commanding the naval forces in the West Indies.

Under the plea of a breach of blockade, the Spanish squadron in this direction capture all vessels bound to or from ports in possession of the Colombian Republic. The naval force of Spain now here consists of an old forty-four gun frigate, the Ligera, (one of the Russian contract,) an eighteen gun brig, the Hercule, and a schooner; the whole of which are employed supplying Porto Cabello with provisions from Curacoa; yet, with such a force, and so employed, they uphold the monstrous principle of blockading a line of coast of more than twelve hundred miles in extent.

Copy of a letter to Captain Laborde, commanding His Catholic Majesty's frigate Ligera.

SIR:

UNITED STATES' SCHOONER PORPOISE,
HARBOR OF ST. ANN CURACOA, July 21, 1822.

I have received from the master of the American schooner Antelope a communication of which a copy is herewith transmitted you. From this statement it appears that a very serious injury has been done by you to the rights and property of citizens of the United States by the capture and subsequent condemnation of an American vessel and cargo pursuing a lawful commerce; but it is hoped that more just reasons will be exhibited on your part for the course pursued than those stated in the communication referred to.

I have received information that the American vessels, named underneath, have been carried into Porto Cabello, and there condemned under the pretext of a breach of blockade of the coast and harbors of the Spanish Main. In consequence thereof it becomes my duty to demand from you the release of all vessels and property so seized, and further to state that the United States cannot recognise such a system of blockade to the manifest injury of their commerce where the force of Spain is so evidently inadequate to its fulfilment.

I am, &c. &c.

JAMES RAMAGE.

To Capt. LABORDE,

Comd'g H. C. M. Frigate Ligera, Curacoa.

American brig Calypso, of New York, American brig Rising States, of New York, American schooner Union, of Salem.

Statement of Arthur Edgarton, mate of the brig General Andrew Jackson.

Arthur Edgarton, mate of the brig General Andrew Jackson, taken by the privateer General Pereira, on the 22d July, as nigh as he can remember, the log book being taken from him—Captain Langdon and the cook were sent in the brig to Ponce, and the mate and men were taken on board the privateer, having been robbed of every article of clothing, except what they had at the time on their backs. The men had recently left the United States, and had each a new suit of good clothes; many of which can, at most hours, be seen at this place worn by the crew of the pri-

vateer in public. Except being robbed of clothing, knives, razors, &c., were well treated on board the privateer, where they remained about seventeen days; were then put into the Puntilla (prison) without food, until the afternoon of the third day. The keeper of the prison, observing the wants of these men, sent word to the captain of the privateer "that he must furnish them daily with food, or he would be punished;" which was complied with.

Captain Spence to the Secretary of the Navy, transmitting correspondence with the Governor of Porto Rico, marked A to G; inclusive.

SIR:

U. S. SHIP CYANE, ST. JOHN'S, PORTO RICO, September 3, 1822.

After a passage of twenty-five days from the Chesapeake, during which we experienced an alternation of calms and head winds, I anchored in this harbor. I found no small excitement existing, produced by the capture of the Pancheta. The presence of a ship of our force was perhaps seasonable; and possibly may have been the means of preventing unpleasant consequences to the Americans here. Before I could enter upon the business specially delegated, I was informed of the imprisonment of several citizens of the United States, taken from the brig General Jackson, captured and sent into Ponce. As no American ought to be restrained of his liberty, in any quarter of the world, one hour, without just cause, I addressed his Excellency Don Francisco Gonzales de Linares, demanding their release. My letter, marked A, is herewith transmitted. The men being liberated I felt myself at liberty to enter upon the execution of my instructions, and immediately addressed him upon the subject of the capture of American vessels by privateers out of the island of Porto Rico. A copy of my letter, marked B, is herewith enclosed. On the 27th ultimo I addressed to his excellency letter C, annexing memorandum No. 1, being a list of vessels sent into the different ports of the island for adjudication. On the 28th I received from his excellency a reply to my representations which is herewith transmitted, with other subsequent communications from him. I then addressed to him letter D, with copies of the accompanying documents, Nos. 2, 3, 4.

Some of the circumstances of the capture of the Pancheta being known, for the purpose of preventing the ill effects of distorted and prejudiced representations, and to allay the sensations of which his excellency speaks, I addressed to him, on that subject, letter marked E. Receiving several reiterative communications, of which I obtained but very imperfect translations, I replied with letter marked F, and came to the consummation of the duty confided to me in letter G; and I trust, in the declarations there made, I have neither gone beyond the letter nor spirit of my instructions, having been influenced, throughout the whole correspondence, by a strong desire to discharge a delicate trust with becoming graciousness; and, while making known the sentiments of the American people, and the determination of my Government, to conciliate, by a friendly style and manner, the good feelings of those in authority, all of whom are men of high standing, and justly estimable. I hope my remarks on the laws of blockade will be considered by yourself and the President pertinent and proper. I believe I conceived your views on that subject. It cannot, however, be expected that an officer who embarked at the age of eleven on an element where the accomplishments of a scholar are not required, should shine in a correspondence of a diplomatic cast; especially when depending wholly on his own feeble capacity. What I have written on this occasion has been with a heart glowing with American feelings, with an enthusiastic admiration of our laws, institutions, and great men; if, therefore, a little egotism should occasionally appear, I plead this in extenuation.

The hospitality of the port has been freely and fully extended to my ship, and the personal attentions of those in authority have been gratifying to me and my officers. To a system of privateering they are opposed; and the Governor will do all in his power to discourage its continuance. Indemnification for the past, I fear, we shall have to look for to the treasury of Spain.

I shall be active in attending to every thing in which the interest of our commerce is concerned; and shall endeavor to sustain the American character by a manner gentle, yet firm; taking on myself no responsibility; keeping constantly in eye the reciprocal rights of nations, and your instructions.

I have the honor to remain, sir, your obedient servant,

ROBERT TRAIL SPENCE.

The Hon. SMITH THOMPSON, *Secretary of the Navy, Washington.*

P. S. I shall leave these seas the last of October for Africa.

A.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

SIR:

PORTO RICO, August 26, 1822.

Instructed to proceed to Porto Rico, to communicate with your excellency in relation to the infringement of American rights, by vessels fitted out of different ports of this island, I had scarcely anchored with this ship, ere I learned that several citizens of the United States (after experiencing the most brutal treatment from a gang of desperadoes belonging to an armed schooner now in, and said to be of, this place) have been imprisoned, and are at present in confinement.

These American citizens, I understand, were taken from the brig Andrew Jackson, while peaceably pursuing their vocation on the high seas, under the flag of the United States.

So gross a violation of the usages of all civilized nations is calculated to excite universal abhorrence, and the just indignation I am persuaded your excellency must feel on being informed of such an atrocious act renders it only necessary that it should come to the knowledge of your excellency, to cause the immediate release of said citizens, and the prompt and salutary punishment of those violators of the laws of nations and humanity.

With the most perfect consideration, &c.

ROBERT T. SPENCE.

His Excellency FRANCISCO GONZALES DE LINARES,
Governor of Porto Rico.

B.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

SIR:

PORTO RICO, August 27, 1822.

I am directed to call the attention of your excellency to the capture and detention, by privateers fitted out from this island, of several American merchant vessels, while pursuing a lawful commerce during a time when the United States enjoy profound peace with all nations.

Your excellency will readily perceive that, under such circumstances, the violation of American rights here complained of, calls for a speedy interposition of justice and authority. Justice, that a restitution of these captures may be made, and authority, to prevent a repetition of similar outrages.

I will, as soon as possible, transmit to your excellency the names of the vessels to which this complaint refers, with a statement of the circumstances attending their capture; confidently believing that your excellency will adopt, as early as possible, such measures as shall, in your wisdom, be deemed sufficient to arrest these depredations, which, in some cases, can be viewed in no other light than piratical.

The flag of the United States, floating in every ocean, guaranties protection to all who lawfully sail under it; the invasion of rights identified with this flag, it would neither be honorable, wise, nor expedient to permit; and that trade to which, as a neutral, the United States have claim uninterruptedly to pursue, cannot be molested.

The American commerce, second to none for magnitude, enterprise, and fair dealing, must, to insure a continuance of these constituent features, be preserved inviolate; and the protection necessary to effect this object, the

Government of the United States is determined to afford, whether in the seas of the Mediterranean, Pacific, or Caribbean, where outrages, tending to degrade the flag under which they are committed, are daily occurring; these, as far as they shall come under the cognizance of your excellency, I am persuaded will be restrained and prevented.

The amicable and friendly footing on which Spain and the United States are at this time, convinces me that nothing more than a proper representation of these facts is required to call the subject-matter to the *immediate attention* of your excellency.

Fully believing this, I have the honor to remain, &c.

ROBERT T. SPENCE.

His Excellency DON FRANCISCO GONZALES DE LINARES,
Governor of Porto Rico.

C.

UNITED STATES' SHIP CYANE, ST. JOHN'S,
PORTO RICO, August 28, 1822.

SIR:

Having informed your excellency that I have been instructed to proceed to this place, to communicate with your excellency on the subject of captures, made by privateers fitted out of this island, of American vessels, while pursuing, in time of peace, a lawful trade, I now have the honor to transmit a memorandum, embracing the names of these vessels, and the circumstances attending their seizure.

It appears that some of these vessels have been sent in, and, after a grievous detention, declared to be a "*bad prize*;" subject, however, to pay all the costs of suit, and one-third of the expenses of the privateer.

To one as profound in all matters of law and equity as your excellency, this must appear a strange proceeding; a proceeding calling with much emphasis for the interposition of your excellency's authority to remedy evils bearing a character calculated to diminish the high respect heretofore entertained by the world for the equitable decisions of Spanish courts.

A pretended violation of blockade, it appears, is the pretext for sending into the ports of this island vessels navigating the sea under the American flag. The whole, therefore, may be resolved into two descriptions of cases; the first comprising vessels seized and again released as "*bad prizes*," paying the whole of the costs of trial, and a portion of the expenses of the privateer.

The principles of equity applicable to such cases are too simple to require exposition. The innocent are not to pay the penalty of another's guilt or imprudence. If an American is interrupted in her voyage, captured, and vexatiously detained until a judicial investigation determines her to be a "*bad prize*," it seems to me self-evident that all costs of the suit should be paid by the captors, in whom the wrong is. Add to this that proper damages should be levied on the aggressor, that the sufferer may be fairly indemnified, and the "*privateersman*" be restrained in future by a fear of being, in all similar cases, called upon to make good the injury resulting from his wantonness. Without such a check, what is there to limit the mischief done by men of this order, who, stealing from their dens and lurking places, pollute the ocean with the blood of defenceless sailors, and gorge their cupidity with the spoils of plunder and ravage?

The good of every nation, and the honor of some, require that so foul a system should be made to cease, that every navigable sea may be rendered safe to the honest efforts of enterprise.

The second description of cases to which I wish to call the immediate attention of your excellency are those vessels sent in under a pretext of attempting to enter a blockaded port. The pacific policy uniformly pursued by the Government of the United States, the just and liberal principles by which it has been governed through all its various struggles, to treat all nations as friends, and especially to be on the most friendly footing with Spain, entitle the citizens of America to the privilege of navigating the seas without molestation on pretexts so flimsy as those of violating a "*blockade*" which has never existed *de facto*.

It is well understood that a blockade, to carry with it the penalty of forfeiture, must be conformable to the established opinions of those distinguished civilians who have fully and ably expounded this subject.

In the first place, it must be practicable; it must be defined within limits commensurate with the ability; a stationary force must intervene; the vessel entering must be warned off; these and other qualifications are essential to constitute a blockade, as now understood by the President of the United States and other great statesmen. If, then, such is the form and nature of a blockade; if the constant presence of a stationary squadron, adequate to the purpose of intercepting all vessels, is indispensable; how is it that a whole coast, without any definite limit, should be under the ban of interdiction, without any visible force; consequently, without the first requisite of a blockade?

While such pretexts for spoliation exist, and the commerce of the United States is thus devastated, the relations of love and friendship now existing between the two nations must be shaken, and a state of things produced such as I am persuaded your excellency will feel desirous to avert.

I trust I shall be excused these remarks, made to one by whom the principles of "*blockade*" are fully understood, and whose experience is such as to render the application of them in all cases just and proper.

It will readily occur to the wisdom and justice of your excellency, that injuries sustained by American citizens from illegal seizure and detention, carry with them a fair claim to indemnity; and that, where there has been a manifest partiality in the courts deciding on some of the cases presented for your consideration, the arm of authority should be extended to remedy, and to require more equitable decisions. In these cases it is *hoped* and *expected* that your excellency will direct a revisal of the proceedings of subordinate tribunals, that such of the citizens of the United States as have suffered by them may be immediately made whole in their property, and *receive damages* for unjustifiable detention.

Your excellency, influenced by high and honorable motives, will doubtless see the propriety of ordering all American vessels now detained to be *forthwith released*, and the punishment of marauders who have tarnished the dignity of the Spanish character by acts of inhuman treatment to citizens of the United States; by the most flagrant outrages; by a prostration of all the usages of civilized society; thereby bringing the commercial world into a state truly to be deplored, tending to arm man against his brother man, and to make safety no where but in strength and habitual hostility.

Submitting this application to the early attention of your excellency, and calling upon your excellency immediately to interpose your authority to prevent a continuance of these causes of just complaint, and confidently believing that your love of justice, order, and humanity, will impel you promptly to meet the wishes of my Government on this subject,

I remain, with the most perfect consideration, your excellency's obedient servant,

ROBERT T. SPENCE.

His Excellency DON FRANCISCO GONZALES DE LINARES,
Governor of Porto Rico.

List of American vessels captured by Spanish privateers, and sent into the different ports of Porto Rico.

Barque American, Emery, master, of Kennebunk. This vessel was sent into Cape Roxo by the Spanish felucha La Carmen, tried, and declared a *bad prize*, but sentenced to pay all costs of the trial, and one-third of the charges of the privateer for her detention; and was compelled, in consequence, to sell her cargo at a great sacrifice.

Brig Sam, of Portland, Crowell, master. This vessel was sent into Cape Roxo by the same privateer, and it is understood that she is still detained.

Brig Bliss, of Baltimore, Dungan, master. This vessel was sent into Cape Roxo by the same privateer, and, after a vexatious detention, was suffered to proceed, paying all the costs of trial, and one-third of the expenses of the privateer.

Brig Elizabeth, of Georgetown, West, master. This vessel was sent into Aguadella by the privateer General Pereira, for trading to a blockaded port.

Brig General Jackson, of New York, Langdon, master, captured and sent into Ponce by the schooner General Pereira, at which place she is now detained, and part of her crew, after very inhuman treatment, imprisoned at this place.

D.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

PORTO RICO, August 29, 1822.

SIR:

I have the honor to acknowledge the receipt of your excellency's letter of the 27th instant, (a translation I have but this moment been able to obtain,) in which you refer me to a communication made to Mr. Lord, the commercial agent, in reply to an application made the day previous to my arrival, for the release of the crew of the brig Andrew Jackson. The sentiments and expressions of your excellency in relation to this outrage are duly appreciated. I felt persuaded that the harsh and illegal imprisonment of unoffending American citizens could not have come to the knowledge of your excellency; and there are other outrages of similar character not yet known, I am convinced, to the high authorities of Porto Rico.

I beg leave to enclose you a copy of a letter from the Government interpreter at Ponce, into which place the brig Andrew Jackson was taken. This is a representation from a Spanish functionary; and your excellency, I doubt not, will agree with me, that, if the facts there stated are true, there is no other application by which I could designate the perpetrators of such inhuman severity save that of "desperadoes," men restrained by none of the gentle obligations of humanity.

It is a fact, notoriously known, that the crew of the "Andrew Jackson," illegally and harshly confined at the time of my writing to you, had been previously robbed of every thing save the clothes they had on at the time of entering the prison; their jack-knives were even cut from their laniards! If to men who can thus act, who can divest a defenceless "American tar" of every thing, even to his wearing apparel, I could apply any other distinguishing name than that of "robber," I confess to your excellency I should have selected a milder epithet.

A glance at the history of the past displays, in the Spanish character, the principles and high sentiments of which you speak; the island before us bears full testimony of their enterprise and greatness. It was to those sentiments and principles I appealed when I requested your early attention to proceedings calculated to sully that dignity of which every Spaniard is justly proud.

The capture of the Pancheta by a vessel of war of the United States was entirely unknown to me on my arrival at St. John's; but I can confidently assure your excellency that you have been misinformed as to some of the circumstances attending it. I have understood that the privateer Pancheta has been of considerable annoyance to our commerce in these seas, and that, falling in with the United States' schooner Grampus, fired into her. The consequences that would result from such an act may be conceived by your excellency.

The instructions given to officers of the American navy are such as to render it impossible that they can be the aggressors; and the feelings that have characterized them will always insure, in these unhappy rencontres, humanity and tenderness.

Vessels have formerly been sent into ports of the United States on apparent good grounds, such as attempts on our commerce; but, in all instances in which cause for condemnation did not appear, heavy damages were awarded, and the sufferers made more than whole in their property; retribution is there always at hand.

In the case of the Pancheta, I beg leave to assure your excellency there must have been great cause for the course pursued. As to the indignity offered to the flag, your excellency, I trust, is misinformed; for no officer in the navy dare stand before the tribunal of the American people, justly charged with having violated the best constituents of the American character—magnanimity and knightly generosity.

This unfortunate occurrence has grown out of the necessity of sending an armed force to these seas, for the purpose of convoying our vessels, and of guarding them against the violence that has been committed upon them by privateers infesting the ocean, for the purposes of plunder. If, in the execution of this duty, rendered necessary by the state of things, calamities unavoidably occur, they must, doubtless, be deplored by the lovers of peace and concord, but cannot be chargeable to us as voluntary acts.

It is an indisputable fact, although not known to your excellency, that the captain and mate's trunks of the American brig Sam, captured and taken into Cape Roxo, were broken open while himself and crew were on board the privateer, and four hundred and twenty Spanish dollars taken from them; also, one trunk of Madras handkerchiefs and other merchandise. These are transactions unknown to your excellency, having taken place prior to your excellency's arrival; they are the acts of privateersmen, from which it would be absurd to infer the character of a wise and liberal nation like that of Spain.

Seeing the evils that result from the course pursued by privateers out of this island, I call upon your excellency, in the name of humanity, and of that benign policy which has marked the course of our political career, to place such checks and restraints upon their proceedings, as will, in future, secure the American commerce from interruption, and those vexatious seizures, of which the citizens of the United States justly complain.

These complaints, resting on the foundation of wrongs of an aggravated nature, which cannot be justified by any previous aggressions of American citizens, convinces me that they will not be sanctioned by one of your excellency's liberal and comprehensive views.

Confident of this, I feel much satisfaction in complying with that part of my instructions which requires me to learn from your excellency how far privateers, fitted out of this island, are authorized to capture and bring in for adjudication the vessels of the United States, pursuing a lawful commerce. Information on this head will serve to explain fully the footing on which our maritime relations rest in this quarter.

Be pleased to accept my best wishes for the health and happiness of your excellency, and believe me, with the most perfect consideration, your excellency's obedient servant,

ROBERT T. SPENCE, *Captain U. S. navy.*

His Excellency DON FRANCISCO GONZALES DE LINARES, *Governor of Porto Rico, &c.*

P. S. I also enclose a copy of a letter from the master of the brig General Andrew Jackson, relative to his treatment from the crew of the Spanish privateer General Pereira.

E.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

PORTO RICO, August 30, 1822.

SIR:

Since the receipt of your letter alluding to the capture of the Pancheta, some of the circumstances attending it have come to my knowledge.

It appears that this privateer has been, for a considerable time, engaged in intercepting our vessels; frequently boarding them, and exercising an intolerable inquisition; vexations of themselves sufficient to call for a remedy, but would not have occasioned any offensive measures on the part of American cruisers. The instructions given to our commanders confine their discretionary powers within limits too circumscribed to admit of their being led to an act of indiscretion. They are imperatively commanded to do nothing that can tend to interrupt the harmony existing

between the United States and other Powers, whose maritime rights have ever been respected, and never designedly infringed.

The immediate cause of the Pancheta's capture was her having been guilty of several recent acts of plunder, and her having, but a short while previously to her "mishap," taken a number of articles from an American trader, to which the captain and crew made oath. If these facts are as represented, and I am induced to think they will be incontrovertibly established, they certainly must be denominated acts of piracy committed upon the citizens of the United States, who have been made to suffer in their property and feelings by these and similar outrages. Add to these causes, on being hailed she fired into the United States' schooner Grampus! What armed vessel could expect to fire at an American ship of war with impunity?

These circumstances, when the affair shall be judicially investigated, I am inclined to think, will be found substantially correct; if otherwise, there is an equity in the Government and laws of the United States, that never was appealed to in vain. There is a sentiment of honor and generosity in the American people that will sustain the injured, be he friend or foe—that will redress wrongs with "even handed justice."

I have deemed it proper to make this statement, with a view to allay the sensations of which your excellency speaks, as having been excited by this transaction; sensations I have had occasion myself to experience, with the additional aggravation of knowing, that the authors of them, lurking in obscurity, were sheltered from personal amenability, while, in the present case, your excellency must feel an assurance that the standing of the active officer in command of the Grampus, as well as the magnitude of the affair, are such, as to pass them in review of the whole American people—a never erring ordeal; that laws, and not individuals, will decide as to the criminality of the cruise of the Pancheta; and will determine how far that officer was justifiable in arresting her depredatory excursions.

American cruisers have been sent to these seas to protect our trade: there existed a crying cause; the means of mischief were accumulating; impunity had produced audacity, and the ocean washing the shores of these islands, which the interest of the world require should be unprofaned by the path of the plunderer, had become the theatre of outrage and rapine. American citizens had suffered in their property and sacred persons. To remedy these evils, our officers will be active, vigilant, and unweary; producing, by their conduct, a conviction that, when acts are perpetrated, such as the Pancheta is charged with having committed, there is no escape. There must be safety in peace, or its best objects are defeated: there must be security on the great "thoroughfare" of all nations, otherwise its best purposes are perverted.

Persuaded that your excellency will not consider this as unreasonable, and that you will see the consequences I have pointed out as the inevitable result of causes herein set forth,

I remain, with the most perfect consideration, your excellency's obedient servant,

ROBERT T. SPENCE, *Captain U. S. Navy.*

His Excellency Don FRANCISCO GONZALES DE LINARES,
Governor of Porto Rico, &c.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

PORTO RICO, *September 1, 1822.*

SIR:

Your letters of the 28th and 31st ultimo, in answer to several communications from me, have been duly received; translations of which I have but this moment been able to obtain.

In relation to the capture of the Pancheta, I beg permission to repeat that it must be considered as a disaster growing out of the unjustifiable conduct of her crew, and as one of the retributive results of an abuse of her cruising license.

We require that our lawful commerce shall be unmolested; that our vessels shall not, from frivolous causes, and on pretexts of which every privateersman constitutes himself a judge, be intercepted, and subjected to inquisitorial scrutiny, and American citizens made to incur intolerable inconvenience and expense. Evils like these have a remedy, which the most forbearing would not expect should remain dormant.

I am convinced your excellency has been incorrectly informed as to the treatment of the crew of the Pancheta, which you represent as cruel, and unnecessarily harsh. The officer commanding the schooner Grampus is well known for his humane feelings, and I am persuaded that all practicable and proper mildness was exercised on the occasion.

It is not to a discussion of the laws and principles of "blockade" that I am desirous of calling your excellency's attention; they are settled and established by the concurrent opinion of the wisest statesmen, and are no longer doubtful. "Blockade" is not a mystical arcanum; it involves certain practical rules amply explained, and, I am persuaded, well and fully understood by your excellency.

It was to invite a just application to these principles, according to the acknowledged usages of the age, that I was led to present the subject to your excellency's attention, thereby to prevent the seizure of our vessels, and to do away a pretext, often alleged, for sending them in for adjudication.

It was presumed that your excellency's powers extended to the correction of evils, existing within the range of your authority; that you had the means of checking the licentiousness of privateering, and that, seeing the pernicious effects of it, would feel every disposition to shield the commerce of the United States by the interposition of reasonable restraints.

While I feel confident that your excellency will adopt, with promptitude, measures calculated to ascertain the extent of the grievances set forth in my communication of the 28th ultimo, I must beg leave again to repeat the expression of my hope and expectation that you will cause all American vessels, now illegally detained in the ports of this island, forthwith to be released, and equitable damages awarded such of the citizens of the United States as have suffered either in property or person.

The well known character of your excellency for wisdom and justice inclines me to believe that these expectations will appear reasonable and right, and that they will be fully and satisfactorily realized by

Your excellency's obedient servant,

ROBERT T. SPENCE, *Captain U. S. Navy.*

His Excellency Don FRANCISCO DE GONZALES LINARES,
Governor of Porto Rico, &c.

G.

UNITED STATES' SHIP CYANE, ST. JOHN'S,

PORTO RICO, *September 3, 1822.*

SIR:

I have had the honor to receive several communications from your excellency, in reply to letters addressed to you on subjects of very considerable moment.

Your professions of respect for the laws of nations, and your determination of making them, and the laws of the "constitutional monarchy of Spain" your guides; and the intention you express of inquiring into the matters set forth in my official representations, &c. are all properly appreciated, and will doubtless prove highly efficacious. The laws of Spain, no doubt, are all which the accumulated experience of ages and the united wisdom of sage men can make them; and, if administered by one of your excellency's impartiality, would, I am persuaded, afford no good cause of complaint.

I had the honor, a few days since, to present, for the consideration of your excellency, some of the proceedings and decisions of the constituted tribunals of the island; whether such are just or legal your excellency can decide;

to me they seem novel and extraordinary; and, with a knowledge of some of the minor circumstances attending those vexatious trials, I cannot refrain from saying they appear strange.

I am sure your excellency will deem it due to the dignity of the "constitutional monarchy" you represent, to cause American citizens to be indemnified for the loss sustained by such adjudications as your excellency has been invited to investigate. It is but right and just to expect this of the laws of Spain; and, while I indulge a belief that such will be the course pursued, I am led to call your attention to the policy of doing away all future occasion for dissatisfaction, by rendering the owners or captains of the privateers out of Porto Rico more accountable.

In my letter of the 29th ultimo, I requested that your excellency would do me the honor to state how far these privateers are authorized by the authorities of the island to capture and bring in for adjudication vessels of the United States engaged in the pursuit of a lawful commerce. This information your excellency has not thought proper to afford.

From the facility with which these small privateers are fitted out, and from the description of persons on board some of them, it has occurred to me that they are not made to enter into penal bond to restrain, and produce responsibility for the excesses they may commit, but are left to cruise *ad libitum*. Under such circumstances, transgressions are inevitable.

It is against the aggressions of such vessels I remonstrate: protesting against the improper privilege they have exercised, of intercepting and detaining, on the high seas, vessels of the United States engaged in a lawful trade. And it becomes necessary for me to inform your excellency, and wish it should be known to all whom it may concern, that, with a view to prevent, as far as practicable, a state of things fraught with mischief and abuse; to guard against a maritime anarchy, to which the commerce of the United States cannot be subjected; to secure to its citizens safety, and to its flag the benefits of peace and neutrality; and to preserve the harmony my Government is desirous should exist between the two nations; I shall, as far as possible, give convoy to American vessels navigating these seas, and shall forbid and prevent any interruption or detention by any privateer or armed vessel, and shall feel it incumbent on me to treat as an enemy, and send to the United States, any privateer or armed vessel that shall cause hindrance to the lawful voyage of an American vessel, or shall be found violating the flag of the United States and the laws of nations.

Satisfied that your excellency will look upon this course of conduct as moderate and unavoidable, I remain
Your excellency's very obedient servant,

ROBERT T. SPENCE, *Captain U. S. Navy.*

His Excellency Don FRANCISCO GONZALES DE LINARES,
Governor of Porto Rico, &c.

No. 1.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

PORTO RICO, *August 27, 1822.*

SIR:

On the receipt of your official letter, informing me, generally, of the depredations and excesses committed by the Spanish privateers of this island upon the vessels of the United States, as I was informed, and, in particular, upon the brigantine General Andrew Jackson by the Pereira, I resolved to take the first care with respect to the last, by the information of an individual of that nation, Mr. Judah Lord.

My answers to this gentleman showed him my surprise, and the just indignation which so unlawful a transgression of the law of nations had excited in this Government; the precautions which it took to prove its truth; and the justice which animated it to punish the crime with all the rigor of the Spanish laws—laws capable of themselves of what he, on his part, can desire.

The same, therefore, that I said to Mr. Lord, I repeat to you, animated with the same principles and sentiments which govern the conduct of the Supreme Government of the Spanish nation, and which form its character, acknowledged by all the nations of the earth.

But I am certain that you have not been well informed regarding the destruction and spoliations generally committed upon all American vessels. I have the most repeated proofs of the regular conduct of the Spanish privateers towards these vessels, which they have examined and respected in very considerable numbers, showing to the world that they are not desperadoes, because they know not what it means, nor thieves, because they are Spaniards.

Would to God that some vessels of the military marine of the United States had observed towards Spanish vessels, and towards the national military flag, a conduct so regular! I am certain that then there would not have been the disagreeable sensations which now exist from it.

When I speak to you, sir, in this manner, I do it with respect to the scandalous attack made by the United States' schooner of war the Grampus upon the Spanish privateer the Palmyra, which she attacked in the midst of peace, killed and wounded several of her crew; treated with indignity the Spanish flag, confined in chains the greater part of her crew, and that at the very moment when an officer was about going on board of her to present her papers, and to comply with the law of nations.

You will, perhaps, be informed of this attack, seldom seen in the history of civilized nations; and, no doubt, if you have been so with truth, as I am, you will have had the same horror and disgust; because it is impossible otherwise to consider the most sacred conventions trampled upon, and the majesty of a nation insulted; of a nation which has always preserved her rights, and which, oftener than once, has given public proofs of her constancy, and of her never having been offended with impunity.

For my part, with respect to this event, I do nothing else but point it out to you as a particular piece of news, because its decision belongs to the supreme Government of both nations. As a functionary of mine, I will not depart from the path which it has pointed out to me: justice shall always be my guide. I shall respect the laws of nations; and I shall punish, with the laws in my hand, such Spanish subjects as shall transgress their duties.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

No. 2.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

SIR:

PORTO RICO, *28th August, 1822.*

I have just seen your official letter of yesterday, relative to the depredations which are said to have been committed by Spanish privateers against the vessels of the United States.

As this communication is substantially the same as the former, it appears only necessary to repeat my yesterday's answer; but, wishing to give you new proofs of the justice and good faith of the Spanish Government, I will enter into new explanations.

I am persuaded that the armed privateers of this island have not committed upon the vessels of the United States the scandalous crimes with which your personal concern has been raised, or a mistake has entered into your mind.

They have been examined by many, and have, without the least injury, continued their voyages; and, doubtless, in a short time you will be convinced of a truth so notorious.

I only speak of the privateers armed in this island, and am very far from making an apology for those that have been armed in other provinces, because I am ignorant of their conduct; and although it may have been criminal in this manner, it belongs not to my authority to punish them.

But if it is very strange that, even when there were some trifling excesses, energetical remonstrances were made for them; and the attack of the American schooner *Grampus* has been passed over in silence, or considered as a circumstance of no moment, in which the particular circumstance occurred of her belonging to the navy of the United States; what comparison can ever exist between the detention of a vessel, and even committing some pitiful and contemptible depredation, (if such has been done,) and the attack of the other, to destroy her in a perfidious manner; to cause the death and imprisonment of the crews in chains; and, what is more, insulting and trampling upon the Spanish military flag! Whoever so openly violated the maritime law of nations? And who, after such a violation, will attempt to declaim against injuries either imaginary or immensely less!

In fine, the peace between two nations, as Spain and that to which you belong, sir, is a blessing for the preservation of which I am ready to become a sacrifice; therefore I do not hesitate to assure you that the laws will be enforced in as far as they have been transgressed; and therefore I consider myself entitled to require the same frankness and consideration from you, notwithstanding my having explained myself so rudely; because our respective Governments will do what they think proper, and what is most just for the well-being of their people.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

No. 3.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

PORTO RICO, August 31, 1822.

SIR:

I have the honor to answer the note which you were pleased to address to me, under date of the 28th instant, relative to the indemnification which ought to be made to the American vessels detained by privateers of this island, and condemned to pay costs, after being declared innocent by the courts of justice; and, also, relative to the nullity and illegality of the blockade declared against the ports of Terra Firma, for the reasons which you are pleased to give as your opinion.

The principles established by the maritime law of civilized nations are not unknown to me, nor the causes which have influenced the declaration of blockade against the ports occupied by the insurgents; nor even the maritime military force by which this declaration can be and has been supported; yet as, on one hand, my authority being circumscribed to a province, at a distance from those places, has no influence, nor can have, in any official acts; and, on the other, subjects of this nature belong, by their character, to the examination and decision of the supreme Governments of the nations, it is my duty to avoid all interference in them, and to confine myself to the circle of my functions.

I have before me the note which you were pleased to enclose to me in your said official letter, containing the vessels detained, with the circumstances in which they have been, and the consequences which have ensued. I owe it to the justice, to the unalterableness of my principles, and to the rectitude of the Government which I represent, to declare to you, that I shall take all the provisions within my power, to elicit the truth of what has occurred with respect to the detained vessels, repeating that you may rest assured that the laws of the kingdom shall judge and decide upon them, without the possibility of any alteration in their legitimate application. Neither partiality nor personal interest, nor the passions, shall have any voice, or take any part in the decisions: the law shall dictate, and all (I the first) shall submit to it.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

No. 4.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

PORTO RICO, September 1, 1822.

SIR:

I have just received the translation of your official note of the 29th ult., and which is an answer to mine of the 27th, containing also the former acknowledgment of the letter of the interpreter De Ponce, which was communicated to me by Mr. Lord, a citizen of the United States; and now recently of the declaration of Mr. Arthur Edgerton, mate of the brig *Andrew Jackson*, in which I have had the pleasure of reading that he and his companions, detained on board the privateer, *had been well treated.*

You will be pleased, sir, to let me know the things which have been plundered from the detained vessel, and claim the damages which have ensued on her detention. I have taken all the measures which were in my power, for eliciting the truth of the facts, in the manner provided by the laws of Spain; and when, according to them, the delinquents are tried and convicted, they shall be punished; then the tribunals established by the constitutional law of the monarchy will take cognizance, to which the power of judging and applying the laws, is exclusively granted: principles from which it is impossible for me to deviate, as it is with respect to those which rule in the United States, for any functionary to deviate from them.

You may rest assured, that, if the authorities appointed there to try crimes of this class, are inexorable in their conduct, admitting nothing but law and justice, those which are in the territory of the constitutional monarchy of Spain, summoned for that purpose, will never yield in their principles of justice, and in the fulfilment of their duties. To them it belongs to try by the laws, and to apply them, and to the political Government of the people to enforce the execution of the legal decisions of the judicial power, and to watch over the observance of the laws, by taking care that no one break them.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

No. 5.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

PORTO RICO, September 2, 1822.

SIR:

Your official note of the 30th ult. has informed me of the intelligence which has reached you of the motives which the schooner *Grampus* had for the hard and unexpected treatment of the Spanish privateer the *Palmyra*.

My former communications have shown you what my principles are, and what my conduct has been in this matter, as a faithful observer of the fundamental laws of the Spanish monarchy. The truth of what has happened in that capture will be the result of a legal investigation, in which sinister informations, which partiality or personal interest often dictate, have no part. When that shall have been elucidated in the way which the laws require, our supreme Governments will decide with justice what is proper.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

No. 6.

[TRANSLATION.]

Don Francisco Gonzales de Linares to Captain Spence.

PORTO RICO, September 9, 1822.

SIR:

I have the honor to answer your official note of the 1st instant. Its object is, first, The good conduct of the schooner *Grampus* in the capture of the *Pancheta*; second, The necessity under which the Government is of putting a stop to the operations and irregular conduct of the privateers towards American vessels; thirdly, To procure the immediate liberation of those that may have been detained in the ports; fourth, Prompt indemnification for the losses they have sustained.

On making the enumeration of these matters, I must call your attention to my former answers, because they have already been treated of in them implicitly and explicitly. Notwithstanding, I will repeat to you that the decision upon the justice or injustice, the validity or invalidity, the legality or illegality, of the blockade of the coast of Terra Firma, is beyond my authority: that the privateers are informed, by the ordinances of their cruise, of their respective obligations, for the transgression of which they will be responsible, and punished by the laws, in the same manner as in similar cases the privateers of the United States would be by the justice of the Government, if they should transgress the limits which should be prescribed to them; but without this transgression they should not be responsible. Lastly, That, by the political constitution of the Spanish monarchy, the functions of the judicial power are clearly designated, the Government being totally prohibited from being joined with them; and one of the great props of civil liberty consisting in this clear separation. To preserve interior tranquillity and security; to procure public prosperity; to maintain established order; to watch over the observance of the laws; to publish them; to cause the execution of the decisions of the courts of justice; to be, in all its parts, an agent of the Government; here, sir, you may see the circle of my functions.

God preserve you many years.

FRANCISCO GONZALES DE LINARES.

Extract of a letter from Captain Robert T. Spence, commander of the United States' ship Cyane, to the Secretary of the Navy, dated

ST. JOHN'S, PORTO RICO, September 5, 1822.

Since my letter of the 3d instant, transmitting my correspondence, I have had a conversation with the governor, who begs me to be assured, that all he can do shall be done to meet my wishes in relation to the privateers fitted out of the island; that those already out were equipped before he assumed the Government; that he is opposed to it, both in his private and public capacity; that future restraints shall be placed upon them; and that he will remedy all abuses, as far as he has the power. That the brig *Andrew Jackson* he had ordered to be set at liberty; that he should inquire into the cause of her detention, and, unless good and sufficient reasons can be given, he will take steps to cause the judge to be removed. In fine, that he will do his utmost to keep the laws of nations inviolate. That, upon the subject of blockade he can do nothing; it was a question that must be settled between the two Governments; the blockade had been declared by General Morillo; it was recognized, and the consequences of violating it were inevitable; over this question he had no control.

List of the names and force of the privateers fitted out from the various ports of the island of Porto Rico.

Palomo.—A full rigged brig, pierced for twenty guns, carries six guns, (eighteen pound carronades,) has a complement of one hundred and thirty men; fitted out from this port, and now on a cruise.

Pancheta.—An hermaphrodite brig, pierced for sixteen guns, carries ten to twelve guns; has a complement of one hundred and twenty men—captured by the *Grampus*.

Schooner General Pereira.—Pierced for sixteen guns, carries six to eight guns, and has a complement of eighty men; is fitted out from this place, and now in this port.

Schooner Bruquena.—Carries four guns and fifty to sixty men; fitted out from this port, and now on a cruise.

Schooner Hora de la Mar.—Fitted out from Faxardo, and now on a cruise; carries one gun and forty men.

Flechera la Carmen.—Fitted out from Porto Cabello; carries four guns, and a complement of fifty men.

Besides the above, there are, I am informed, three or four other small privateers, from the different ports of this island, of the names and force of which I have no knowledge.