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FROM THE UNITED STATES GAZETTE.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled,

THE MEMORIAL

Of SAMUEL G. OGDEN, of the city of New-York, Merchant,

RESPECTFULLY SHOWETH,

That your memorialist is under a criminal prosecution for an offence against the laws of the U. S. of which if he is guilty he has been led into the error by the conduct of the officers of the executive government, who now intend, by bringing upon him the penalties of the laws, to sacrifice his character, fortune, and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign governments, by offering him as a victim to their resentments.

Your memorialist is the owner of an armed ship called the Leander, which lately sailed from the port of New-York under the command or direction of General Francisco de Miranda, to whom your memorialist chartered the said ship. Your memorialist in his mercantile capacity, was an active agent in fitting and providing her for the voyage in which she sailed. And for his agency in this respect he now stands indicted. But your memorialist did not know that there was any law of the United States, which forbade him to act as he has done, in relation to the above mentioned ship, nor could he believe that his acts were criminal, when he was certain that the projects of General Miranda, as connected with the expedition of an armament from the United States had not only been fully communicated to the President and to the Secretary of State, but had received their applause and encouragement. When he knew also that the executive officers of the government of the United States, at the city of New-York, had a full knowledge of the extraordinary equipments of the Leander, and when he found that no measures were taken to caution your memorialist or to check these preparations.

If the acts of your memorialist have been illegal he cannot doubt but that the laws may be put in force against him. They may be instruments in the hands of that executive, who has rendered him obnoxious to the punishment they denote. Yet as there must be in a free government some shelter in every case from injustice and oppression, your memorialist trusts with confident hopes to the assembled representatives of a free people, and trusts, that if it shall appear to them, that one of their fellow citizens has been seduced into an error by the encouragement of the executive, that executive will not be suffered to prostitute its power by bringing on him punishment, when the guilt, if any there be, rests upon themselves.

Your memorialist has not only to complain of the injustice of causing him to be prosecuted as a criminal, but to represent to you the illegal manner of conducting that prosecution, by which the most sacred rights of a citizen have been violated, and the first principles of justice trampled under foot by a magistrature of the United States. That the case of your memorialist may be fully before your honorable body, he will proceed to give a candid history of all the facts which have relation to the offence of which he is accused.

Your memorialist was unacquainted with general Miranda, till about the 23d day of December last, when he returned from Washington. He then applied to your memorialist as the owner of the ship Leander, which he proposed to engage to transport him with some men, munition, and implements of war, to a port in the Spanish territory in South America, at the same time inviting your memorialist to provide a variety of those articles which his project required, and in order to induce your memorialist to embark in the enterprise, and to convince him that it had the approbation of the government of the United States, the following facts were disclosed to your memorialist, and were corroborated by the representation of Col. William S. Smith, Surveyor of the port of New-York, and by the documents herein after mentioned.

General Miranda is a native of the province of Carraccas in South America, where he spent the earlier part of his life. The inhabitants of that country were represented groaning under their dependence on a despotic government & anxious to throw off the yoke. Many of general Miranda's countrymen were also stated to have been long desirous of freeing themselves from their bondage, looking to him as their expected deliverer, and ready to receive and to unite with him whenever he should bring to them a hope of success. It was further suggested that general Miranda had long entertained a design of emancipating his native country which was disclosed to Mr. Jefferson and the design approved by him, so long ago as when Mr. Jefferson was minister at the court of France from the United States. That general Miranda had been for some years soliciting and expecting to receive aid in his enterprise from Great-Britain, but that at length finding his expectations of assistance from that quarter fallacious, he had left that country and embarked for this, not with an intent to relinquish his design, but with the hope of finding here the means of success; that he had arrived in New-York in the beginning of November last, bringing with him a very interesting and important letter to a gentleman of the first consequence in New-York, which fully developed his designs, and stated that he had embarked for the United States, on the execution of the great plan, which he had for many years meditated for the liberation of his country. That in utter despair of the British government taking any decisive step, he had at last determined to try what could be effected by such resources as America could furnish, and might be willing to afford him, either as an enterprise sanctioned by public authority or undertaken by individual adventurers.

Your memorialist was well assured that this letter was, about the latter end of November, communicated to the Secretary of State and to the President of the United States; that after it had been some days in the hands of the Secretary of State, the receipt of it was acknowledged by him; and that about the last of the same month, general Miranda proceeded to Washington to communicate personally his plan to the government. That immediately after his arrival at Washington, general Miranda visited the Secretary of State; that in his first interview he informed the Secretary that he desired to make an important and confidential communication to the government as soon as the President should permit it to be received; that at a subsequent interview the Secretary of State informed him that having consulted the President on the subject of their former conference, he was authorized to receive his communication; that general Miranda then opened to the Secretary of State his object in coming to the United States, exposed the condition of the province of Carraccas, the general discontent of its inhabitants, and the ease with which it might become independent, concluding by a request for the countenance and succor of the government. That at a subsequent interview the secretary of state informed General Miranda that he had communicated to the President what had passed in their preceding conference; that the President's sentiments could not be doubted but that government could afford neither succour nor aid to the enterprise in which he was engaged. That upon this, general Miranda remarked that without the countenance of government, individuals might be unwilling to assist him, and the secretary replied that the United States was a free country, where every one might do what the laws did not forbid. That general Miranda then observed that the bill depending for prohibiting the exportation of arms and ammunition might impede his measures, and the Secretary answered that the bill might not become a law; that general Miranda informed the Secretary that he had conferred with certain persons in New-York respecting his views, and if government should privately make him a small advance of money, he might, with the assistance of those persons, find the supplies he wanted: to which the Secretary replied, that the merchants

would advance money whenever they became satisfied that they had an interest in doing so, and enquired what supplies he might want, and who were the persons with whom he had conferred: general Miranda answered that he wanted a few officers and privates, together with a quantity of arms and ammunition, and that he had conferred with commodore Lewis and colonel Smith, who had named your memorialist to general Miranda as the proprietor of vessels suitable to his views. Whereupon the Secretary expressed himself favorably concerning the fitness of these persons named by general Miranda, adding in reference to your memorialist, that it would be better than the Saint Domingo trade, in which your memorialist had been some time engaged, and that col. Smith was more qualified for military service than for a custom house; in consequence of which last observation, general Miranda then said that col. Smith would go with him, if he could have leave of absence; but the Secretary replied, that such permissions were unusual and could not be granted in this instance; and that the conference ended with an intimation on the part of the Secretary of State, that whatever might be done should be discreetly done, and with the understanding on the part of general Miranda, that though the government would not aid his enterprise, it met its approbation and encouragement, and that it would not be opposed; that general Miranda remained at Washington fourteen days and had several interviews with the President and Secretary; in which time he wrote to colonel William S. Smith two letters, of which copies follow:

Washington, Dec. 11, 1805.

MY DEAR FRIEND,

I have received your letter of the 1st and 5th of this month, and our commodore's of the 5th. The business you and him mention is on the *Topic* at this present moment, and will be concluded I hope in the course of this week. Not a moment is lost and the appearances look very favourable—have a little patience and you shall hear soon the result. I hope you will act on your side with as much activity, &c. &c. My best compliments to the worthy Admiral and to Major A. They both shall hear from me as soon as any thing is decided; write to me here at Stelle's Hotel and that will be sufficient, if the direction is Mr. Molini.

Yours,

M—A.

Col. Wm. S. Smith.

Washington, Dec. 14, 1805.

DEAR FRIEND,

I saw yesterday, for the second time, both the gentlemen, and after talking fully on the subject, I think I brought the business to a conclusion. Yet Mr. M. upon hearing my determination of quitting this city to-morrow for New-York, appeared surprized, and persuaded me not to leave it before Tuesday next, the 17th, when he expected me to dine with him, and to have a little more conversation I suppose. On consideration I thought that a stay three days longer might show calmness and patience on my part, which would give to this step all the dignity I intended, though I am persuaded that no more will be obtained than what is already imparted. Their tacit approbation and good wishes are evidently for us, and they do not see any difficulty that may prevent the citizens of the United States in attending personally or sending supplies for this object, provided the public laws should not be openly violated. Your demand of permission or leave of absence is considered impracticable, and Mr. M. thinks easier to take the risk upon yourself at once; however, we shall consider this subject with much reflection when we shall meet at New-York. On the 18th, early, I shall certainly leave this city for Philadelphia, from whence I will write to you again, and without much delay proceed to New-York. In the mean time I request of you to have every thing ready for departure before the last day of December, and I beg of you to show to our worthy commodore as much as is necessary of this letter, not thinking prudent in me

at this moment and on so delicate a subject to write any more; do the same with the major, and repeat to both my most sincere friendship and permanent esteem. When we meet you and they shall hear more on this subject in the mean time act with much caution and great activity.

Yours,

M—.

Your memorialist further respectfully represents, that the extraordinary equipment of the ship Leander, though made with some appearance of secrecy, was a matter of general conversation, and of great notoriety, in the city of New-York, for a long time before she sailed. That several officers of the government of the United States were acquainted with it; that in particular, it was well known to the collector of the port of New-York, to whom a formal representation was made by an officer of high rank under the government of the state; and the collector was by him called upon to notice the fact; but the collector refused to do so, saying that it was not his official duty to notice the representation; that eleven days before the Leander sailed, on the 22d day of January last, general Miranda wrote to the President of the U. States a letter, and a letter to the Secretary of State, of which the following are translations.

New York, 22d Jan. 1806.

MR. PRESIDENT,

I have the honor to send you enclosed, the natural and civil history of Chili, of which we conversed at Washington; you will perhaps find more interesting facts and greater knowledge in this little volume, than in those which have been before published on the same subject, concerning this beautiful country. If ever the happy prediction which you have pronounced on the future destiny of our dear Columbia is to be accomplished in our day, may Providence grant that it may be under your auspices, and by the generous efforts of her own children.—We shall then in some sort behold the revival of that age, the return of which the Fœnians had invoked in favour of the Irish race:

The last great age, foretold by sacred rhymes,
Renews its faith'd course; Sauronian times
Roll round again, and mighty years began
From this first orb, in radiant circles ran.

With the highest consideration and profound respect, I am, Mr. President,

Your very humble,

And very obedient servant,

(Signed) FRAN. DE MIRANDA.

To Thomas Jefferson, Esquire,

President of the U. States.

(PRIVATE.)

New York, 22d Jan. 1806.

SIR,

On the point of leaving the United States, allow me to address a few words to you, to thank you for the attentions that you were pleased to show me during my stay at Washington. The important concerns which I then had the honor to communicate to you, I doubt not, will remain a profound secret until the final result of that delicate affair; I have acted upon that supposition here by conforming in every thing to the intentions of the government, which I hope to have apprehended and observed with exactness and discretion. The enclosed letter contains a book which I have promised to the President of the United States, and which I pray you to transmit to him. Have the goodness to present my respectful compliments to Mrs. Madison, and to believe me with the highest consideration and esteem, Sir.

Your very humble

And obedient servant,

(Signed) FRAN. DE MIRANDA.

To the Hon. James Madison, Esq.

Your memorialist further respectfully represents, that these letters were received by the President and Secretary so as to allow ample time for arrieting the Leander before she had left the port of New-York, if it had been the pleasure of government so to do, as the said ship did not leave the port of New-York till the second day of February last.

(Concluded in the last page.)