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## STATEMENT OF A. E. PHILLIPS,

LATE ACTING

UNITED STATES CONSUL

AT THE PORT OF

ST. JAGO DE CUBA,

SHOWING

*The circumstances and events which forced him to abandon his post and seek protection at Jamaica, West Indies, from the violence of a Spanish mob.*

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On the 8th of March, 1869, the Cuban patriots occupying the heights surrounding St. Jago de Cuba caused profound alarm to the inhabitants of that city by reports of their intention of attacking and taking possession of it. The Spanish authorities comprehending the impending danger, trained the guns of their ships-of-war upon the place with the purpose of bombarding and destroying it should it be taken possession of by the Cubans. Thereupon, Mr. E. F. Wallace, then United States Consul, decided to return at once to the United States for causes to me unknown, leaving the consulate in charge of his clerk, who, being a Cuban and a young man, I did not feel in such a critical exigency, could afford sufficient protection to the lives and interests of the Americans residing there; therefore, in accordance with the earnest request of my countrymen present, I decided to offer to take charge of the duties of the consulate, which offer was promptly accepted by Mr. Wallace much to the expressed satisfaction of the Spanish Governor of St. Jago de Cuba.

Shortly after I had entered upon my duties, an American, by the name of Charles Speakman, was brought a prisoner to the city by the Spanish soldiers, a fact of which I was first specially advised, in writing, by the English vice consul, who happened to see the man carried by his office. Allowed to visit him, I

learned, under oath of said Speakman, that he was a native of America, (of the State of Indiana;) that he had left New York an articulated sailor on the schooner Grapeshot, bound for Falmouth, in the Island of Jamaica—a voyage which he had undertaken in good faith, with no idea that the vessel had any other destination whatever; but that when the said vessel was at anchor in the harbor of New York, ostensibly awaiting a tug to take her to sea, some fifty armed Cubans having come aboard at midnight with so considerable a supply of munitions of war, he became suspicious of the actual nature of the voyage, and expressed his desire to the captain to quit and return to New York, which he was only prevented from doing by the assurance of the captain that, although he had taken the Cubans aboard, under no circumstances would he risk his vessel in any attempt to run the Spanish blockade, but would pursue his voyage to Falmouth, there leave the Cubans, and then go for a cargo of cocoanuts.

However, when the vessel was off Cape Maysi, the eastern extremity of the Island of Cuba, the Cuban passengers, taking violent possession of the Grape-shot, changed her course, and ran her for the port of Baitequiri, in the Island of Cuba, and there discharged her cargo. While in the port, he had some difficulty with the captain of the vessel who, in the end, left him ashore, entirely unarmed, under the threat that he would shoot him if he attempted the least resistance to this act; that soon thereafter an engagement took place between the Cubans landed from the Grapeshot and a force of Spanish soldiers, in which he took no part whatsoever, having remained unarmed; and finally, seeking some place of shelter, he met two *unarmed* men, to whom he gave himself up with the request that he might be carried to the nearest American consul. He was then bound and brought to St. Jago de Cuba, where he was immediately, without any recognized form of judicial investigation, sentenced to be shot to death on the following day. Whereupon, he had protested and appealed, in verification of his statement, to the vessel's register and master's log-book, as well as other evidence, which might be readily had in Jamaica, of his entire innocence of any complicity with the expedition.

A translation of the sworn declaration of Speakman was then made and read by me to the Spanish official who had sentenced the man to death. I sent another copy in Spanish to the Governor, with the urgent request that a respite should be granted for a few days to procure proper evidence from Jamaica. Having received no reply meanwhile, I visited Speakman early

the next morning. He was surrounded with soldiers assembled and formed for his execution; perfectly calm, he assured me as a dying man that he was wholly innocent, as might be fully shown if only permitted a few days to collect the evidence. Whilst at the prison, the English Vice Consul with creditable motives also came there and offered to accompany me to see the Governor. Going to the residence of that functionary, we found him still abed; but urging an interview one was granted, and in the name of mercy and of the United States and England, we besought a respite for Speakman, assuring him that a North German ship-of-war, then in the harbor would carry the necessary letters to Jamaica.

The Governor, Simon de la Torre, seemed personally disposed to grant our prayer, yet finally declared that he was not only acting under superior instructions, but although chief magistrate of the city was absolutely impotent; averring that his people would not obey him; that dissensions prevailed in the army, that General Buceta, the military commander, had been forced to take refuge on board a Spanish ship-of-war, the Catalans a few nights before having attempted to assassinate him under the pretence of a serenade, with much else of that character, showing the existence of complete anarchy in the place, and the complete supremacy of mob rule over the Spanish military and civil authority at the time in the city of St. Jago de Cuba, I therefore had to go away, and Charles Speakman, an American citizen, was executed within the shadow almost of my consular flag, without having committed the least offence against the laws of Spain, or done any act whatsoever against the integrity of the Spanish monarchy.\*

A few days later, namely—on the 21st of June, 1869, another American, one Albert Wyeth, a citizen of Chambersburg, Pennsylvania, not yet a man, was executed at the same place with the same disregard of the rights of men to judicial trial and in the same summary fashion that characterized the death of Speakman.

Being in ill-health, Wyeth took passage on the "Grape-shot" for Falmouth, Jamaica, by invitation of one Jimenez, who having chartered her for the voyage, offered him a free passage, which was the inducement for his taking passage on

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\* See pages 98 and 99, Ex. Doc. 160, House of Representatives, 41st Congress, 2d session, for the sworn declaration of Speakman, also the letter to his wife; likewise page 101 for the declaration of Albert Wyeth in the same connection.

that particular vessel. That said vessel had any other destination than Falmouth, was unknown to Wyeth until after it had touched at, and set sail from, Turk's Island, when he protested against going to Cuba; but he was, nevertheless, made to go ashore with certain Cubans, in the eastern and southern part of that island, under the threat of death; and, moreover, was forced to take up arms. However, at the first encounter with the Spaniards, separating from the expedition, he threw away his arms without having used them, and presented himself as soon as possible to certain Spanish officials, who sent him to St. Jago de Cuba, where, as I have said, on the 21st of June, he was shot with five other persons without trial. Before his death, Wyeth deposed to the facts I have stated under circumstances which satisfied me he had spoken, as he said, "the truth, the whole truth, and nothing but the truth."

I made every effort to save the poor youth. It was in vain, however, that I called the attention of the Spanish governor to the fact that he was but twenty years of age; it counted nothing in his favor that he had been inveigled and made to take part in the expedition against his consent; his American blood was a necessary offering to the brutal mob that reigned in St. Jago de Cuba as in Havana; and Wyeth, as well as Speakman, was shot; his mutilated remains were then carried off in a scavenger's cart and cast into a ditch like so much carrion! I could not hinder it!

Cases, meanwhile, had become frequent of American planters being compelled to abandon their estates in the interior, and flee to the city, in consequence of the acts of the Spanish (mobilized) troops, whose barefaced object now was plunder. Mr. John B. Latte, a native of New Orleans, for merely demanding remuneration for losses, was thrown into and kept in prison for eight months, notwithstanding my efforts to procure either his trial or release. I am satisfied, moreover, he would have been made away with by foul means had not the United States flag-ship "Severn" finally visited the place; and when, upon my representation to the admiral of his situation, Mr. Latte's release was demanded and secured. These insolent and unnoticed acts of outrage upon American citizens now led them to prefer to lose their property rather than to make demand for remuneration, or to ask for justice, at the risk of being thrown into prison, if not assassinated by the mobilized troops.

Another flagrant case was that of the American sloop "Champion," Captain Wm. W. Cox, which put into the port of

St. Jago de Cuba in distress — leaking badly. Instead of receiving aid from the local authorities, as she was entitled to under our treaty with Spain, the *Champion* was seized, taken under the guns of a Spanish man-of-war, and there left to sink. The only excuse offered to me by the Spanish authorities was that she cleared from Aux Cayes for Jamaica with a passenger on her list who was not found aboard when the vessel was visited by the Spanish boarding officer. The captain and his crew then testified before me under oath that the passenger in question had never come on board, which I have subsequently ascertained from the United States Consul at Aux Cayes was the fact. Nevertheless, the Spaniards grew clamorous for the blood of the captain and crew of the *Champion*, declaring that the missing passenger could be no other than some Cuban rebel, who had been covertly landed somewhere on the island. Seeing, from the temper of these savages, that my countrymen were not safe in the city, I sent them out to my estate in the vicinity, where they did not long remain, however, without disturbance; so that they were forced to seek refuge at the consulate, pursued thither by armed men apparently determined to murder them in their insatiate rage against Americans. Subsequently, they were taken to Jamaica on the flag-ship "*Severn*" after my return in that ship to St. Jago de Cuba; but up to that time, during my absence, had been held as prisoners by the Spanish authorities.

News of the death of the Spanish Editor, Casteñon, at Key West, having meanwhile reached the place, all the ferocity of the Spanish character was at once excited; and some act of brutal vengeance immediately impended. It was known that some of the most wealthy and influential of the Cubans of the city ardently and anxiously desired to shake off the bondage of Spanish rule. Certain of these suspected gentlemen were selected for victims; among others a native-born American, Charles Demery, of New York, where he was baptized at St. Mary's Church, another was John F. Portuondo, who, a naturalized American citizen, had long resided in Philadelphia, where his brother and family now live. These unfortunate gentlemen were seized, bound, and hurried off some twelve miles in the interior, to a plantation called San Juan de Wilson, a spot already made notorious by the butcheries committed there by a Spanish Major, Boet, grown infamous for his cruelty and acts of rapine, and for his bestial outrages upon the persons of women and even very young girls in the presence of their husbands or parents. Brought before this savage these

persons were speedily shot without even the farce of a trial, as was certified to me by another one of those arrested, who had witnessed their execution, but was fortunate enough to escape himself. The bodies of these victims, stark naked, were left to fester in the sun for some time, but were finally suffered to be buried together in a trench.

Upon learning of the arrest of these gentlemen I informed the Governor that when Admiral Hoff had been at St. Jago de Cuba to inquire into the particulars of the death of Speakman and Wyeth, it had been arranged and agreed by his predecessor in office, and the Admiral thought that in all future cases American prisoners should have a regular judicial trial, either in my presence or in the presence of the consul who might succeed me. The reply was, that consuls had neither diplomatic powers nor the right to reclaim or protect citizens of their country, but that, in virtue of the friendly relations which existed between the two nations, a copy of my communication would be sent to the attorney general (Fiscal) having charge of the case of Portuondo, who should have a fair trial. This, however, was not carried out in good faith, and no report was made to me of the result. These atrocities caused a broad spread terror among the Cubans, and many families left the city as soon as possible, abandoning their property, unprotected, to the spoliation of the Government.

In consequence of the manner in which I had attempted, though vainly, to defend the lives and property of American citizens within my jurisdiction, I had now become an object of special dislike to the Spanish Government, and particularly to the Spanish volunteers who have established themselves as the supreme power of the island of Cuba. Some of these last declared that I was in close collusion with the patriots, and invented many unfounded stories about my actions, which even Count Valmaseda repeated in a communication to the Captain General, as grounds for my removal, after my letters to the State Department concerning Cuban affairs had been published. Undaunted, however, by all this, I remained at my post and attempted to discharge my duties, but, unhappily, meanwhile certain of my official reports to the State Department appeared in the *New York Herald*, and were soon translated and published in the local papers of the island. Their contents afforded a good opportunity to the Spanish volunteers to carry out their long fostered desire against me. A fierce spirit of animosity was excited by the sketch I had made of the political state of affairs within my consular district—the true and full account I had



given of the atrocities which were being daily committed around me.

At the Spanish club—“*El Circulo Español*”—it was now discussed how to revenge themselves for the insult I had thus offered to their noble chief, Valmaseda, and his officers, especially of the volunteers. Some proposed to drag me through the streets with music; others to attack and slay me at the consulate; but, finally, all assented to my early assassination. The events which I have related had brought the American flag into contempt; for that people had become accustomed to see it unable to shield our citizens either from outrage or death, and the volunteers had seen how that Admiral Hoff, with his flagship, the Gettysburg, and a Monitor, had only entered the harbor to inquire into the cases of Speakman and Wyeth. Laughing at such mere fruitless displays, these fellows doubted not that they might drive me away or assassinate me with impunity, or no other consequence, at most, than another visit of naval inquiry, which their Spanish capacity for falsehood and the facile credulity of some naval commander would readily enable them to explain satisfactorily; therefore, they did not hesitate to take the law in their own hands. They assembled in groups at the various stores and low grogeries of the city; but an old faithful servant gave me timely notice of my danger. Realizing my critical situation, I hoisted the consular flag, partially closed the doors of the consulate, sent to the English consul for aid, and armed the captain and crew of the “Champion.” Some friends coming in, confirmed the information that had already been given of the hostile purposes of the volunteers towards me, which was soon further confirmed by the English consul, who, assuring me that no time was to be lost, proposed to go himself to the governor to ascertain if protection could be afforded me. Accordingly, accompanied at his suggestion by Mr. Parsons, who had arrived only a few days previously, to enter upon the duties of American consul, but had not as yet chosen to assume his functions in consequence of ill-health and the complications which he met, the English consul had an immediate interview with the governor, who, after saying he would do all he could for my protection, confessed he anticipated trouble. Saying that he did not drive me away, he advised me not to lose the opportunity to leave the island by the French trans-Atlantic steamer “*Darien*,” which would soon sail for Jamaica. This was a clear admission that he could not guarantee my safety; informed of which, I deemed it, although humiliating, an act of necessary precaution to ask the English consul

the shelter of his consulate. That gentleman, ever ready to aid me in all possible manner, replied that if my flag would not protect me, he was sure his own would not; in fact, that no one was safe—not any foreign consul. By his advice and that of my other friends, I therefore resolved to leave as soon as possible.

It was next announced to me by friends that the Spanish population had declared their determination to prevent my departure, I at once called the attention of the Government to this report, with the request in the name of my Government, for a proper escort. Without other reply he sent his secretary as that escort. Meanwhile crowds wild with excitement were to be seen at the stores in the city, and as the steamer was about to leave, I felt it was more prudent to send my wife aboard, at once, clandestinely. Greatly agitated by the evident danger which menaced us, she secured and carried with her only a few articles of clothing. Finally, the moment being at hand for my own departure, I was called upon by two members of the Spanish Club, which I must mention is composed of Spaniards of the lower orders of society, whose organization is Jacobinical, and aims to control the superior authority whenever found in conflict with the interests or wishes of the club. The delegation from this club now informed me that they had seen the translation of my letters to my Government, and that their contents had filled the club with indignation. That the more hot-blooded members were already in session, and determined to deal with me in the harshest manner; but had agreed to delay action until they, the committee could see me, and propose that I should deny in writing that I had written the despatches in question. Replying that I could make no such denial, for I had assuredly written to my Government, as was my duty, of the political state of affairs within my consular district. I said, however, I had no intention of insulting Valmaseda, nor the officers of the Spanish volunteers. They responded that if I did not make some such denial, in the present excited temper of the greater part of the club, they could not be answerable for the consequences, and were sure outrages would befall me. Mr. Juan Reyes, the secretary of the club, then wrote a letter which he assured me I must copy and sign as the only way to avoid assassination. This I finally did in the face of the manifest extremity to which I was reduced by the publication of my official letters. That letter, however, I must remark, was somewhat different from the text from the one published after my departure by the club. Having yielded to force in this matter, escorted by the English consul and the secretary of the

Governor, at the suggestion of the latter making my way by a circuitous route to the landing, I embarked on the steamer Darien for Jamaica, carrying despatches from the English consul to the English commodore at Port Royal in regard to what had happened to me in Cuba.

As soon as the English commodore received the despatches which I transmitted to him from Kingston, he requested me, by telegraph, to visit him, and I went without delay. That officer promptly tendered me the opportunity to return to my post, if I desired it, upon an English armed vessel, the "Mullet," or to send me to the American admiral, as I might prefer. He also announced his purpose to dispatch a gunboat to St. Jago de Cuba for the protection of the English and American consulates, which he was satisfied, from the despatches of his consul, were in danger. Thanking the commodore, in the name of my Government, for his course, I declined either to return to Cuba or to trouble him to send me to Admiral Poor, as I understood the latter was then at Port au Prince, for which place an English steamer would sail in a day or two.

Upon arriving, however, at Hayti, I learned the admiral was at Santo Domingo city, a port to which there was no regular conveyance. Requesting Mr. Bassett, our minister, to accompany me, we called upon the French charge d'affaires, Mr. Doizen, who, upon learning the exigency, without hesitation, offered me a passage upon the French gunboat "La Touche Treville," and thus I found Admiral Poor with the flagship "Severn," in which, after some few days detention at Santo Domingo city, I returned to St. Jago de Cuba.

Upon meeting the admiral I made no demand to be restored to my consular duties, for Mr. Parsons, regularly appointed as consul, had remained when I was forced to leave, but I did request to be restored to the consulate, my own house, for the purpose of making up my accounts with the United States Government, as no one else assuredly could do that for me. Immediately after my arrival, communicating with my friends ashore to ascertain the present sentiment of the volunteers towards me, I was informed, in the presence of the admiral, that my life would be taken if I landed, and I was urged not to quit the ship. I was also informed that my household furniture and personal effects were being fast carried off, while I could learn nothing at all concerning my property in the vicinity. Under these circumstances, I urged upon the admiral the necessity of my presence ashore, and requested a proper escort — Captain Lowery, the commander of the "Severn," having offered to

accompany me with an escort if I were permitted to land. The admiral declined positively to furnish the escort, and informed me, moreover, that he had no instructions to afford me any protection whatsoever, being simply ordered by the Navy Department to inquire into the cause of my departure. I then asked to be allowed to accompany him to the consulate, at the same time offering him the hospitality of my comfortable house, a proposition which, strangely enough, seemed to offend him, as he was unable to regard it otherwise than an attempt to make of him an escort to myself. Being thus denied that protection to which I believed, and do still believe, I was justly entitled from Admiral Poor, I next requested him to procure permission from the Spanish Governor for me to land with some guarantee for my safety while ashore. This being done, the Governor replied I might land, but with no special guarantee in that event, or other protection than that extended to the residents of the place. Knowing that the Governor was absolutely impotent in any collision with the volunteers, and having good reason, from the language and actions of the admiral, to believe that he would afford me no succor in the event of any violence or commotion caused by my landing, I was not willing to venture my life to the mercy of the mob. It, therefore, became necessary for me to request that the books of the consulate and my former secretary should be brought to the ship to enable me to make up and close my official accounts. The secretary came, but declined to render any assistance, saying it would be at the risk of his life if he became identified with me in any way, and that detectives or spies were placed to watch all persons visiting the ship.

In one of the admiral's despatches to the governor, it was asked why the protection I had sought had not been given, and why I was forced to abandon my post, leaving my considerable property unprotected? In reply, the governor denying all knowledge of any special cause, stated that I had requested my passport, which were granted me without hesitation, and that, in virtue of his high appreciation of me, he had sent his secretary to represent him and to accompany me on board the ship by which I departed. As for my property, he had too much of his own business to attend to, to occupy himself with my personal affairs; but that he did know I had left in debt to some of the volunteers, which debts he sought to insinuate were the real cause of my departure. That the governor should affect ignorance of the extent of my property will be hard to reconcile with the fact that only a few days before I was forced from

my post, being present at his palace for the purpose, or hope, of arranging with him for the protection of resident American citizens and their menaced interests, the governor himself had made direct inquiries about my estate, and whether the insurgents had destroyed any part of it. Moreover, he demanded my quota (eight dollars and a half) for the transportation of troops and convoys, which all planters were required to supply, saying that I was recorded in the archives of the Government as the owner of an estate. Furthermore, as the governor, his secretary, and other high officials of the Spanish army, visited my house frequently, he knew well that it contained elegant and valuable furniture; that my stables were full of horses and mules, with three carriages, one of which, entirely new, was worth more than one thousand dollars. He must also have known from my tax or contribution—larger than that of any other of similar character in the place—that I had a large professional practice and income.

I was next informed by the admiral that the Governor would visit the ship, and in my anxiety to adjust my unsettled affairs, I proposed to seek an interview with him, to which the admiral objected, but finally consented that I might submit a request in writing, which if granted, I could meet the Governor in his cabin. The interview took place, and I was received with equal politeness and duplicity. The Governor assured me that any disposition which I might make for the settlement of my private affairs should have his sanction and support. I then informed him I had addressed letters not only to many lawyers of the city, but also to my personal friends, with the object of inducing some competent person to take charge of my property, and going into a general liquidation of my affairs, but as yet had found no one willing to undertake the charge, not even Mr. Parsons, my successor, who had answered that he did not dare to have anything to do with my matters lest he should eventually fall into a worse condition than my own. I proposed, however, as altogether acceptable to me, to leave my affairs in the hands of a Mr. Cortéz, one recognized in all respects as a loyal Spaniard, who was willing to undertake the trust if the Governor would guarantee his safety. This was assented to, but a power of attorney became necessary from me to legalize the proceeding, and it was found no one was willing to come off to the ship to draw up the paper and take my signature, properly authenticated, as it had to be. Meanwhile the admiral had determined to leave for Jamaica at 10 o'clock A. M. on the following day, having concluded, as he asserted, the official inquiries which had brought

him to the place. Unwilling to depart again with my private affairs unsettled, I induced the admiral to apply to the Governor to oblige some lawyer to come off to the ship to execute the necessary power of attorney, which was accordingly done. Thus it will be seen nothing can be more false or absurd than the allegation that I left the country for the purpose of avoiding payment of the petty debts I was forced to leave unsettled.

If, to-day, I am forced to be absent from my comfortable home, forced to abandon a handsome property to spoliation, which I had acquired by many years of diligent attention to my profession, it was simply because I sought faithfully to discharge official duties entrusted to me at a critical juncture, when the lives and property of my countrymen were menaced by a brutal, ignorant foreign mob, filled with contemptuous insolence and bitter hatred toward the flag of the United States. Under the shadow of that flag I was unable to look with indifference upon the murder of Americans without form of trial and manifestly without cause; neither could I see the property of my countrymen despoiled or wasted without resistance on my part. Moreover, I could not see the whole native population of Cuba a prey for years to spoliation and outrage by their Spanish taskmasters without sympathy in their brave struggle for liberty and independence, or without truthfully acquainting my Government how all the laws of humanity were being constantly violated by Spanish officials and soldiery in their savage method of warfare—a method so fearful that any accurate description would be deemed fraught with exaggeration. In my letters to the State Department, surely I have in no manner transcended what was my strict duty to that department as an officer under it. I did no more than to give an unvarnished relation of the cruel anarchy amidst which I was called upon to discharge the duties of an American consul—relations abundantly confirmed by the letters of Messrs. Plumb, Hall and others, in regard to affairs in other parts of the Island of Cuba; relations, indeed, which, upon investigation by Admiral Hoff, were fully confirmed, as may be seen by the letter of Mr. Fish to Mr. Sickels, dated Washington, August 10, 1869.\* Nevertheless, when these official papers were published by my own Government

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\* These men" (Speakman and Wyeth) "were cruelly murdered, owing entirely to the weakness of the Spanish officials at this city (St. Jago de Cuba) in yielding to the demand of the Catalan volunteers, and in misconstruing, or acting upon the cruel decree of the 24th of March, 1859." (Page 40, Ex. Doc. No. 7, Senate, 41st Congress, 2d session.)

and thus placed within the knowledge of those to whose crimes and offences against justice and humanity, to those to whose villainies they refer, I am suffered to be driven from my post of duty for having performed my duty; I am treated with personal indignity, barely escape with my life, and am obliged to give up to spoliation a large property. Thus far, this has been suffered by my Government with the least possible attempt to see justice done me; but I cannot doubt, in time, proper courses will be taken to secure me at least indemnity for my losses—indemnity, too, to the families of those poor victims of Spanish ferocity and hatred of Americans—Speakman and Wyeth, Demery and Portuondo. Their lives cannot be restored; but I feel confident the day is at hand when Spaniards will be made to understand they cannot, without summary responsibility, outrage humanity, insult the flag of the United States in every petty port in the Island of Cuba, and murder Americans who happen to fall in their power.

All of which is respectfully submitted.

The "ARLINGTON,"

WASHINGTON, D. C., *June 7, 1870.*







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