

vol. 2.

CIVIL ORDERS

AND

CIRCULARS

ISSUED

From JANUARY 1st, 1902,

TO

MAY 20th, 1902.

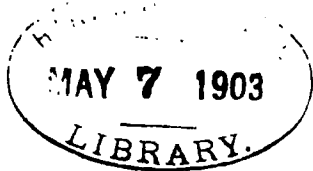
GUGGENHEIMER, WEIL & Co., PRINTERS,
BALTIMORE, MD.

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No. 1.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 3, 1902.

The Military Governor of Cuba, by virtue of the authority vested in him, directs the publication of the following order:

The present railroad tariffs on the transportation of sugar in the Island of Cuba are excessive and detrimental to public interests; therefore, it is ordered that the rates to be charged by the railroad companies of this Island for transportation of sugar shall be governed by the schedule hereinafter inserted. Any charge in excess of these rates shall be unlawful and shall subject the parties guilty of same to a fine equal to ten times the amount collected in excess of the herein authorized rates.

The courts of the Island will have jurisdiction in all cases of violation of this order.

If the railroad companies feel that the operation of these provisions deprive them of a reasonable income on their invested capital they may appeal to the Military Governor, who, after consideration of all the facts, will render a final decision, it being understood that said decision shall be in accordance with the provisions of Order No. 246, series 1901, these Headquarters.

This order shall take effect ten days from date of publication in the GAZETTE OF HAVANA.

TARIFFS FOR THE CROP OF 1902.

BASE RATES.

- | | | | | | |
|--------------------|--------------|-------|---------------|--------------|----------|
| (a) Transportation | 0 to 25 kms. | 4.848 | cts. per ton. | of 1000 kgs. | per kmr. |
| | 26 " 50 " | 2.424 | " | " | " |
| | 51 " 100 " | 1.616 | " | " | " |
| | 101 " 200 " | 1.212 | " | " | " |
| | 201 " " | 0.808 | " | " | " |
- (b) Loading or unloading, 10 cts. per ton.
- (c) Terminal switching, 15 cts. per ton.
- (d) Private siding charges, 10 cts. per ton.
- (e) Use of cars on private branches, 2 cts. per ton, per kilometer of length of branch.
- (f) Exclusive use of cars, 6 cts. per ton per day.

(g) Traction on private branches (not obligatory) 6 cts. per ton per kilometer of length of branch.

(All these rates are in U. S. Currency.)

BASIS FOR THE APPLICATION OF THE ABOVE RATES.

(a) The freight rates refer to complete car loads, not less than ten tons, for transportation on public lines, but not for services on private branches. These prices do not include loading or unloading nor any other operations, and they shall be subdivided in the following way:

60 per cent of the price is the compensation due to the owner of the line.

30 per cent is the compensation for the traction or haulage.

10 per cent is the compensation due to the owner of the cars.

These proportions shall be used when a planter uses his own cars or locomotives, and in all similar cases.

(b) When the Railroad Company loads or unloads the cars, it will make this charge for each operation.

(c) When at the terminal station the Railroad possesses city tracks from the station to public Warehouses, where the goods are conducted for deposit, the price will compensate the switching of the Cars to the Warehouses, provided the length of the urban tracks do not exceed 2 kilometers.

(d) When trains are stopped, and cars are switched at private siding situated on the main line between stations, the Company will collect these charges.

(e) This price is due to the railroad when its cars are utilized on private branches.

(f) This charge corresponds to cases when a planter wishes to dispose of a certain number of cars for his exclusive use in a special service, as for sugar cane service.

(g) This compensates the locomotive power furnished by the Company for hauling cars on private branches, between the main line and the mills (batey). A minimum per train may be fixed by the Company.

GENERAL CONDITIONS.

It shall be unlawful for any Railroad to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular

person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever.

Any condition established by a railroad which implies a reduction of the tariffs, shall be of such a nature that it shall be fulfilled and terminated in the same time that each individual transportation contract is performed; and all special rates, rebates, drawbacks, or other devices, which directly or indirectly, may be charged or paid to any person or persons, and the result of which shall be to increase or diminish the freights specified in the corresponding way-bill, are hereby prohibited.

Any condition established by a railroad which implies a reduction of rates, shall refer only to conditions regarding transportation, and not in any way to the particular conditions of any person; and the conditions established by the railroad for conceding a reduced price must be of such a nature that they may be generally accessible and acceptable to all; and any other conditions not fulfilling these requirements are prohibited.

A higher price shall not be charged for a shorter distance than for a longer distance, substantially under the same conditions and circumstances, if the shorter distance is included in the longer one.

In no case shall it be allowed to charge a higher price between two stations, than the sum of the rates to and from other stations, intermediate or not, when partial routes are benefited with reduced rates; provided the conditions and circumstances are substantially the same, in the direct as in the partial routes.

In certain justified cases of competition or other causes, upon application of the railroad companies, the Secretary of Public Works may authorize, especially in each case, exceptions to these general conditions.

APPLICATION OF THE TARIFFS.

Non-Refined Sugar.—The prices resulting from the base rates per ton per kilometer, shall be applied to the transportation of non-refined sugar on the different Railroads, with the allowance of certain increases, as hereby specified:

Western Railway of Havana.....	0	per cent	increase.
United R'ys of Havana.....	0	do.	do.
Matanzas R'y.....	10	do.	do.
Cárdenas and Júcaro R'y.....	10	do.	do.
Cuban Central R'y.....	15	do.	do.
Tunas and S. Spiritus R'y.....	15	do.	do.
Pto. Príncipe R'y.....	10	do.	do.
Stgo. de Cuba R'y.....	25	do.	do.
Guantánamo R'y.....	25	do.	do.
Gibara and Holguín R'y.....	25	do.	do.

Molasses.—Molasses in hogsheads or quarters or tanks will be charged $\frac{1}{2}$ of the price of sugar. This includes the return freight on the empty hogsheads or tanks or quarters.

Sugar Cane.—Sugar Cane will be transported for one-sixth part of the prices resulting from the *base rates*. The daily charge for exclusive use of cars will be the same base rate (*f*) without any change. Loading and unloading of sugar cane will not be done by the railroads. In no case a lower charge than one dollar per car load of ten tons will be allowed.

Aguardiente.—Aguardiente will pay two-thirds of the prices paid for *sugar*. Empty barrels, hogsheads or other vessels, shall pay, per car-load, half of the price paid for transporting the same when full.

SPECIAL CONDITIONS.

In any case when there may exist on one of the railroads a lower price than the corresponding tariff price, the lower price shall continue in force; but a higher price cannot be charged for a shorter distance haul on the same line to the port where the sugar, molasses, or aguardiente is to be remitted; and if a higher price has been in force for a shorter distance, it must be reduced forthwith.

In any case when a higher price may exist, it shall be reduced to the tariff price, or to the lower price if there is any lower price existing for the same or longer distance, as already explained.

The Secretary of Public Works is hereby directed to prepare a detailed table of freight rates on sugar, molasses, cane and aguardiente stating the rates for each kilometer from 1 to 200 kms., in accordance with the base rates above given.

H. L. SCOTT,
Adjutant General.

No. 2.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 3, 1902.

The Military Governor of Cuba, by virtue of the authority vested in him, directs the publication of the following order which shall govern the production and sale of gas and electricity throughout the Municipality of Havana:

I. Any individual, company or corporation collecting rates in excess of those herein prescribed shall be guilty of an unlawful act and be liable to a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars for each offense. The courts of the Island of Cuba will have jurisdiction in all cases of violation of this order.

II. The quality of gas furnished and the meters used shall be subject to inspection by a government inspector in accordance with rules and regulations to be prescribed by him and approved by the Military Governor.

III. The maximum prices charged for gas and electricity for lighting and power shall not exceed the following:

GAS.

\$2.00 per 1,000 cubic feet or 7c per cubic meter for public use, either for lighting or power; and \$2.50 per 1,000 cubic feet, or 8.8c per cubic meter for private consumption.

ELECTRICITY:

Incandescent Lighting.—

For private consumption \$1.10 per month for 16-candle power lamps from sunset to 12 o'clock midnight or 17 cents per kilowatt hour by the meter, provided three or more lamps are taken. For public lighting 13 cents per kilowatt hour.

Arc Lighting.—

For private consumption 17 cents per kilowatt hour if paid for by the meter or \$13.50 per month from sunset to 12 o'clock midnight for 2000 nominal candle power lamps of not less than 450 watts. For public lighting \$15.00 per month for similar lamps burning not less than 4,000 hours per year; or if paid by the meter at 13 cents per kilowatt hour.

Motor Service:

17 cents per kilowatt hour for private use and 13 cents per kilowatt hour for public use.

All the above prices to be in Spanish gold.

IV. This order will take effect from the date of its publication in the GAZETTE OF HAVANA.

H. L. SCOTT,
Adjutant General.

No. 3.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 3, 1902.

The Military Governor of Cuba, upon the recommendation of the Superintendent, Department of Charities, directs the publication of the following regulations for the Schools for Nurses of the Island of Cuba:

I. The Schools for Nurses are created in the Island of Cuba with power to issue diplomas to the graduate, showing their fitness to practice their profession.

II. The Schools for Nurses will be classified as State institutions and will be under the immediate supervision of the Department of Charities.

III. The Rules and Regulations published herewith will govern the establishment and management of the Schools for Nurses, and all special regulations enacted by the Boards of Managers for the interior administration of Hospitals to which such schools may be annexed will conform to these rules.

H. L. SCOTT,
Adjutant General.

PREAMBLE.

The object of these schools shall be, first, to further the best interests of the nursing profession by establishing and maintaining a universal standard for instruction and providing students with the proper means of education in the practical care of the sick; second, to secure for the students upon graduation a degree or title which will be a protection in practicing their profession and be a recognized means of securing employment; third, to provide hospitals and institutions in the island with skilled service in the nursing department and proper number of graded assistants, thus conferring a benefit to the mass of suffering humanity.

The Schools for Nurses are State institutions, attached to hospitals for mutual benefit, but under the direct control of the Department of Charities. The Director of the Hospital shall be the immediate representative of the Department in the school, and the Treasurer of the Hospital shall be also the Treasurer of the school. Separate estimates for the schools shall be prepared and signed by the Director and the Treasurer.

GENERAL REGULATIONS FOR THE SCHOOLS FOR NURSES FOR THE ISLAND OF CUBA.

CHAPTER I.

* ESTABLISHMENT OF SCHOOLS.

ARTICLE 1ST:

Schools for Nurses may be established in all cities of the island where there are public hospitals containing more than one hundred beds, whatever their classification may be, subject to the provisions established in this general plan of regulations, after previous approval by the Department of Charities, and inscription in the School of Medicine of the University of Havana.

ARTICLE 2ND:

The schools will be governed by the internal regulations of the institution, except where said regulations are contrary to the rules

established in this plan. The schools shall not comprise less than twenty students.

ARTICLE 3RD.

The heads of the school will be; first, the Medical Director; second, the Superintendent; and, next, the graduate nurses who may be designated to act as assistants to the Superintendent.

ARTICLE 4TH:

A committee consisting of three members of the Central Board of Charities, appointed by the same; a professor of the School of Medicine, appointed by the Dean; and a graduate nurse holding no position in any school, but having previously filled the position of Superintendent, designated by the Department of Charities, will deal with all affairs of a general character affecting the schools. All correspondence will be transmitted through the Department of Charities. This committee will meet regularly once a month, and will hold special meetings as often as necessary.

ARTICLE 5TH:

The Director of the School shall designate the professors that may be required to deliver the lectures referred to in the curriculum, employing the doctors in attendance on the hospital, and all those who may be willing to do so without receiving any remuneration whatsoever for such work.

ARTICLE 6TH:

The course of instruction in each school will cover a period of three courses, of a year each, in accordance with the provisions established in the official plan of the School of Medicine. Nevertheless, any student may be admitted to examination for the first year, provided she has previously completed a course of five months' study.

ARTICLE 7TH:

At the expiration of the first and second courses, the examinations will take place before a Board consisting of two Professors belonging to the hospital, designated by the Director, and presided over by him or his delegate. Said Board will make the students acquainted with the list of subjects of the examination fifteen days in advance.

ARTICLE 8TH:

The qualifying degrees on the capacity and knowledge of the students will be: good, very good, rejected. They will be awarded by majority of votes. The Director will issue to each student a certificate of the results obtained from her examination, filing with it her personal documents.

ARTICLE 9TH :

At the expiration of the third course, the examination will take place before a Board consisting of three Professors of the School of Medicine and Pharmacy, appointed by the Dean of the Faculty. The oldest Professor will preside. The degrees in this examination will be those established in the regulations of the school of Medicine and will be noted in the documents of the student, to be kept on file in the Department of Charities.

ARTICLE 10TH :

The examinations corresponding to the third year, will take place in the capital of each province, or in those cities where a large number of students exist, on the dates fixed by the Dean of the Faculty of Medicine, who will notify the directors of the schools and the members of the Board designated by them in advance, in order that they may take the necessary measures. The expenses incurred by the members of the Board shall be paid by the Department of Charities and Hospitals. The amount assigned to cover said expenses will be eight dollars gold daily and free transportation.

ARTICLE 11TH :

The examinations will be public and the Department of Charities will provide the building.

ARTICLE 12TH :

After the examination of the third course, the Dean of the Faculty will issue a diploma to each student, whose exercises have been approved, which diploma shall state that said student is admitted to the practice of the profession of nursing. Said diploma will merit all authorities, as well from the courts, the respect and consideration due all professional titles. Without this diploma, the practice of the profession of nursing is not allowed. Each school will award a silver medal to every student who obtains the diploma of nurse.

ARTICLE 13TH :

The students who may not pass the first examination shall have the right to request a repetition, but on a second failure they shall be dismissed from the school.

ARTICLE 14TH :

The students whose perseverance and continued good conduct has distinguished them from their companions during the three years, will be awarded a special gold medal, if so accorded by two-thirds of the number of Professors belonging to the institution assembled for the purpose by the Director of the same provided he and the Superintendent, who will be present at the meeting, deem any student worthy of said prize. The design of the medal will be determined by the Department of Charities, and will be paid for with funds of the same.

CHAPTER II.

ADMISSION TO THE SCHOOL.

ARTICLE 15TH:

All applicants for admission as students to the schools for nurses shall apply by writing to the Director of the hospital to which the school is annexed, filling the form of application adjoined, inclosing with it a letter from a respectable person certifying as to her moral character, and antecedents, and another letter from a doctor certifying as to her good health. If she is a minor, she must also inclose written permission from her parents or guardians. If the applicant's certificate meets the approval of the director, he will indorse it with his recommendation to the Superintendent, who will admit her definitely after a month of probation, during which she shall receive nothing else at the expense of the schools but board, lodging and laundry. This admission will be notified to the Department of Charities.

ARTICLE 16TH:

The age for admission shall be from eighteen to thirty-six years. The applicant may be admitted when there is only a difference of a few months before she attains the eighteen years, provided she has a strong constitution. A moderate education is indispensable for admittance into the schools. To ascertain this, the Superintendent will examine the students whenever she may deem it convenient.

ARTICLE 17TH:

Applicants may be admitted any time during the year, but the course of instruction will not be considered complete until the three years of practical course have expired, counting from the date of admission and taking into account the month of probation.

ARTICLE 18TH:

The students can be suspended for misdemeanor or incapacity whenever the Director and Superintendent may deem that they deserve it, notifying the Department of Charities of such action and motives thereof.

ARTICLE 19TH:

The students will receive as remuneration for their services eight dollars per month during the first year; twelve dollars during the second, and twenty-five dollars gold during the third. Each student will provide all her necessary uniforms. For the acquisition of these, the school will assign for each student of the first and second years thirty-six dollars yearly, which will remain in the charge of the Treasurer to be spent when the Superintendent may deem it con-

venient. Should a balance remain at the end of the year, it will be given over in cash to the nurse to whom the amount is credited. The nurses who abandon the school lose all right to their uniforms. They cannot be worn on the streets, unless when rendering service. Laundry of uniforms shall be provided for all the students at the expense of the school.

CHAPTER III.

DUTIES OF THE STUDENTS.

ARTICLE 20TH:

All students are obliged to reside in the schools. The hours of duty for the students will be divided between day and night. They will render their services eight hours during the day, devoting the remaining four hours to meals, study, recreation and rest, and twelve hours, during the night, taking turns in such a manner that each student may be able to render her services approximately one consecutive month.

ARTICLE 21ST:

During the first two years the students will not render their services out of the school. During the third year they will be able to do so during a period which will not exceed three months, whenever the Director, in accordance with the Superintendent, may deem it convenient. When the services are rendered to the sick poor, a special agreement will be made with the Municipal authorities. If attendance is rendered to private individuals, outside, three dollars daily and cost of transportation will be charged. This amount will be paid over to the Treasurer and after deducting a certain sum which the school may deem wise to give to the nurse as gratification, the balance remaining will be kept with the object of accumulating a fund destined to be used as a prize, which in accordance with the Department of Charities will be awarded to the student who may be deemed worthy of such a distinction.

ARTICLE 22ND:

Hospitals having no school for nurses in cases of emergency can apply for nurses to the schools established in the locality, provided they pay the school annexed to the hospital in which they render their services the amount decided upon as gratification and the cost of transportation. The students who are employed in that capacity will figure in the pay-roll of the hospital to which the school is annexed.

ARTICLE 23RD:

Each student will have three weeks' vacation every year, which will be granted to them by turns by the Superintendent in accordance with the Director.

ARTICLE 24TH :

In sickness, all students shall have gratuitous care; but the time lost in such manner shall be made up, provided said time exceeds one month in each year.

ARTICLE 25TH :

The students will have no intercourse with the employees other than a strictly professional one. Any infraction of this order will be severely reprimanded and the Director of the school shall be held responsible for such infringement.

CHAPTER IV.**DUTIES OF THE SUPERINTENDENT AND HER ASSISTANTS.****ARTICLE 26TH :**

The Superintendent shall be a graduate nurse of a school of established reputation and must present her credentials and satisfactory references from the school from which she proceeds. She will be appointed by the Department of Charities, in accordance with the Director.

ARTICLE 27TH :

The Superintendent shall have the supervision and direct control of the school. She shall be authorized to accept the applicants after the month of probation notifying their admission to the Department of Charities, through the Director. She shall in like manner send a written report of the motives which prompt her to reject any applicant whom she may not deem desirable. She shall keep a record book of the admissions and rejections, which will be always at the disposal of the Director.

ARTICLE 28TH :

She shall be authorized to suspend any student for misdemeanor, notifying the Director so that he may, after considering the necessary information, approve or disapprove her action.

ARTICLE 29TH :

She shall send to the Department of Charities every three months a written statement of the assiduity, attendance and conduct of each student, and forward to the School of Medicine and Pharmacy a statement of the number of students inscribed in each course. Before the final examination she must send in a complete report, containing all necessary information with regard to the documents and practical work of each student.

ARTICLE 30TH:

The Superintendent shall be authorized to purchase all articles necessary for the requirements of the school when it is independent of the hospital. Payments will be made by the Treasurer on approval of the Director. The purchase of wearing apparel for the nurses will be always made by the Superintendent.

ARTICLE 31ST:

She shall have the general supervision of all the patients in the hospital in accordance with the Director. She shall see that the students serve in turn in the different departments, and determine those who are to render their services by night and shall be responsible to the Director of the Hospital for condition of cleanliness of floors, walls, windows, roofs and furniture of both medical and surgical wards and operating rooms, as well as the laundry and kitchen.

ARTICLE 32ND:

She will receive every morning the report of the graduate nurses and obtain the requisitions for the daily requirements transferring the report and requests to the Medical Director an hour in advance.

ARTICLE 33RD:

She shall every night before retiring give the necessary instructions to the assistant who is to act as night superintendent, and obtain from her in the morning a written report of all the night occurrences. She shall refer all information dealing with the patients to the doctor in attendance on the ward, and those dealing with affairs in general to the Director.

ARTICLE 34TH:

She shall not absent herself from the hospital during the day without notifying the Director and Designing an assistant to take her place.

ARTICLE 35TH:

She shall attend the lectures delivered by the Professors to the students and review and correct the notes taken.

ARTICLE 36TH:

She shall give weekly lectures to the students, on the practical knowledge they must possess for the proper discharge of their duties and practice of their profession.

ARTICLE 37TH:

She shall supervise all the assistant nurses in their departments and will notify the Director of any fault committed. She will inspect the distribution of food to the nurses and the patients of the hospital, seeing that the instructions of the Director are complied with.

ARTICLE 38TH :

Whenever a case of contagious disease occurs, she shall take all proper precautions to isolate it and disinfect all the linen; soliciting from the Director any order which may be necessary.

ARTICLE 39TH :

To assist her in the proper discharge of all the duties mentioned, she will have under her orders at least four assistants, graduate nurses, one to have complete charge of the operating room, one to act as night superintendent and the remainder to render their services in the medical and surgical wards. The night superintendent shall receive more salary than the others, considering the kind of service which she renders. The assistants shall have charge of the instruction of the students in their respective sections and comply with all instructions received from the Superintendent. They shall not leave the building without first obtaining permission from the Superintendent, nor pass the night out of the institution. They shall enjoy a day vacation every week by turns. If sick for more than a month, the amount exceeding it will be discounted from their services.

The assistants will be appointed in the same manner as the Superintendent.

CHAPTER V.**THEORETICAL INSTRUCTION.****ARTICLE 40TH :**

The theoretical instruction will cover three terms: the school term will be from the first of October to the first of June, and the examinations will be held during the latter part of the last month.

OFFICIAL CURRICULUM.**SCHOOLS FOR NURSES.****THEORETICAL INSTRUCTION FROM OCTOBER TO JUNE.****FIRST YEAR.****PROFESSIONAL DISCIPLINE.***Anatomy:*

Skeleton, Bones, Articulation and Muscles.

Hygiene and Bacteriology:

Action of the Bacterii, Disinfection and Isolation.

NOTIONS OF PHYSIOLOGY.*Materia Medica:*

Metric System, Medicines and their administration; Drugs and their classification.

Surgical Practice:

Asepsis and Antisepsis, Cicatrization, Accidents of penetrating and general wounds.

PREPARATION OF NOURISHMENT FOR THE SICK.

Services to Children; State at birth, Physiological changes; Growth and Development; Morbid predisposition; Infant Mortality; Care of a Healthy Child; Nourishment to a Healthy Child, and to a Sick Child.

SECOND YEAR.

Anatomy:

Digestive Apparatus, Circulatory, Respiratory, Glandular System, Excretory and Nervous Apparatus.

NOTIONS OF PHYSIOLOGY.

Hygiene and Bacteriology:

Air, Water, Hygiene, Materia Medica, Personal, Poisons, Antidotes, Hypodermic Injections, Hydrotherapies; Medical Practice, Assistance in General Observations (elementary clinics) of the patients annotation of symptoms, temperature, pulse and respiration, diet, etc., etc.

Surgical Practice:

Care before, during, and after the operation; Care in special operations.

THIRD YEAR.

GYNECOLOGY.

Obstetrics:

Care of the woman during pregnancy, confinement, and afterwards, care of the new-born child.

Surgical Practice:

Anestesy, application and bandages; services rendered in surgical wards.

Medical Practice:

Analysis of the urine, care of diseases of the digestive organs, circulatory, respiratory, nervous, urinary, and contagious.

Eyes, Skin, Ears, Throat, and Nose:

Anatomy, care in health and sickness, post-operative care, special cures.

Practice of Massage.

ARTICLE 41TH:

The Superintendent will issue to each student a tri-monthly statement of her services in accordance with the following form:

Name.....
 Date of admission to School.....
 Wards in which they have served during the three months,....
 Behavior.....
 Interest Manifested.....
 Apathy for observation.....
 Punctuality.....
 Application.....
 Disposition.....
 Cleanliness.....
 Order.....
 Amlability.....
 Peculiarities.....
 Distinction in Character.....
 Distinction in Work.....
 Faults Committed in Work.....

 Faults in Character.....
 Improvement.....
 Remarks.....
 Date.....
 (Signature).....

FORM OF APPLICATION.

The answer to the questions shall be written in the applicant's own handwriting.

Name, surname, and address of applicant.....
 Civil condition.....
 What has been your occupation.....
 Height..... Weight.....
 What education have you received, and where?.....

 Age..... Date and place of birth.....
 Have you been in any other school for nurses?.....
 Are you strong and healthy?.....
 Is your sight and hearing perfect?.....
 Have you any physical imperfections or defects?.....
 Have you a vaccination certificate?.....
 What acute diseases or surgical operations have you suffered,
 and on what date?.....
 Have you read and clearly understood the regulations of the
 school?.....
 Date.....
 (Signature).....

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 6, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order:

I. Paragraph 5 of Order No. 368, Headquarters Division of Cuba, series of 1900, is hereby amended to read as follows:

The following cities are announced as forming City Districts of the First and Second Class: City District of the First Class—Havana. City Districts of the Second Class—Santiago, Matanzas, Cienfuegos, Puerto Principe, Cardenas, Manzanillo, Guanabacoa, Santa Clara, Sancti Spiritus, Trinidad, Sagua la Grande and Pinar del Río.

II. Paragraphs 6 and 7 of the aforementioned order are hereby repealed.

III. The following paragraph is hereby added to said Order No. 368:

Paragraph 30*a*. There shall be a Superintendent of Instruction for every City District of Second Class, who shall be appointed, and whose salary shall be fixed, by the Commissioner of Public Schools, on the recommendation of the proper Provincial Superintendent of Public Schools, submitted through the Island Superintendent of Public Schools. Said Superintendents of Instruction shall be persons of well-known competency in pedagogical matters and they shall be appointed for a term of two years, unless sooner removed by the Commissioner of Public Schools for dereliction of duty, or improper conduct.

THEIR POWERS AND DUTIES.

Teachers of City Districts of the Second Class shall be appointed by the Board of Education of the District, solely on the recommendation of the Superintendent of Instruction.

These Officers shall report in writing to their respective Boards of Education, quarterly, and oftener, if so required by the Board or higher authority, as to all matters under their supervision; and they may be required by the Board of Education of the District to attend any, or all, of its meetings.

IV. The Commissioner of Public Schools shall recommend for appointment to the Military Governor the six members of each of the Boards of Education for the City Districts of the Second Class created by this Order, who shall elect one of their members President of the Board. The Board so constituted shall be the Board of Edu-

cation for such City Districts of the Second Class until the election and qualification of the Board of Education as provided for in Order No. 104, of these Headquarters, series of 1901.

V. Paragraphs 60, 76 (as amended by Order No. 127, these Headquarters, series of 1901), 88 and 92 of the aforementioned Order No. 368 shall, henceforth, read as follows:

Paragraph 60. Each Board of Education shall choose annually, from among its members, a President, and a Clerk who shall not be a member of the Board and who shall hold no other salaried public office; his salary shall be fixed by the Commissioner of Public Schools and paid from the Island funds on regularly approved estimates; but such salary shall not exceed \$1,200 per year in City Districts of the Second Class, and \$750 in Municipal Districts.

Paragraph 76. Each Board of Education shall have the management and control of the public schools of its District and, except as otherwise provided for Boards of Education in City Districts of the First and Second Class, shall have full power to appoint principals, teachers, janitors and other employes and fix their salary or pay, *subject to the approval of the Commissioner of Public Schools*, provided such salaries for teachers do not exceed per month the following: In Havana, \$75.00; in the other Capitals of Provinces and in Cárdenas and Cienfuegos, \$60.00; in all other districts, \$50.00; but no salary shall be less than \$30.00 per month.

Boards of Education may fix any salary between these limits, which, in their judgment is appropriate; and any person serving as a regular teacher in a school-room and also having the supervision of not less than two other school-rooms shall be rated as a principal, and shall receive an additional sum, *which shall not exceed \$25.00 per month in the City District of Havana, \$15.00 per month in the City Districts of the Second Class, and \$10.00 per month in all municipal districts.* Contracts for teachers' services for any school year should be made before August 31st. of the preceding year, and on or before that date a complete list of the teachers employed and their corresponding salaries should be forwarded to the Commissioner of Public Schools for his approval. Such salaries shall not be diminished during the term for which the appointment is made. No person shall be appointed teacher for a longer period than one year, and any Board of Education may, subject to the provisions of Order No. 109, series of 1901, from these Headquarters, dismiss any appointee of such Board for neglect of duty, immorality, or improper conduct, and shall state to such appointee in writing the reason therefor. The Commissioner of Public Schools may, for the same reasons, suspend or dismiss any appointee of any Board of Education, and may also, with the approval of the Military Governor, dismiss any such appointee when it becomes necessary for economy in the public service. Boards of Education shall contract with teachers to teach in a particular school, or in a particular *aula* of a particular school and no teacher shall be changed from this

school to another, or from this *aula* to another against his wishes. Women only shall be employed in schools for girls, as teachers and janitors; either women or men may be employed in schools for boys, or mixed schools, but it is preferable that women should be employed in the latter; for similar services, women and men shall at all times receive equal pay.

Paragraph 88. Every parent, guardian or other person having charge of a child between the ages of six and fourteen years, shall send such child to a public, or to a duly authorized private school, not less than twenty weeks, at least ten weeks of which, commencing with the first four weeks of the school year, shall be consecutive, occasional daily absence for reasonable excuse excepted; unless the child is excused from such attendance by the President of the Board of Education in Municipal Districts, or the Superintendent of Instruction in City Districts of the First and Second Class, upon a satisfactory showing, either that the bodily or mental condition of the child does not permit of his attending school, or that the child is being instructed at home or in a duly authorized private school, in the subjects of writing, spelling, reading, geography, and arithmetic.

Paragraph 92. On the request of the Clerk of the Board of Education, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of six and fourteen years is not attending school without lawful excuse, or in violation of the preceding paragraph, the truant officer shall notify that parent, guardian, or other person in charge of said child, of the fact, and require such parent, guardian, or other person in charge, to cause the child to attend some recognized school within three days of the day of notice; and it shall be the duty of the parent, guardian, or other person in charge of the child, so to cause its attendance at some recognized school.

PENALTIES IMPOSED ON PARENTS, GUARDIANS, ETC.

Upon failure to do so, the truant officer shall report the case to the Clerk of the Board of Education, who shall make complaint against the parent, guardian or other person in charge of the child in any court of competent jurisdiction in the district in which the offense occurs, for such failure, and upon conviction, the parent, guardian or other person in charge of the child shall be fined not less than one dollar, nor more than ten dollars, in the discretion of the Court, the offense to be punishable as a *falta*, or the Court may, in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with sureties to the approval of the Court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within three days thereafter, and to remain at such school during the term prescribed by law, and upon a failure or refusal of any such parent.

guardian, or other person to pay said fine or furnish said bond, according to the order of the Court, then said parent, guardian, or other person shall be imprisoned in the proper jail, not less than one day nor more than five days.

PRIVATE SCHOOLS.

VI. After the publication of this Order, no private school in the Island of Cuba shall be considered as legally established unless it has been authorized by the Secretary of Public Instruction or the Island Superintendent of Public Schools, in the manner hereinafter provided.

1. Within thirty days after the publication of this Order, every Board of Education in the Island of Cuba shall send to the proper Provincial Superintendent of Public Schools a list of the private schools established in their respective districts and of the names of the teachers of such private schools. To enable the Island Superintendent of Public Schools to decide upon the continuance of said private schools, the Provincial Superintendent of Public Schools shall, with the least practicable delay, forward these lists to him with a full report on the ability and competency to teach of every teacher mentioned therein, as well as on the hygienic and other conditions of the buildings in which such schools are located.

2. After the publication of this Order any person desirous of establishing a private school shall present his petition to the proper Provincial Superintendent of Public Schools who, after due investigation, shall forward these applications for decision, to the Island Superintendent of Public Schools, with a report as to the applicants' ability and competency to teach.

3. The decisions, under this Order, of the Island Superintendent of Public Schools, shall be given without delay and he shall notify the Commissioner of Public Schools of each private school authorized by him.

4. Private schools shall be subject to visits of inspection from duly authorized agents of the Commissioner of Public Schools, to whom they shall render a report regarding the sanitary and hygienic conditions of the buildings in which said schools are established, and if these conditions be such as to endanger the health of the children in attendance, such schools may be ordered closed by said Commissioner.

5. The principal of every private school, duly authorized in the manner hereinbefore provided, shall render monthly statistical reports to the Commissioner of Public Schools on blanks furnished him by this Officer.

6. Should any person consider that the action taken by the Island Superintendent, in either of the cases specified in Paragraphs 1 and 2 of this Order, is unjust, he may, if he so requests, be examined on

the same subjects comprised in the examinations for First Grade Certificates by a Board of Examiners composed of three members, appointed for the purpose by the Secretary of Public Instruction and these Boards shall be guided by whatever rules and instructions be given them by the aforementioned Secretary, whose decision shall be final.

VII. The Commissioner of Public Schools is charged with the enforcement of this Order and shall take the necessary steps to secure its prompt execution.

H. L. SCOTT,
Adjutant General.

No. 5.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 6, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following order:

I. The registration fee on cattle brands provided in Royal Decree of August 21, 1884, and Civil Orders Nos. 353, series of 1900, and 208, of 1901, amounting to \$12.50, shall be reduced to \$3.00, U. S. currency, in all cases where the owners of cattle are poor farmers devoted to agricultural concerns upon a small scale or engaged in minor industries, who possess only the number of cattle absolutely necessary in their business or for the support of their families.

Any person coming within the foregoing paragraph shall be entitled to said reduction who shall satisfactorily prove his condition as such by presenting a certificate, to be issued, free of charge, by the proper Municipal Mayor, showing that the animals, excepting those under one year of age, are strictly required for the purposes prescribed under this order; provided further, that said animals shall not exceed twelve in number.

Holders of such certificates whose cattle shall exceed in number said limit shall apply for the regular \$12.50 certificate, which will be issued upon payment of the balance due after deduction of the three dollars paid for the former certificate of POOR FARMER: provided, that failure to do so will cause the forfeiture of the right of ownership of the brand.

Owners of live stock who may not wish to brand their animals are not obliged to apply for these certificates, inasmuch as the branding of cattle is not obligatory.

II. Such a single certificate also entitles to the use of brands of different sizes for the branding of adult and young cattle whenever they all have the same form and design.

H. L. SCOTT,
Adjutant General.

No. 6.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 6, 1902.

The Military Governor of Cuba directs the publication of the following order, which shall take effect from the date of publication:

The clothes, arms, military outfits and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits or accouterments, so furnished, and which have been the subject of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer, civil or military, and shall thereupon be delivered to any quartermaster, or other officer of the United States forces authorized to receive the same. In case there are no United States officers at or near the place of seizure the property shall be turned over to the Chief of Police of the municipality in which seizure is made and receipt taken for the same. The Chief of Police shall at once cause to be forwarded to the Military Governor a complete inventory of the property seized and will hold it subject to such disposition as may be directed made of it.

The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.

All police and military officers will see that the provisions of this order are enforced.

H. L. SCOTT,
Adjutant General.

No. 7.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 6, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following orders:

I.

1. For the good of the service, an exchange of offices is hereby directed between *Manuel Mojarrieta* and *José Figueredo*, Judges of First Instance and Instruction of Matanzas and Sagua la Grande respectively.

These officials shall take possession of office within ten days from the date of publication of this order in the GAZETTE OF HAVANA ; and they shall continue to draw the salaries of their present positions until entering upon the duties of the offices assigned them under this order.

2. On the recommendation of the Audiencia of Havana, Félix Pérez y Pérez is hereby dismissed from the office of Municipal Judge at San Antonio de las Vegas.

This action is the result of an investigation made.

II.

The Municipal Court of Samá shall be removed to the town of Banes, in the Judicial Circuit of Holguín, Province of Santiago de Cuba. On and after the date of this transfer, the said Municipal Court shall be known as the Municipal Court of Banes, which shall exercise its jurisdiction over the same territory that pertained to the Court of Samá.

The Audiencia of Santiago de Cuba will see that this order is enforced with the least practicable delay.

H. L. SCOTT,
Adjutant General.

No. 8.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 6, 1902.

In view of the petition presented by the President of the Cárdenas and Júcaro Railroad Company on behalf of the Company, for the approval of the amendment to Article 2nd— of its Statutes, agreed on at a general meeting of stockholders; Whereas the said amendment was agreed on in conformity with the provisions of Article 21 of said Statutes; Whereas the increase of the capital stock as provided in Article 2nd, as amended, does not conflict in any way with existing legal provisions; Whereas the main purpose of said amendment— that is, to promote the construction and operation of the railroad— must be considered as useful and beneficial to public interests: The Military Governor of Cuba hereby sanctions the modification of Article 2nd of the Statutes of the Cárdenas and Júcaro Railroad Company, agreed on at the general meeting of stockholders held September 24, 1900, as hereinafter follows:

The capital stock of the company shall be \$10,000,000, divided in 20,000 shares of \$500 each, and shall be composed of the \$7,971,070 of shares already issued, and \$2,028,930 of shares which shall be issued only after express authorization granted by a resolution

adopted at a general meeting of the stockholders of the company, called and organized as prescribed in the Statutes and by-laws of the Company, and specially complying with the provisions of Article 21 of said Statutes, whenever in pursuance of Articles 3 and 4 thereof it may be necessary to undertake new constructions.

H. L. SCOTT,
Adjutant General.

No. 9.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order:

I. *Dr. Raimundo Menocal* is hereby appointed Professor of the complementary course of "Diseases of the skin and syphilis," School of Medicine of the University of Havana.

II. *Marcelino Weis* is hereby appointed assistant professor of the School of Dental Surgerv, University of Havana.

III. For the good of the service, *Dr. Emilio Chibás*, President of the Board of Education of the Municipal School District of Guantánamo, is hereby relieved from office, to date from December 16, 1901, date on which he was suspended by order of the Commissioner of Public Schools.

IV. *Dr. José Manuel Espín* is hereby appointed President of the Board of Education of the Municipal School District of Guantánamo, *vice* Dr. Emilio Chibás. This appointment to date December 16, 1901, since which date he has been filling the position by temporary appointment of the Commissioner of Public Schools.

H. L. SCOTT,
Adjutant General.

No. 10.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Finance, directs the publication of the following order:

I. The ayuntamiento of Regla having been abolished under Civil Order No. 236, series of 1901, these Headquarters, whereby its territory was annexed as a Municipal District to the Municipality of Havana, the industrial tax covered by Tariffs 1, 2 and 3 of the Regu-

lutions in force will continue to be collected in Regla according to Class 2nd of the basis of towns, with the exception of the special quotas which said tariffs may have fixed to certain industries in the district of Regla.

For the remainder of the current fiscal year, the voluntary receipts of Tariffs 4 and 5 will be collected in accordance with the rates fixed by the ayuntamiento of Regla; and on and after the coming fiscal year, as agreed upon, and determined in the budget, by the ayuntamiento of Havana.

On and after the present semester, the tax on urban and rural estates will be collected in Regla according to the quotas determined by the ayuntamiento of Havana in the present budget.

II. The assessment records of Regla will form a part of the records of Havana, special registers being prepared as provided in the third paragraph of Article XXVII, Civil Order No. 335, series of 1900.

III. In order to provide the expenses for the District of Regla for the remainder of the present fiscal year, the ayuntamiento of Havana will prepare a special budget according to the provisions of Order No. 355a, series of 1900, said budget to be included in the regular budget of the next fiscal year.

IV. Inasmuch as the administrative action of the ayuntamiento of Havana extends over the District of Regla the regulations both municipal and of construction of the City of Havana, will be enforced in Regla, as well as all other provisions therein governing city and rural police, sanitation and hygiene.

H. L. SCOTT,
Adjutant General.

No. 11.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

Article 1 of Civil Order No. 96, Headquarters Division of Cuba, series of 1900, is hereby amended to read as follows:

I. All convicts sentenced by Judges or Tribunals of this Island shall labor for the benefit of the State, and the Wardens of all Penal Institutions may compel all able-bodied convicts under fifty-five years of age and in good health confined therein, to labor in such Public Works as may be deemed proper, either within or without such penal institutions, except, in regard to labor outside of the institution, when the sentencing Judge or Tribunal, taking into consideration the age or

health of the convict, orders that he serve his sentence laboring within the institution.

No convict shall be employed in works outside of penal institutions, for the benefit of, or under contract with, private individuals or corporations, nor in public works executed under contract with any branch of the Government.

This order applies to prisoners sentenced on and after this date.

All orders or laws, or parts thereof, which may conflict with the provisions of this order are hereby revoked.

H. L. SCOTT,
Adjutant General.

No. 12.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 9, 1902.

The Military Governor of Cuba directs the publication of the following order:

Civil Order No. 378, Headquarters Division of Cuba, dated September 18, 1900, is hereby revoked.

H. L. SCOTT,
Adjutant General.

No. 13.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 11, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. The Correctional Court of Gibara is hereby abolished; and in consequence thereof the personnel assigned to same will be dismissed.

II. The Court of First Instance and Instruction of Holguín will also have jurisdiction over all the territory at present pertaining to the Correctional Court of Gibara, in so far as the trial of "delitos" (crimes) by, correctional procedure is concerned. "Faltas" (misdemeanors) committed in the aforementioned territory shall be prosecuted and punished by the respective municipal court.

III. All the property, furniture, books, documents and all other papers of the Correctional Court of Gibara will be turned over to the Court of First Instance and Instruction of Holguín, in the custody of which they shall remain.

IV. The Correctional Court of Cienfuegos is hereby abolished; and in consequence thereof the personnel assigned to same is dis-

missed, and all the existing property, furniture, books, documents and papers shall be turned over to the Court of Instruction established under this order, in the custody of which court they shall remain.

V. Instead of the Court of First Instance and Instruction at present existing in the City of Cienfuegos, two new Courts are established; one of First Instance, which shall take cognizance of all civil matters, and another of Instruction, which shall take cognizance of all criminal matters and will also act as a Correctional Court, in accordance with the provisions of Civil Order No. 342, series of 1900, Headquarters Division of Cuba.

Both Courts shall be of 2nd class and exercise their proper jurisdiction over all the territory corresponding to the Judicial Circuit of Cienfuegos.

VI. Each of the Courts referred to in the preceding article, shall have the following personnel and material:

One Judge.....	\$3,000.00	per annum.
Three Court Recorders at \$1,500 each.....	4,500.00	" "
Three Clerks, at \$500 each.....	1,500.00	" "
Two Bailiffs at \$360 each.....	720.00	" "
For material.....	250.00	" "
Total.....	\$9,970.00	

VII. The Municipal Court of Cienfuegos shall continue exercising its own jurisdiction over the same territory which at present pertains to it, or that which the Judge of Instruction may, according to the Law, confer upon it.

VIII. The Judges of First Instance and Instruction of Cienfuegos shall be substituted, in conformity with the Regulations, by the respective Municipal Judge on duty. Whenever the Municipal Judge and his alternate may be substituting at the same time the Judge of First Instance and that of Instruction and there is no longer any reason for such substitution of either of said Judges, the substitution of the remaining Judge corresponds to the regular Municipal Judge, and his alternate shall take charge of the Municipal Court.

IX. All orders decrees or laws, or parts thereof, which may conflict with the provisions of this order, are hereby revoked. This order shall take effect February 1st., 1902.

X. The Secretary of Justice is charged with the enforcement of the present Order; and he shall, therefore, proceed to distribute, in the manner he may deem proper, among the two new Courts of the City of Cienfuegos, the assisting and subordinate personnel at present on duty in the Court of First Instance and Instruction of said City of Cienfuegos, and to issue whatever rules he may deem necessary for the enforcement of this order. The remaining positions shall be filled according to the provisions in force.

H. L. SCOTT,
Adjutant General.

No. 14.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 11, 1902.

The Military Governor of Cuba directs the publication of the following order:

The space of ten meters surrounding military buildings called "camino de ronda," or "military way," shall be reserved around the "Pirotecnia Militar" of this city for public streets and roadways. No structures will be permitted within this space of ten meters as measured from the outer edge of the wall.

H. L. SCOTT,
Adjutant General.

No. 15.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 15, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. *Ramón J. Madrigal*, who is at present Judge of First Instance and Instruction of Cienfuegos, is hereby appointed Judge of First Instance of the same City.

II. *Filomeno Rodríguez*, who is at present Judge of First Instance and Instruction of Trinidad, is appointed Judge of Instruction of Cienfuegos.

III. *Francisco Gutiérrez y Fernández* is hereby appointed Judge of First Instance and Instruction of Trinidad.

IV. The officials referred to in Paragraphs I and II of this Order, shall assume charge of their respective offices on the 1st of February next, and the one appointed by Paragraph III, within the period of 10 days, counting from the date of publication of this order in the GAZETTE OF HAVANA. The official transferred in Paragraph I, shall draw the salary corresponding to his present position until the day he takes charge of the new office to which he has been appointed.

H. L. SCOTT,
Adjutant General.

No. 16.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 16, 1902.

The Military Governor of Cuba decides that Order No. 1, January 3rd, 1902, these Headquarters, in no way affects existing contracts which had been duly and properly entered into, according to the laws in force, by said railway companies relative to prices to be charged for the transportation of articles referred to in said order.

H. L. SCOTT.

Adjutant General.

No. 17.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 16, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, concurred in by the Secretary of Justice, directs the publication of the following order:

I. No permit will be granted for the holding of bazaars unless the gross proceeds of same are to be used for charitable purposes.

II. It will also be a requisite condition for the granting of the permit to which the foregoing paragraph refers, that the objects to be given as prizes in the bazaar shall be acquired by donation and not by purchase.

III. These permits will be issued by Civil Governors whenever, after a proper investigation, it may appear that the petitioner will comply with the requirements of the preceding paragraphs of this order.

IV. No newspaper company, or any other firm, concern or enterprise, industrial or of any other kind, will be permitted to insert in their papers advertisements, vignettes or products, ticket, bill or coupon numbered or marked with letters or other devices whereby prizes are offered either in cash, orders, or notes for the equivalent.

V. In a like manner, the sale of separate tickets, bills or coupons, or simply the publication of numbers, or any other substitute for them, or any other device which may enable the holder to obtain money prizes, is prohibited.

VI. For the insertion of coupons not included in the foregoing paragraph, the interested parties are required to apply for the neces-

sary permit to the Civil Governor of the Respective Province, describing in their petitions the plan intended for the awarding of the prizes to which said coupons gave title. If in the opinion of the Civil Governor the plan proposed has the appearance or color of a lottery or forbidden raffle, the permit will not be granted and the petition shall be forwarded to the Secretary of State and Government for the proper action thereon.

VII. Managers or representatives of the companies or enterprises herein referred to are also hereby required to apply for such permits to the Civil Governor of the respective Province, even when the articles are offered the subscribers to their papers or purchasers of their products. In the application for a permit the kind and description of the articles to be given will be stated; these articles to be exhibited to the public either in the office of the firm, or any other place, which shall be stated in the application, for at least twenty-four hours in advance of the day in which the raffle shall take place.

VIII. Violators of the requirements of this order shall be deemed guilty of a *delito* (crime) and shall be prosecuted and punished by the correctional procedure established under Civil Order No. 213, Headquarters Division of Cuba, series 1900.

IX. Whenever the infraction is committed by means of a newspaper, the issue thereof in which same is committed will be seized; and in case of bazaars the articles intended as prizes will be confiscated and applied to public charities.

X. All orders, decrees or laws, or parts thereof, which may conflict with the provisions of this order are hereby revoked. This order to take effect twenty days after its publication in the GAZETTE OF HAVANA.

H. L. SCOTT.

Adjutant General.

No. 18.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 16, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following order:

I. With the object of avoiding the spread of the disease at present destroying cocoanut groves situated in the municipality of Baracoa and its vicinity, which disease will eventually endanger one of the principal sources of wealth of that region if the dilatory and inefficient measures adopted are allowed to continue, all pro-

prietors of farms containing cocoanut groves, or lessees thereof, wherein the disease may exist, are hereby ordered to fell and burn in its entirety any tree or trees so stricken the moment the first symptoms of the disease referred to present themselves.

II. The Department of Agriculture, Commerce and Industries shall appoint an expert to be stationed at Baracoa, who, acting under instructions from said Department, shall periodically inspect the infected districts, endeavoring at the same time to acquire by every possible means information with the object of seeing that the provisions of this order are properly complied with.

In the event of any case of negligence on the part of the owners or lessees of farms wherein diseased cocoanut trees may exist coming to the notice of said Inspector, he shall, in pursuance of the provisions contained in this order, cause the felling and burning said stricken trees at the owners expense, calling upon the local authorities for assistance in enforcing the law, if necessary; said authorities to lend immediate aid without any delay or question.

III. The official appointed for this service shall receive a salary of \$100.00 per month and shall receive, in addition thereto, the corresponding per diem allowance when on a tour of inspection outside the limits of the City of Baracoa, in accordance with the provisions of Civil Order No. 245, series of 1899, Headquarters Division of Cuba; said expenses to be charged to the Department of Agriculture, Commerce and Industries.

IV. The term of office of the inspector in reference shall be for three months, which period is deemed sufficient for the felling and burning of the diseased cocoanut trees in the region infected. At the termination of the inspector's incumbency, the service referred to shall pass to the Agronomical Engineer, Secretary of the Board of Agriculture, Commerce and Industries for the Province of Santiago de Cuba.

V. The Inspector shall report, in due time, the result of each inspection to the Department of Agriculture, Commerce and Industries for its action in the premises.

H. L. SCOTT.

Adjutant General.

No. 19.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, January 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order:

I.

Paragraph 75, Civil Order No. 368, Headquarters Division of Cuba, series of 1900, is hereby amended to read as follows:

"The school year shall begin on the first day of September of each year, and close on the 31st day of August of the succeeding year. Schools shall open regularly on the second Monday of September of each year, and the first Term shall end on December 24th, next following. The second Term shall begin on the first Monday after January 1st of each year and end on the Friday next preceding Holy Week. The third Term shall begin on the first Monday after said Holy Week, and end when paragraph 69 has been complied with. The school month shall consist of four school weeks, and the school week shall consist of five days from Monday to Friday inclusive. The daily school session shall be for five hours, not including recesses, except that in school rooms of the first grade the daily session shall be for four hours, not including recesses, and the Board of Education shall designate the hours for opening and closing the schools of its district."

II.

The following appointments are hereby made for the University of Havana:

To be Assistant Professor, Group of Languages and Literature, of the School of *Belles Lettres* and Philosophy, Dr. *Ezequiel García Enseñat*.

To be Demonstrator, for Chair No. 1, School of Medicine, Dr. *José A. Presno y Bastiony*.

To be Assistant Professor of Chair No. 7, of the School of Medicine, Dr. *Enrique Fortún y André*.

III.

Eugenio Ledón y Pairol is hereby appointed Professor of Group "A" of the Preparatory Course of the Institute of Santa Clara.

H. L. SCOTT,
Adjutant General.

No. 20.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Chief of the Rural Guard of the Island of Cuba, directs the publication of the following order:

Article 110 of the Regulations of the Rural Guard of the Island of Cuba is hereby amended to read as follows:

Art. 110. Officers who may violate these regulations may be punished, (1) as ordered by the Military Governor, (2) as a court-martial may direct, and (3) by the Chief of the Force, after due and proper investigation shall have been made, by suspension from rank and command, on half pay, for a period not to exceed thirty days, officers so suspended not being allowed to leave the limits of the municipal district in which their post is located during the period of suspension, without permission from proper authority.

H. L. SCOTT.

Adjutant General.

No. 21.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 20, 1902.

The Military Governor of Cuba, upon the recommendation of the Central Board of Scrutiny, directs the publication of the following order:

I. The vouchers for the number of days work actually done by and of salaries due, clerks of Boards of Registration, of Electoral Colleges and of Provincial Boards, as well as the vouchers for material, rental of buildings and the printing of ballots and lists of voters, shall be forwarded, with the least practicable delay, in one shipment, by the Presidents of the Provincial Boards and the Municipal Mayors, to the Disbursing Officers of the corresponding Fiscal Zone.

The Ayuntamientos at chief-towns of Electoral Districts shall furnish to the assemblies for the Senatorial and Presidential elections, the material and such other supplies as may be needed, charging same to the State.

II. Municipal Mayors will request from the Disbursing Officers of the Fiscal Zones the proper blank forms for stating the expenses and salaries, and, when received, will distribute these forms among the clerks and Provincial Boards.

III. The Municipal Mayors shall forward, together with the vouchers of the clerks, a sworn statement of the number of Boards of Registration and Electoral Colleges which have operated; and the Presidents of the Provincial Boards shall forward a certificate showing the amount due each clerk. Vouchers of the Boards of Registration and of the Electoral Colleges shall be signed by the respective President, the party interested, and the Mayor, and shall also have the seal of the Ayuntamiento affixed. The vouchers of the Provincial Boards shall be signed by the President of the Board and the interested party, and stamped by the Board.

IV. Vouchers for material and other expenses, but not for clerical services, shall also be signed by the interested parties, and will be certified to, countersigned and sealed by the President of the Central Board of Scrutiny, the Provincial Board, or the Municipal Mayor, as the case may be.

V. For the services referred to in Article 3 of this order, the time actually occupied will be counted, in conformity with the provisions of Articles 23, 28, 34, 50, 77, 82 and 94 of the electoral law promulgated in Civil Order No. 218, series of 1901, these headquarters.

In case the time thus occupied should exceed sixteen days in a Board of Registration, two in the Electoral Colleges, or eighty days in the Provincial Boards, the president of the board or college shall certify to this fact under oath or affirmation.

VI. Vouchers not prepared in conformity with the requirements of this order will be returned by the disbursing officers to the president of the Corresponding Board, for correction.

VII. The Department of Finance will direct disbursing officers of fiscal zones to forward, through the same department, to the Central Board of Scrutiny an itemized statement of payments made by them.

VIII. All the vouchers and electoral accounts at present in possession of the Central Board of Scrutiny will be forwarded to the Department of Finance, for transmission by said department to the proper fiscal zone.

H. L. SCOTT,
Adjutant General.

No. 22.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 20, 1902.

The Military Governor of Cuba, upon the recommendation of the respective Audiencias, concurred in by the Secretary of Justice, directs me to announce the following appointments:

PROVINCE OF PINAR DEL RÍO:

To be Municipal Judge of Mantua, *Simón Docal López.*

PROVINCE OF HAVANA:

To be Substitute Municipal Judge of Casiguas, *Manuel de la Portilla y González.*

To be Substitute Municipal Judge of Alquizar, *Rafael Quintana Figueroa.*

To be Substitute Municipal Judge of Jibacoa, *Enrique Sobrino.*

PROVINCE OF SANTA CLARA:

To be Substitute Municipal Judge of Cartagena, *Salvador Co.*

PROVINCE OF PUERTO PRÍNCIPE:

To be Municipal Judge of Ciego de Avila, *Antonio Poveda Agüero*.

PROVINCE OF SANTIAGO DE CUBA:

To be Substitute Municipal Judge of Bayamo, *Joaquín Catasus*.

To be Substitute Municipal Judge of Baracoa, *Francisco Urguelles y Rodríguez*.

To be Substitute Municipal Judge of Mayarí, *Bartolomé Tur y Tur*.

H. L. SCOTT,
Adjutant General.

No. 23.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 24, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. The following Municipalities and Ayuntamientos of the Province of Pinar del Río are hereby abolished: Mariel, Bahía Honda and Caimito del Guayabal, belonging to the Judicial Circuit of Guanajay; San Diego de los Baños, Candelaria and Palacios, of the Judicial Circuit of San Cristóbal;

In consequence thereof, the territory over which the aforementioned Ayuntamientos exercise jurisdiction is hereby sub-divided in the following manner:

- a. The territory of Mariel is added to that of Guanajay, chief town of the Judicial Circuit of Guanajay.
- b. That of Caimito del Guayabal to that of Bauta, Judicial Circuit of Marianao, in the Province of Havana, to which Province it is hereby annexed.
- c. That of San Diego de los Baños will form a part of Consolación del Sur, excepting the ward of "La Catalina," which will form a part of Consolación del Norte, both Municipalities belonging to the Judicial Circuit of Pinar del Río.
- d. That of Bahía Honda to Cabañas, Judicial Circuit of Guanajay.
- e. Those of Candelaria and Los Palacios to San Cristóbal, chief town of the Judicial Circuit of the same name.

2. The estates "San Pedro," "San Julián" and "Tres Hermanas" of the Municipality of Artemisa, Judicial Circuit of Guanajay, are annexed to Alquizar in the Judicial Circuit of San Antonio de los Baños, Province of Havana.

II.

1. The following Municipalities and Ayuntamientos are hereby abolished in the Province of Havana: Santa Cruz del Norte, Bainoa and Tapaste, Judicial Circuit of Jaruco; La Catalina, San Nicolás and Guara, of the Judicial Circuit of Güines; San Felipe, Quivicán, La Salud and San Antonio de las Vegas, Judicial Circuit of Bejucal; El Cano, of the Judicial Circuit of Marianao; Managua, of the Judicial Circuit of Guanabacoa; and Vereda Nueva and Ceiba del Agua of the Judicial Circuit of San Antonio de los Baños.

In consequence thereof, the territory over which the said Ayuntamientos exercise jurisdiction is hereby sub-divided in the following manner:

- a. Santa Cruz del Norte and the territory pertaining to the abolished Municipality of Casiguas, will form a part of Jaruco, chief town of the Judicial Circuit of the same name.
- b. The remaining territory of the Municipality of Bainoa passes to that of Aguacate, Judicial Circuit of Jaruco.
- c. Tapaste and Managua will form a part of San José de las Lajas, Judicial Circuit of Jaruco.
- d. La Catalina will be annexed to Güines, head town of the Judicial Circuit of Güines.
- e. Such portion of San Nicolás as formerly pertained to Pipián will be transferred to Madruga and the ward of Caimito to Nueva Paz, the remaining territory being annexed to Güines.
- f. Those of Guara and San Antonio de las Vegas, are added to Melena del Sur, Judicial Circuit of Güines.
- g. That of San Felipe is added to Batabanó, Judicial Circuit of Bejucal.
- h. Those of Quivicán and La Salud, to Bejucal, Judicial Circuit of the same name.
- i. El Cano is added to Marianao, with the exception of the ward of Wajay which will be added to the Municipality of Santiago de las Vegas, in the Judicial Circuits of Marianao and Bejucal respectively.
- j. Those of Vereda Nueva and Ceiba del Agua are added to San Antonio de los Baños, Judicial Circuit of San Antonio de los Baños.

2. That portion of the ward of Puentes Grandes, Municipality of Havana, known as "Ceiba" is added to Marianao; the Almesdares River serving as the limit between both Municipalities.

3. The ward of "Guanabo" and the portion of territory of Campo Florido which at present belongs to the Municipality of Jaruco, are added to the Municipality of Guanabacoa, thus re-establishing their former limits.

III.

1. The following Municipalities and Ayuntamientos are hereby abolished in the Province of Matanzas: Macagua, San José de los Ramos, Palmillas, Perico and Agramonte of the Judicial Circuit of Colón; those of Carlos Rojas and Máximo Gómez of the Judicial Circuit of Cárdenas; those of Cabezas and Sabanillas of the Judicial Circuit of Alacranes, and those of Santa Ana and Guamacaro of the Judicial Circuit of Matanzas.

In consequence thereof, the territory over which the said Ayuntamientos at present exercise jurisdiction is hereby sub-divided as follows:

- a. Macagua, San José de los Ramos, Palmillas and Perico become a part of Colón, head town of the Judicial Circuit of the same name.
- b. Agramonte will form a part of Jovellanos, in the Judicial Circuit of Cárdenas.
- c. Such portion of Carlos Rojas as formerly belonged to the District of Cimarrones is added to Jovellanos, and the part forming the former district of Lagunillas to Cárdenas, Judicial Circuit of the same name.
- d. That of Máximo Gómez is added to Martí, Judicial Circuit of Cárdenas.
- e. That of Cabezas is added to Alacranes, head town of Judicial Circuit.
- f. That of Sabanilla is added to that of Unión de Reyes, Judicial Circuit of Alacranes.
- g. That of Santa Ana is added to Matanzas, Judicial Circuit of the same name.
- h. That of Guamacaro is added to the Ayuntamiento of Cárdenas, head town of the Judicial Circuit of the same name.

IV.

1. The following Municipalities and Ayuntamientos are hereby abolished in the Province of Santa Clara: San Diego del Valle, Esperanza and San Juan de los Yeras, belonging to the Judicial

Circuit of Santa Clara; Ceja de Pablo and Cifuentes, of the Judicial Circuit of Sagua la Grande; Abreus, Cartagena and San Fernando de Camarones, of the Judicial Circuit of Cienfuegos; and Vueltas of that of Remedios.

In consequence thereof, the territory over which the aforementioned Ayuntamientos exercise jurisdiction is hereby sub-divided in the following manner:

- a. Municipality of San Diego del Valle: The wards of "Maguaraya Arriba" and part of "Hatillo", are added to the Municipality of Santa Clara; the remaining territory of "Hatillo," "Mango" and "Centro" to that of Ranchuelo, Judicial Circuit of Santa Clara; the wards of "Sitio Nueva" and "Maguaraya Abajo" to Clabazar, of the Judicial Circuit of Santa Clara; and the wards of "Yabu" and "Jicotea," to Santo Domingo, within the Judicial Circuit of Sagua la Grande.
- b. Cifuentes: The Ward of "Amaro" to Santo Domingo; that of "Barro," to Calabazar; and the rest of that of Sagua la Grande, Judicial Circuits of Santa Clara and Sagua la Grande.
- c. The Municipality of Las Vueltas to that of Camajuaní, Judicial Circuit of Remedios.
- d. That of Ceja de Pablo to Rancho Veloz, in the Judicial Circuit of Sagua la Grande.
- e. The Municipalities of Esperanza and San Juan de los Yeras to that of Ranchuelo, in the Judicial Circuit of Santa Clara.
- f. The Municipalities of Abreus and Cartagena to that of Rodas, in the Judicial Circuit of Cienfuegos.
- g. The Municipality of San Fernando de Camarones, to that of Palmira, within the Judicial Circuit of Cienfuegos.

V.

1. The Wards of "Nuevas," and "Nuevas de Jobosi," and "Arroyo Blanco" and "Iguará," which formerly pertained to the Municipality of Ciego de Avila, Province of Puerto Príncipe, are hereby added to that of Yaguajay, of the Judicial Circuit of Remedios the two first mentioned, and to that of Sancti Spiritus, of the Province of Santa Clara, the two last; the limit between the Provinces of Puerto Príncipe and Santa Clara being the dividing line of Ciego de Avila and Remedios on the north, following the highway which leads from the hamlet of Jatibonico and ends at San Felipe, and from the latter place it will follow the high road of Morón to Arroyo Blanco, connecting with the "Callejón de Gutiérrez," following it up to Río Grande, following its course to the south sea shore and the "Estero de las Charcas."

2. All that territory of the Municipality and Ayuntamiento of Caney known as the "Barrio de Lagunas," with its natural limits, is hereby annexed to the Municipality of Santiago de Cuba, of the Judicial Circuit and Province of the same name, in order that the entire land surrounding the bay may be under the jurisdiction of said Municipality of Santiago de Cuba.

The limits between Santiago de Cuba and El Cobre shall be those agreed upon by their Ayuntamientos on January 20, 1900.

3. The Ward of "Ramón de las Yaguas" is separated from the Municipality of Santiago de Cuba, and is added to that of Caney, Province of Santiago de Cuba.

VI.

The abolition of Municipalities and Ayuntamientos, and the new division of their territory as provided in this order, shall not interfere in any way with existing rights of property and public and private easements.

VII.

The Ayuntamientos will respectively assume, in the corresponding parts, all the obligations, actions and rights which, over the territory annexed to them hereunder, heretofore pertained to the abolished Ayuntamientos and to those from which wards or estates are segregated.

VIII.

The archives and other properties which formerly pertained to the abolished Ayuntamientos will be transferred to those Ayuntamientos to which the territory of the former is annexed.

In case a Municipality is sub-divided among others, the archives of the former shall be transferred to the Municipality acquiring the largest extension of territory, which will furnish to the others copies of such papers as may concern them.

Those Ayuntamientos from which wards, estates or other portions of territory are segregated will deliver to the Ayuntamientos to which these are annexed copies of such documents of their archives as may pertain to the latter.

IX.

By virtue of the suppression of the Ayuntamientos and the new territorial division prescribed above, the following Ayuntamientos are hereby organized with the number of Councilmen, Assistant Mayors and Districts hereinafter stated:

PROVINCE OF PINAR DEL RÍO.

MUNICIPALITIES.	Councilmen.	Assistant Mayors.	Districts.
Pinar del Río.....	19	4	4
San Cristóbal.....	16	4	4
Consolación del Sur.....	16	3	3
Guanajay.....	15	3	3
Cabañas.....	15	4	4
San Juan y Martínez.....	12	2	2

PROVINCE OF HAVANA.

San José de las Lajas.....	14	4	4
Santiago de las Vegas.....	14	4	4
Jaruco.....	15	4	4
Aguacate.....	11	2	2
Güines.....	16	4	4
Madruga.....	12	3	3
Nueva Paz.....	13	2	2
Melena del Sur.....	12	4	4
Batabanó.....	12	3	3
Bejucal.....	14	4	4
Marlanao.....	14	4	4
Guanabacoa.....	16	4	4
Bauta.....	11	3	3
San Antonio de los Baños.....	15	4	4

PROVINCE OF MATANZAS.

Matanzas.....	22	5	5
Colón.....	20	5	5
Cárdenas.....	20	5	5
Jovellanos.....	14	4	4
Martí.....	14	3	3
Alacranes.....	12	3	3
Unión de Reyes.....	12	3	3

PROVINCE OF SANTA CLARA.

Santa Clara.....	17	4	4
Sancti Spiritus.....	16	4	4
Palmira.....	14	3	3
Rodas.....	16	4	4
Ranchuelo.....	15	4	4
Rancho Veloz.....	13	3	3
Camajuaní.....	20	4	4
Calabazar.....	15	3	3
Santo Domingo.....	15	4	4
Sagua la Grande.....	20	4	4
Yaguajay.....	13	3	3

PROVINCE OF PUERTO PRINCIPE.

Ciego de Avila.....	8	2	2
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PROVINCE OF SANTIAGO DE CUBA.

Santiago de Cuba.....	20	4	4
El Caney.....	11	3	3

X.

The Ayuntamientos abolished will proceed forthwith, at a special session convened for this purpose, to elect from among its members the Councilmen to be assigned to the Ayuntamientos to which their territory is annexed. The election will be made as follows :

PROVINCE OF PINAR DEL RIO.

Councilmen.

Maríel will elect.....	4	for Guanajay.
San Diego de los Baños, do.....	2	do. Consolación del Sur.
Bahía Honda, do.....	5	do. Cabañas.
Candelaria, do.....	3	do. San Cristóbal.
Los Palacios, do.....	3	do. San Cristóbal.
Caimito del Guayabal, do.....	2	do. Bauta.

PROVINCE OF HAVANA.

Councilmen.

Santa Cruz del Norte, will elect..	3	for Jaruco.
Balnoa, do.....	2	do. Jaruco.
Balnoa, do.....	4	do. Aguacate.
Tapaste, do.....	2	do. San José de las Lajas.
Managua, do.....	2	do. San José de las Lajas.
La Catalina, do.....	2	do. Güines.
San Nicolás, do.....	2	do. Madruga.
San Nicolás, do.....	1	do. Nueva Paz.
San Nicolás, do.....	1	do. Güines.
Guara, do.....	2	do. Melena del Sur.
San Antonio de las Vegas, do.....	2	do. Melena del Sur.
San Felipe, do.....	2	do. Batabanó.
Quivicán, do.....	2	do. Bejucal.
La Salud, do.....	2	do. Bejucal.
El Cano, do.....	1	do. Marianao.
El Cano, do.....	1	do. Santiago de las Vegas.
Vereda Nueva, do.....	1	do. San Antonio de los Baños.
Ceiba del Agua, do.....	1	do. San Antonio de los Baños.

PROVINCE OF MATANZAS.

Macagua, will elect.....	1	for Colón.
San José de los Ramos, do.....	1	do. Colón.
Palmillas, do.....	1	do. Colón.
El Perico, do.....	1	do. Colón.
Agramonte, do.....	2	do. Jovellanos.
Carlos Rojas, do.....	2	do. Jovellanos.
Carlos Rojas, do.....	2	do. Cárdenas.
Guamacaro, do.....	2	do. Cárdenas.
Máximo Gómez, do.....	2	do. Martí.
Cabezas, do.....	2	do. Alacranes.
Sabanilla, do.....	2	do. Unión de Reyes.
Santa Ana, do.....	2	do. Matanzas.

PROVINCE OF SANTA CLARA.

Councilmen.

San Fernando de Camarones, will elect.....	4	for Palmira.
Abreus, do.....	1	do. Rodas.
Cartagena, do.....	2	do. Rodas.
Esperanza, do.....	2	do. Ranchuelo.
San Juan de los Yeras, do.....	2	do. Ranchuelo.
San Diego del Valle, do.....	1	do. Ranchuelo.
Ceja de Pablo, do.....	2	do. Rancho Veloz.
Las Vueltas, do.....	5	do. Camajuani.
San Diego del Valle, do.....	1	do. Santa Clara.
San Diego del Valle, do.....	2	do. Calabazar.
San Diego del Valle, do.....	1	do. Santo Domingo.
Cifuentes, do.....	4	do. Sagua la Grande.

XI.

In addition to its present Councilmen, the Ayuntamiento of Caney will have one Councilman more to represent the annexed ward of "Ramón de las Yaguas."

XII.

The new offices of Assistant Mayors established under this order will be filled with Councilmen of the abolished Ayuntamientos; with the exception of those established in Guanabacoa, Santo Domingo and Sancti Spiritus which will be filled from among their own Councilmen.

The Assistant Mayors will reside within the limits of their jurisdiction.

XIII.

There will be re-established, but only in Rural Districts, the office of Ward Mayor, which shall be filled as provided for in Civil Order No. 253, series of 1900.

XIV.

The proper division of Municipalities into Districts and Wards will be made by the respective Ayuntamientos in conformity with the provisions of Order No. 253 above mentioned.

XV.

There shall be opened in the Ward and Assistant Mayors' offices suitable books for the registration of petitions and communications, in order that the parties interested shall not be obliged to go to the chief towns for the transaction of official business.

For the conduction of said offices the regulations on administrative proceedings promulgated by Royal Decree of September 23, 1888, shall be observed.

XVI.

For the remainder of the current fiscal year the Ayuntamientos will prepare a Special Budget wherein the receipts and expenditures of the territory annexed to them will be included.

Allotment will be made in said Budget for the payment of the obligatory services, and especially for the services of Police and the office of Municipal Forensic Physician.

XVII.

All the Ayuntamientos will proceed to survey and mark the boundaries of their respective Municipalities, and make the proper plans, topographic and geodesic.

XVIII.

All incidental questions arising by virtue of the enforcement of this order shall be decided by Civil Governors, whose decisions may be appealed from before the Secretary of State and Government, the action taken by the latter being final.

XIX.

The Secretaries of Justice and Finance shall respectively submit to these headquarters the measures necessary to adapt the judicial and financial division to the administrative division established under this order.

XX.

The Secretary of State and Government is hereby charged with the enforcement of this Order, and he will take the necessary steps to insure prompt compliance therewith.

XXI.

All provisions of orders, decrees, or laws, which may conflict with the provisions of this order are hereby revoked.

H. L. SCOTT.

Adjutant General.

No. 24.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 25, 1902.

The Military Governor of Cuba, upon the recommendation of the Chief of the Rural Guard of the Island of Cuba, directs the publication of the following order:

Article 109 of the Regulations of the Rural Guard of the Island of Cuba is hereby amended to read as follows:

Art. 109. Serious offenses against the Regulations of the Rural Guard of the Island of Cuba will be punished as may be directed by a court-martial, duly appointed, after approval of the sentence by the Chief of the Force. Punishments which may be awarded by sentence of a duly appointed court-martial are as follows: Close confinement, under guard, in barracks or quarters, not to exceed ten days, and forfeiture of pay, not to exceed \$50.00, at such rate of stoppage per month until the entire amount is paid as the sentence may direct; dishonorable discharge, or discharge without honor, from the Force, forfeiting all pay due to date of discharge; dishonorable discharge from the Force, forfeiting all pay due to date of discharge, and to be confined at hard labor in a Provincial Jail, under the charge of the civil authorities, for a period not to exceed one year.

H. L. SCOTT,
Adjutant General.

No. 25.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 23, 1902.

By direction of the Military Governor, the operations of Paragraph "I," Article "V," Civil Orders No. 23, current series, these Headquarters, are hereby suspended, pending rendition of a detailed report from the Secretary of Justice as to the judicial aspect of the division therein provided for.

H. L. SCOTT,
Adjutant General.

No. 26.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 30, 1902.

The Military Governor directs the publication of the following order:

I.

1. Full pardon is granted to convicts *Rufino San Martín* and *Gumersindo Calvo* of the sentence imposed upon them on August 27, 1901 by the Audiencia of Matanzas, for discharging firearms.

2. Full pardon is granted to convict *Manuel Rodríguez Bermúdez*, confined in the Penitentiary, of the remainder of the unexpired sentence of 1 year, 8 month and 21 days of *presidio correccional*, imposed upon him by the Audiencia of Havana on April 23, 1900, for the crime of theft.

3. Full pardon, effective January 11, 1902, is granted to *Félix Tarrío y Torres*, sentenced by the Audiencia of Santa Clara to 2

years, 11 months and 11 days imprisonment and payment of a fine of 140 pesetas.

4. Full pardon, effective January 11, 1902, is granted to convict *Ramón Anglada Xiqués*, of the penalty imposed on him in sentence of the Audiencia of Puerto Príncipe of July 19, 1901.

5. Full pardon, effective January 15, 1902, is granted to *José Fernández Flores*, sentenced by the Audiencia of Havana, for discharging firearms.

6. Full pardon is granted to the convicts named below, sentenced for violation of the Electoral Law:

Rafael Federico Rojas,
Rafael Alfonso León,
Juan Antonio Mencía Olay,
Juan Díaz.

7. Penal action pending against the following named persons is hereby declared ended:

Lisandro Sosa,
Vicente Heras,
Ramón Castellanos.

8. Further partial pardon, effective January 17, 1901, is granted to the convicts *Manuel Lorenzo Forcade* and *Enrique Cagigas Junco* by commuting to "absolute perpetual disqualification" the sentence of 14 years, 8 month and 1 day of *cadena temporal* and accessory penalties imposed upon them by the Audiencia of Havana July 20, 1901, as modified by Civil Order 253, series 1901, for the crime of falsification in public documents.

II.

Upon the recommendation of the Secretary of Justice.—

1. Full pardon is granted to convict *Luis A. Fernández Chacón*, of the remainder of his unexpired sentence of 4 months and 1 day of *arresto mayor*, imposed upon him by the Audiencia of Santa Clara, May 31, 1901, for the crime of swindling.

2. Full pardon, effective January 27, 1902, is granted to *Manuel Huerta y Aza* of the remainder to be served of sentence of 1 year, 8 months and 21 days of *presidio correccional* passed upon him on September 10, 1901, by the Audiencia of Havana, for the crime of theft.

3. Full pardon is granted for reasons of equity to convict *Juan Espinosa y Espinosa* of the sentence of 2 months and 1 day of *arresto mayor*, imposed upon him July 26, 1901 by the Audiencia of Santa Clara for carelessness and violation of a regulation.

4. Full pardon, effective January 11, 1902, is granted to convicts *Pablo Montiel y Valdés* and *Juan Sardiñas y Villa* of the remainder of the unexpired term of sentence of 2 months and 1 day im-

posed upon each on September 6, 1901 by the Audiencia of Havana, for disrespect to the authorities.

5. Full pardon, effective January 11, 1902, is granted to convict *Constantino Alvarez Díaz*, confined in the penitentiary, of the remainder of his unexpired sentence of 6 years and 1 day *presidio mayor* imposed upon him by the Audiencia of Havana, on February 28, 1901, for the crime of attempted murder.

6. Full pardon is granted to convict *Pedro Silva*, alias "*Chocolate*," of the remainder of the unexpired penalties of 6 months of *arresto* and \$25.00 fine which were imposed upon him on August 16th and 26, 1901, for the crime of disobedience to agents of authority, by the Judge of Instruction of Guane, acting as Correctional Judge.

7. Full pardon is granted to convict *Fernando Rodríguez Brea*, for reasons of equity, of the remainder of the unexpired sentence of 6 months *arresto mayor* imposed upon him by the Audiencia of Havana on October 26, 1901, for violation of the Electoral Law, which sentence he is now serving in the Jail of Havana.

8. Partial pardon is granted to convict *Ramón Herrera Nieves*, by reducing to 7 months and 2 days the sentence of 2 years, 11 months and 11 days of *prisión correccional* imposed upon him by the Audiencia of Matanzas on September 7, 1901, for the crime of discharging firearms and inflicting wounds.

9. Partial pardon is granted to convict *Narciso Beteta Gómez*, now in Municipal Hospital No. 1, by reducing to 60 days the sentence of 80 days imposed upon him on December 19, 1901, by the Correctional Judge of the 2nd District of Havana for the offense of attempted swindle.

10. Partial pardon is granted for reasons of equity to convict *Cipriano Silveira*, confined in the Jail of Matanzas, by reducing to 10 months and 2 days of *prisión correccional* the penalty of 2 years, 11 months and 11 days imposed upon him by the Audiencia of Matanzas, July 27, 1901, for discharging firearms and causing serious injury.

11. Partial pardon is granted to convict *Francisco Ladislao Almanza y Echevarría* by commuting the sentence of 6 months and 1 day *prisión correccional* imposed upon him November 11, 1901 by the Audiencia of Havana for discharging a firearm, to banishment at 25 kilometers from the estate "*Sandoval*," municipal district of Vereda Nueva, Havana Province; said banishment to be for the same period of time as the original sentence.

12. The fine of \$25 imposed upon *Felipe de Pelayo y Gowen* by the Municipal Judge of Surgidero de Batabanó for violation of Article 89 of the School Law contained in Order No. 368, series of 1900, is hereby reduced to \$5.00.

III.

The Secretary of Justice is hereby charged with the execution of this order.

H. L. SCOTT.

Adjutant General.

No. 27.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 30, 1902.

The Military Governor of Cuba, upon the recommendation of the Commissioner of Public Schools, approved by the Secretary of Public Instruction, directs the publication of the following order:

The following named persons are hereby appointed to constitute the Boards of Education of the City Districts of the Second Class created in Matanzas, Cienfuegos and Puerto Príncipe by Order No. 4, current series, these Headquarters, viz:

Matanzas:

*Ldo. Felipe Fontanills,
Bonifacio Byrne,
Ldo. Ramón Cortadellas,
Eduardo Telles,
Dr. Adolfo Lecuona,
Ldo. Angel Portilla.*

Cienfuegos:

*Pedro Modesto Hernández,
Ldo. José F. Pellón,
Dr. Luis Perna,
Dr. Carlos F. Trujillo,
Evaristo Montalvo,
Adolfo Garcia.*

Puerto Príncipe:

*Dr. Luis Adam Galarreta,
Pablo Roura,
Emilio L. Luaces,
Félix Quesada Céspedes,
Agustín H. Agüero,
Aurelio Boza Masvidal.*

H. L. SCOTT,

Adjutant General.

No. 28.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 1, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. The suppression of the Ayuntamiento and municipal district of Las Vueltas, ordered by Par. I, Article IV, Civil Order 23, c. s., these Headquarters, is hereby suspended.

2. The Ayuntamientos of Las Vueltas and Camajuani will each have the councilmen, lieutenant mayors and the districts provided in Civil Orders 201 and 253, series 1900.

3. The urban part of Bosque ward of the municipality of Las Vueltas is hereby separated from same and added to the municipality of Camajuani.

4. The estate "Rosalia," of the municipal district of Camajuani and adjoined by the Taguayabon, is hereby separated from said municipal district and added to that of Las Vueltas, both of the judicial district of San Juan de los Remedios and the Province of Santa Clara.

5. Articles VI, VII, Par. 3, Art. VIII, Arts. XIII, XIV, XV, XVII, XVIII and XXI, Civil Order No. 23, current series, these Headquarters, as well as the rules established by the Secretary of State and Government on the 27th ultimo will be applicable in this case.

6. The Civil Governor of Santa Clara is hereby charged with the enforcement of this order.

II.

Upon the recommendation of the Secretary of Justice, the period of time provided in Section III, Civil Orders 228, series 1901, these headquarters, is hereby extended two and one-half months.

III.

Upon the recommendation of the Secretary of Public Instruction, the following appointments are announced:

UNIVERSITY OF HAVANA.

As Chief of laboratory, Chair 11, School of Medicine, *Dr. Federico Grande y Rossi.*

INSTITUTE OF SANTIAGO.

As Professor of Chair A, School of Land Surveying, *Mr. Agustin Velasco y Cisneros*.

Upon the recommendation of the Secretary of Public Instruction, the period provided in Order 267, series 1900, these Headquarters, for the continuance of the preparatory course in the "Institutos de Segunda Enseñanza" is hereby extended to include the academic years of 1902-03 and 1903-04.

IV.

Upon the recommendation of the Superintendent, Department of Charities, the following appointments are announced:

As member of the Central Board of Charities for the Province of Puerto Príncipe, *Mr. José Batista y Varona*, vice *Mr. Salomé González*, resigned. *Mr. Batista* will hold office until March 21, 1904.

As member of the Board of Managers, Training School for Boys, (Santiago de las Vegas) *Mr. Angel Cowley*, reappointed for five years, to date from September 8, 1901.

H. L. SCOTT.

Adjutant General.

No. 29.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, February 4, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order:

Civil Orders No. 475, Headquarters Department of Cuba, series 1900, is hereby amended to read as follows:

SUMMER NORMAL SCHOOLS.

I. The Summer Normal Schools of Cuba will hold sessions annually in the capitals of provinces and in such other places as may be designated by the Island Superintendent of Schools, and they shall observe the courses of study which may be prescribed by the Board of Superintendents.

II. Requests to organize Summer Normal Schools in places other than capitals of provinces shall be forwarded, before a date to be fixed by the Board of Superintendents, and through the proper Provincial Superintendent, to the Island Superintendent of Schools, specifying the approximate number of teachers that will attend such

school and giving the names of the instructors who will deliver the different lectures.

INSTRUCTORS.

III. The instructors in the Summer Normal Schools shall be teachers, professors or other persons of recognized competency, appointed by the Superintendent of Schools, on the recommendation of the proper Provincial Superintendent. Applications for positions as instructors in said schools must be made, within the term fixed by the Board of Superintendents, to the Superintendent of Schools of the Province, and each applicant shall present a list of the subjects or topics which he proposes to teach.

IV. Each instructor in a Summer Normal School will be paid a sum which shall not exceed \$5.00 per lecture, upon presentation of his letter of appointment and a certificate from the Superintendent of Schools of the Province certifying to the number of lectures delivered.

FUNDS.

V. As a condition of attending any Summer Normal School, each teacher who receives a salary of fifty dollars or more per month shall deposit with a treasurer, to be named by the Provincial Superintendent, the sum of \$6.00; and each teacher who receives a salary of less than fifty dollars, shall deposit with said Treasurer the sum of \$3.00; said sums to be paid to the Treasurer at the time of enrolling in said Summer Normal School. Any other person may be enrolled as a member of the Summer Normal School upon the payment of \$3.00 to the Treasurer of the School, and will be entitled to the regular certificate of attendance.

VI. The fund thus received from the members of the Summer Normal School will be used to pay the necessary expenses of said school, and shall be expended under the direction of the Provincial Superintendent, who will return therefor duplicate vouchers to the office of the Island Superintendent of Schools, on or before the thirtieth day from the closing of said school. Any surplus shall be used, or deficit supplied, in the manner provided in the general school law of the Island.

VII. The Provincial Superintendents are hereby authorized to employ the whole or any part of the above fund for the payment of the salaries of instructors, subject to the above conditions, and for janitors of buildings in which sessions of the Summer Normal Schools are held, and for stationery for the use of said schools; but no further expenditures shall be made without the approval of the Island Superintendent of Schools.

SESSIONS OF THE SUMMER NORMAL SCHOOLS.

VIII. The Summer Normal Schools shall begin on the date fixed by the Board of Superintendents and shall continue for the time

designated by said Board provided that no Summer session shall continue less than four school weeks; said Board will also determine the number of lectures to be given daily, their duration, and manner in which the same shall be conducted.

ATTENDANCE.

IX. On or before the fifteenth day of June of each year each Board of Education in the Island will send to the Superintendent of Schools of the Province a complete list of the teachers employed by said Board, together with a list of such teachers as may be excused by said Board from attendance at a Summer Normal School, under the conditions of the next paragraph; and on or before the first day of August next following, the Provincial Superintendent, or the Director of the Summer Normal School, will cause to be sent to each Board of Education in the province, a complete list of the teachers employed by said Board and who may not have attended regularly at the Summer Normal School.

X. Any Board of Education in the Island may exempt any teacher from attendance at a Summer Normal School for sickness or other cause sufficient to incapacitate him for the work of said school, but said excuse for non-attendance must be specified in writing to the Provincial Superintendent for his approval if he considers it sufficient.

DIRECTORS OF SUMMER NORMAL SCHOOLS.

XI. When convenient, the Provincial Superintendent will preside over the sessions of the Summer Normal Schools established in his province. Said superintendent shall also appoint a Director for each of such Summer Normal Schools. The position of such a Director shall be honorary and shall not entitle him to pay for his services.

XII. It shall be the duty of said Directors, acting under the guidance of the Provincial Superintendents, to organize the work of the Summer Normal Schools; open and close them at the proper time, and direct the work of the same; to keep or cause to be kept a record of the daily attendance of the teachers; to preside, or when necessary, to appoint a substitute to preside over all sessions of the Schools, and at the close of the sessions to make reports of the attendance and other important details to the Superintendent of the Province, who shall make a general report forwarding it to the Island Superintendent of Schools.

LOCATION OF SCHOOLS.

XIII. Due notice will be sent to the teachers as to the places of holding the sessions of the Summer Normal Schools.

XIV. The organization and control of the Summer Normal Schools shall be in charge of the Board of Superintendents, which

board may, whenever it so deems convenient, adopt such measures and dictate such rules as may be necessary to obtain from such schools practical and fruitful results.

H. L. SCOTT,
Adjutant General.

No. 30.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 4, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

1. Substitute Associate Justices and Substitute Deputy Fiscals filling the offices of regular incumbents will when the substitution exceeds eight (8) days, in the following cases be entitled to the salary assigned to said offices without the remuneration of the regular incumbents being affected, viz: When an office is vacant by not having been taken possession of by the officer to fill it; when said officer has not been appointed; when the regular incumbent has leave of absence, is on a special commission of the service, or substituting another officer.

2. Municipal Judges substituting Judges of First Instance, Judges of Instruction or Correctional Judges will have like right in the cases set forth in the preceding article.

3. In other than the cases mentioned in the foregoing articles no officer of justice filling by substitution an office of higher category than his own will have right to receive other salary than that assigned to the office of which he is the holder, unless such increase of salary be specially authorized in each case by the Military Governor upon the recommendation of the Secretary of Justice, who will submit such recommendation in special cases.

4. No authority other than the Military Governor shall have the power to appoint acting officers with right to salary except in case of vacancy of office, or when the regular incumbent does not receive the salary assigned or part thereof in which case the acting officer will collect the difference not earned, so that no appointment of an acting officer will cause an increase in the budget of the corresponding tribunal or office.

5. Notwithstanding the provisions of Article 3, Francisco Noval y Martí, President of Chamber of the Audiencia of Havana, at present commissioned to the Supreme Court to complete the number of Associate Justices of the Civil Chamber, will receive the salary assigned to the office he is filling.

6. This order will be given retroactive effect, to date from January 10, 1902.

H. L. SCOTT,
Adjutant General.

No. 31.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 4, 1902.

The Military Governor of Cuba, upon the recommendation of the Chief of the Quarantine Service, Island of Cuba, directs the publication of the following order :

The following named medical officers of the Quarantine Service will be stationed as indicated :

HAVANA :

E. F. Núñez, Acting Assistant Surgeon.

F. Torralbas, Acting Assistant Surgeon.

D. M. Echemendía, Acting Assistant Surgeon.

MATANZAS :

Félix García, Acting Assistant Surgeon.

CÁRDENAS :

Enrique Sáez, Acting Assistant Surgeon.

ISABELA DE SAGUA :

P. G. Riera, Acting Assistant Surgeon.

CAIBARIEN :

Leoncio Junco, Acting Assistant Surgeon.

BARACOA :

M. Lores Llorens, Acting Assistant Surgeon.

GIBARA :

Salvador Gómez, Acting Assistant Surgeon.

PUERTO PADRE :

J. N. Maceo, Acting Assistant Surgeon.

BANES :

Benjamín de Zayas, Acting Assistant Surgeon.

SANTIAGO DE CUBA :

R. Wilson, Acting Assistant Surgeon.

GUANTÁNAMO :

H. S. Caminero, Acting Assistant Surgeon.

DAIQUIRÍ :

J. J. de Jough, Acting Assistant Surgeon.

MANZANILLO :

R. de Socarrás, Acting Assistant Surgeon.

CIENFUEGOS :

F. Giralt, Acting Assistant Surgeon.
J. R. Xiques, " " "

CASILDA :

A. Cantero, Acting Assistant Surgeon.

SANTA CRUZ DEL SUR :

P. M. Quevedo, Acting Assistant Surgeon.

BATABANÓ :

José M. Campos, Acting Assistant Surgeon.

NUEVITAS :

L. Espín, Acting Assistant Surgeon.

This order will take effect ten days after its publication in the Official Gazette of Havana.

The travel enjoined is necessary for the public service.

H. L. SCOTT.

Adjutant General.

No. 32.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 6, 1902.

The Military Governor of Cuba, upon the recommendation of the Central Board of Scrutiny, directs the publication of the following order:

I. On February 10, 1902 at 12 o'clock noon, the individuals elected to the office of provincial councillor will assemble in the conference hall of the civil government buildings of the respective provinces in order to form the council of each province. The procedure to govern will be that provided in Chapter XV of the Provisional Electoral Law (Order 218, 1901) for the formation of Congress.

II. On the provincial councillors being assembled and with not less than two-thirds present a board of eldest members will be formed composed of a president and two secretaries which board will receive the credentials of the members assembled and there will be elected by ballots a Credential Examining Committee which in a session that will be held in the same place five days later shall present its report on the documents referred to.

The provincial councillors-elect who may not have attended the first session will present their credentials to the Examining Committee before four o'clock p. m. of February 13, 1902.

III. The report of the Examining Committee approved the provincial council will be formed and there will be elected by ballots a president and a secretary. In the rules of interior order which shall be drawn by each provincial council for its governing the substitution of both offices in case of absence, resignation or removal shall be provided for.

IV. The provincial councillors-elect and likewise the presidential and senatorial electors will receive from the municipal mayor of the district in which they reside a free transportation ticket to the capital of the province in order to enable them to serve their offices.

The tickets referred to in the preceding paragraph will be void after February 26, 1902.

V. The assembly provided by Art. 86 of the Electoral Law will be held at 12 o'clock noon of the day mentioned, February 15, 1902. This and other assemblies of the presidential electors provided by Chapter XIV of the Electoral Law will take place in the session hall of the Ayuntamiento of the respective provincial capitals.

VI. The civil governors will render the provincial councillors and senatorial electors the aid necessary to the accomplishment of their duty.

The municipal mayors of the respective provincial capitals will furnish the presidential electors with the means to fulfill their duties.

VII. When the provincial boards shall have complied with Art. 77 of the Electoral Law and completed the forwarding of the documents pertaining to the elections of December 31, 1901 they shall be declared adjourned until February 23, 1902 when they will again assemble to carry out the provisions of Art. 82 of the aforesaid Electoral Law.

On informing the Central Board of Scrutiny of the adjournment mentioned in the preceding paragraph the address of the president of the provincial board shall be stated.

H. L. SCOTT,
Adjutant General.

No. 33.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, February 7, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following order:

I. Hereafter when interested parties request that the tests of weights and measures referred to by existing orders on the subject

be made in their residences or places of business, the weight and measure Markers, or those acting as such, will so effect them, collecting only the single fees authorized by the tariff in each case instead of the double sum prescribed by Articles 23, 40 and 41 of the Rules and Regulations for enforcement of the Law of Weights and Measures of July 1849, published May 30, 1882: *provided*, that said tests are made within the term fixed for same and within the limits of the city, in each municipality.

If these tests be made after the expiration of the term fixed for the purpose for reasons imputable to the interested parties, these will pay double the amount of the tariff fees. In all cases where the referred to tests are made outside the limits of the city the expenses of travel will be paid to the Marker on a *pro rata* basis by the interested parties in accordance with Article 29 of said Rules and Regulations.

II. All provisions of orders, decrees, laws, municipal ordinances, and rules and regulations in conflict with the provisions of this order are hereby revoked.

H. L. SCOTT,
Adjutant General.

No. 34.

CORRECTED COPY.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, February 7, 1902.

The Military Governor of Cuba, by virtue of the authority vested in him and for the purpose of harmonizing, consolidating, unifying and reforming the provisions of the laws in force within the Island of Cuba as to the organization, administration and dissolution of Railroad Companies carrying on business in the Island of Cuba, and the maintenance, operation and policing of their railroads, contained in the provisions set forth in the Code of Commerce, the Railroad Law and the Police Law, the Regulations thereunto appertaining, the Law as to Public Works, the Penal Code, and all Royal Decrees, Orders, Circulars and other existing provisions relating to Railroads, directs the publication of the following Order:

The provisions of this Order shall apply to all Railroads of any kind whatsoever and to all Railroad Corporations carrying on business in the Island of Cuba.

All Railroads within the Island of Cuba shall be under the exclusive jurisdiction of the Government thereof.

CHAPTER I.

CLASSIFICATION OF RAILROADS.

The Railroads in Cuba are classified as :

- I. Railroads for public service ; and
- II. Railroads for private use.

Railroads for public service are those maintained and operated for public use, to take, carry and convey persons and property.

Railroads for private use are those maintained and operated solely for the private use of a person or Company or the working of some specified industry and not open to the public.

CHAPTER II.

THE RAILROAD COMMISSION.

I. The control of Railroads in their relations to the State, to the public and to each other, shall be intrusted to a Railroad Commission composed of the Secretary of Public Works, the Secretary of Agriculture, Commerce and Industries and the Secretary of Finance, of which Commission the Secretary of Public Works shall be the Chairman.

II. In case any Member of the Railroad Commission be absent or ill or otherwise unable to perform his duties, the Chief Executive of the State shall appoint a substitute to act in his place during the time such inability to act may continue.

III. The Secretary of Public Works shall give special attention to technical matters relating to Railroads; the Secretary of Agriculture, Commerce and Industries to questions of tariffs and by-laws of Railroad Corporations, and the Secretary of Finance to matters connected with the public domain and private lands, as well as to taxation of Railroads.

IV. Decisions and orders of the Railroad Commission shall only be made by the vote of a majority of the Members of the Commission and the grounds of each decision shall be stated in full.

V. The Commission shall have a Secretary who shall be appointed by it and serve during its pleasure. The Secretary shall keep a full and faithful record of the proceedings of the Commission, as well as of its decisions, which shall be written in a separate book. He shall be the custodian of its records, and file and preserve at its general office, which shall be in the office of the Secretary of Public Works, all books, maps, documents and papers intrusted to his care, and be responsible to the Commission for the same.

VI. The Commission may also appoint, to serve during its pleasure, the following officers or any of them.

VII. An Inspector General, who shall be a civil engineer skilled in railroad affairs, and who personally and by his assistants provided by the Commission shall make such inspections of railroads and other matters relating thereto as directed by the Commission, and report to it.

VIII. An Accountant, who shall be thoroughly skilled in railroad accounting and who shall, under the direction of the Commission, make examinations of the books and accounts of Railroad Corporations, supervise the annual reports made by such Corporations to the Commission, collect and compile Railroad Statistics, and perform such other duties as the Commission may prescribe. The Commission may also appoint such additional employees as may be necessary for the transaction of its business, and may employ engineers, accountants and other experts whose services it may deem of temporary importance in conducting any investigation authorized by law.

IX. The Secretary of Public Works shall be the Chief Executive Officer of the Commission and shall have general charge of its Office, superintend its business, be the medium of its decisions, recommendations and orders, and request, and have prepared and served such papers and notices as may be required by the Commission.

X. Every person appointed to office by the Commission shall, before entering upon the duties of his office, take and subscribe an oath of office, and no person shall be appointed to office, or hold any office, place or position under the Commission who holds any official relation to any Railroad Corporation or owns stock or bonds therein, or who is in any manner pecuniarily interested in any firm or corporation having business relations with any such Corporation.

XI. The Commission shall have an Official Seal, to be kept in the custody of the Secretary of Public Works, and shall be supplied with necessary postage, stationery, office furniture and appliances, to be paid for, as well as other expenses authorized in this Chapter, out of the Fund for such purpose created.

XII. The Commission shall have the power to administer oaths, affirmations and declarations in all matters relating to its duties, shall have general supervision of Railroads and shall examine the same and keep informed as to their condition, and the manner in which they are operated for the security and accommodation of the public and their compliance with the provisions of their charter and of law.

XIII. The Commission shall have the power to inquire into, hear and determine any application, complaint or dispute respecting:

(a) The locating or manner of using any right of way over or through lands occupied by any Railroad Company;

(b) Changes in location for lessening a curve, reducing a gradient or benefiting the Railroad, or for other purposes of public advantage;

(c) The crossing of the tracks of one Company by the tracks of another Company;

(d) The alignment, arrangement, disposition or location of tracks;

(e) The use by one Company of the tracks, stations or station grounds of another Company;

(f) The construction of works affecting navigable rivers;

(g) The construction of railways alongside of and across highways;

(h) Tolls and rates for the transportation of passengers and freight, the adjustment of such tolls and rates between Companies, traffic arrangements and trans-shipment of freight as hereinafter provided;

(i) Unjust preferences or discriminations as to carrying and conveying persons and property;

(j) Any highway or street, ditch or sewer, water, gas or other pipes or mains over or through lands owned or occupied by any Railroad Company, and the compensation to be made to any person or Company on account of any work or measure directed to be made or taken, or the cost thereof, or the proportion of such cost to be borne by any person or Company;

(k) Any matter, act or thing which by this Order is sanctioned, required to be done or prohibited in the manner therein set forth;

(l) The Railroad Commission shall also hear and determine all questions arising between shareholders and Directors of Railroad Corporations in regard to the interpretation of the by-laws of such Corporations;

(m) The Commission shall also hear and determine any and all questions arising as to the rights, powers and obligations under the concessions of Railroad Corporations existing at the time of the promulgation of this Order and their rights, powers, duties and obligations thereunder, in their relations to the State, to the Public and to other Railroad Corporations.

XIV. The Commissioners or any one of them, as well as their duly authorized inspectors, in the performance of their official duties may enter, inspect and remain, during business hours, in the works, offices, stations, buildings, engines and cars and upon the railroads and properties of Railroad Corporations within the Island of Cuba, used for railway purposes. In case after receiving the reports of its inspectors and hearing the representatives of any Railroad Corporation, the Railroad Commission shall decide any bridge or section

of Railroad of such Corporation to be unsafe, the Commission shall have the power to regulate the speed of the trains and the number of trains to be run over such bridge or section of road until such repairs have been made, or if the circumstances be such that in the opinion of the Railroad Commission it is unsafe to run trains over such bridge or section, the Commission may prohibit, pending temporary repairs, the running of any trains over such bridge or section, and compel Railroad Companies to transfer passengers and baggage, without any charge, over such bridge or section to another train at the nearest point beyond where such bridge or section of road has been found to be unsafe to the traveling public as aforesaid during the time there may be pending any appeal from the decision of the Commission to the Supreme Court or during the making of repairs on such bridge or section.

XV. The Commission may compel the production of books and papers or copies thereof relating to any matter before it and cause witnesses to be subpoenaed and if a person duly subpoenaed fails to obey the subpoena without reasonable cause or shall without such cause refuse to be examined or to answer a legal or pertinent question or to produce a book or paper which he is directed by subpoena to bring, or to subscribe his deposition after it has been correctly reduced to writing, the Commission may remit the matter to the proper Court to proceed against such witness as in the case of a like failure or refusal of a witness subpoenaed to attend the trial of a civil action.

XVI. All subpoenas shall be issued under the Seal of the Commission by its Chairman or by any two members thereof and may be served by any person of full age authorized by the Commission to serve the same. The fees of witnesses before the Commission shall be two dollars for each day's attendance and the actual cost, under the tariff rates in force, of travel by the nearest generally traveled route in going to and returning from the place where the attendance of the witness is required and the fees and traveling expenses shall be paid out of the Fund of the Railroad Commission by the Secretary of Finance on the certificate of the Secretary of the Commission countersigned by the Chairman.

XVII. In case any witness the Commission may desire to subpoena to appear before it is known to be a person whose means are not such as to permit him to pay the expenses of traveling, the Commission on serving him with the subpoena may either supply him with the necessary railroad ticket and living expenses at the rate of two dollars a day or advance him money covering the cost of traveling to the point where he is cited to appear as well as for his living expenses during the time he is required to be in attendance on the Commission as a witness.

XVIII. Each Railroad Company shall submit to the Commission for approval working rules and regulations for the government of its train and station service, for the conduct of its traffic, and for the

proper care of its tracks, bridges and other appurtenances, and the Commission may reject, alter, amend or add to any such rules and regulations after the Railroad Company shall have been given an opportunity to be heard in regard thereto.

The working rules and regulations referred to in the last preceding paragraph shall include those designated for the government of the employees of Railroad Companies, and such employees shall also have opportunity to be heard before the Commission personally or by their representatives in regard to such rules and regulations.

XIX. After the approval of such rules and regulations they shall have the force of law, and such rules and regulations may be altered or amended at any time by resolution of the Board of Directors of the Railroad Company with the approval of the Commission, and they may be altered or amended by the Commission at any time after giving the Company an opportunity to be heard in opposition to such alteration or amendment.

XX. Maximum tariffs fixing the rates of carrying and conveying passengers, baggage, parcels, merchandise and cattle, as well as of tolls and rates, traffic arrangements and trans-shipment of freight and passengers with any connecting line shall be prepared by each Railroad Company in the form prescribed by the Commission and shall be submitted to the Commission for approval, and the Commission shall in the first instance have the power to alter or amend such tariffs, after giving the Company an opportunity to be heard; and thereafter at intervals of not less than two years such tariffs shall be subject to the revision of the Commission.

Immediately after the Railroad Commission shall have approved the tariff of a Railroad Company fixing its rates for carrying and conveying passengers, baggage, parcels, merchandise and cattle, the Commission shall cause such tariffs to be published in the GAZETTE OF HAVANA. Such Railroad Company shall post the same in prominent places in its stations before such tariffs shall go into effect and failure to comply with this requirement shall be punished by a fine of not less than fifty nor more than two hundred dollars for each offense, which fine shall be imposed by the Railroad Commission and collected by any Municipal Judge of the City of Havana and paid into the Fund of the Railroad Commission.

XXI. The tariff rates as to merchandise and cattle shall be based on such classification as may be prescribed by the Commission and such classification may from time to time, at intervals of not less than two years, be altered or amended by the Commission, after giving the parties interested an opportunity to be heard.

XXII. Every Railroad Corporation shall on request furnish the Commission any necessary information required by them concerning the rates and fares for carrying and conveying freight and passengers upon its road and other roads with which its business is connected, and the condition, management and operation of its road,

and shall likewise, on request, furnish to the Commission copies of all contracts and agreements, leases or other engagements entered into with any person or corporation relating to the operation of its road. The Commission shall not give publicity to such information, contracts, agreements, leases or other engagements if, in their judgment, the public interests do not require it and the welfare and prosperity of Railroad Corporations in the Island of Cuba might be thereby injuriously affected.

XXIII. The Commission shall prescribe the form of the reports hereinafter required to be made by Railroad Corporations and may from time to time make additions or changes in such forms, giving to the Corporations six months notice before the expiration of any fiscal year, of any additions or changes which would require any alterations in the method or form of keeping their accounts, and, on or before the first day of July in each year, shall furnish a blank form for such report. When the report of any Corporation is defective or believed to be erroneous, the Commission shall notify the Corporation to amend the same within sixty days. The originals of the report subscribed and sworn to shall be preserved in the office of the Commission.

XXIV. The Commission shall investigate the cause of any accident on any railroad resulting in loss of life or injury to persons, which in its judgment shall require investigation, and include the result thereof in its annual report. Before making any investigation or examination herein provided for in case of the Commission, reasonable notice shall be given to the Corporation, person or persons conducting and managing such railroad line of the time and place of commencing the same. The General Superintendent or Manager of every railroad line shall inform the Commission of any such accident immediately after its occurrence.

XXV. If in the judgment of the Commission it shall appear that any Railway Company has violated or refused to comply with the provisions of any law or with any decision or recommendation of the Commission, or usurps any authority not granted by law or unjustly discriminates in its charges for services, the Commission shall give notice thereof in writing to the Company and after giving such Company an opportunity for a full hearing thereon shall render its decision in writing upon the facts of the case and serve a duly certified copy of such decision on the Company.

XXVI. If, in the judgment of the Commission, after a careful examination by its inspector, it shall appear that repairs are necessary upon any railroad of the Island or that any change in the mode of operating the road is reasonable and advisable in order to promote the security and convenience of the public, the Commission shall give notice and information in writing to the Corporation of the repairs or changes which it may deem proper and after giving such Corporation an opportunity for a full hearing thereon, shall

render its decision in writing upon the facts of the case and serve a duly certified copy of such decision on the Company.

XXVII. No examination, request, or advice of the Commission and no investigation, report or decision made by it shall have the effect to impair in any manner or degree the legal right, duty or obligation of any railroad or its legal liabilities for the consequences of its acts or of the neglect or mismanagement of any of its agents or employees.

XXVIII. Every decision, notice, order or recommendation of the Commission shall be considered as made known to the Railroad Company by a notification thereof with a copy of the full text of the same signed by the Chairman of the Commission under the Seal of the Commission and delivered to the President, Vice-President, Secretary or Manager of a Company, or to the person acting in such capacity, or to any person specially designated in writing to the Commission for the purpose of receiving notices and papers of all kinds.

XXIX. The Commission shall charge and collect the following fees:

For copies of papers and records not required to be certified or otherwise authenticated by the Commission fifteen cents for each one hundred words;

For certified copies of official documents filed in its office, twenty cents for each one hundred words and one dollar for every certificate under the Seal of the Commission affixed thereto.

No fees shall be charged or collected for copies of papers or records of official documents relating to Railroads furnished to public officers for use in their official capacity.

All such fees as are provided for in the last preceding paragraphs shall be paid to the Secretary of Finance to the credit of the Fund of the Railroad Commission for its expenses.

Copies of all official documents filed or deposited according to law in the office of the Commission, certified by the Chairman and Secretary to be true copies of the originals under the official seal of the Commission, shall be evidence in like manner as public documents.

XXX. The Commission shall make an annual report, on or before the second Monday in January in each year, which shall contain:

1. A record of its meetings and an abstract of its proceedings during the year ending June 30th next proceeding;
2. The result of any examination or investigation conducted by the Commission;

3. Such statements, facts, and explanations as will disclose the actual workings of the system of transportation in its bearings upon the business and prosperity of the Island and such suggestions as to the general Railroad policy of the State, or the amendment of its laws, or the condition, affairs or conduct of any Railroad Corporation, as may seem to the Commission appropriate;

4. Such tables and abstracts of the reports of all the Railroad Corporations for their preceding fiscal year as the Commission may deem advisable;

5. A statement in detail of the traveling expenses and disbursements of the Commissioners, their Inspectors, Accountants, clerks and experts.

Five hundred copies of the annual report of the Commission with a digest of the reports of the Railroad Corporations of the Island of Cuba shall be printed as an official document of the State, for the use of the Commissioners, to be distributed to Railroad Corporations and in their discretion to other persons interested therein.

XXXI. No Commissioner shall, directly or indirectly, solicit or request from or recommend to any Railroad Corporation or any officer, attorney or agent thereof, the appointment of any person to any place or position nor shall any Railroad Corporation, its attorney or agent, offer any place, appointment or position or other consideration to any such Commissioners, nor to any clerk or employee of the Commission; neither shall the Commissioners or any of them or their Secretary, Inspectors, Accountant, clerks, employees or experts accept, receive or request any pass from any Railroad Corporation in the Island of Cuba for themselves or for any other person, or any present, gift or gratuity of any kind from any such Corporation; and the request or acceptance by them or any of them of any such place or position, pass, presents, gifts or other gratuity shall work a forfeiture of the office of the Secretary, Inspectors, Accountant, clerk or clerks, agent or agents, employee or employees, expert or experts requesting or accepting the same and any such act by any Commissioner shall be considered a case of malfeasance in office by such Commissioner, subjecting him to forfeiture of office.

XXXII. The annual salary of the Inspector General shall be such sum as the Commission may fix not exceeding five thousand dollars, that of the Secretary of the Commission and the Accountant, such sum as the Commission may fix not exceeding three thousand dollars each; of the clerical force such sums respectively as the Commission may fix not exceeding eighteen hundred dollars each. All salaries and disbursements shall be audited and allowed by the Chairman of the Commission and paid monthly by the Secretary of Finance upon the order of the Chairman of the Commission out of the Fund to the credit of the Railroad Commission.

XXXIII. The total annual expense of the Commission shall not exceed twenty-five thousand dollars and shall be borne by the sev-

eral Corporations owning or operating railroads according to their means, to be apportioned by the Commission, which on or before July 1st of each year shall assess upon each of said Corporations its proportion of such expense, one-half in proportion to its net income for the fiscal year next preceding that in which the assessment is made and one-half in proportion to the length of its main road and branches. Such assessment shall be collected in the manner provided by law for the collection of taxes upon Corporations and shall, be paid to the Secretary of Finance to the credit of the Fund of the Railroad Commission.

Any balance remaining in the office of the Secretary of Finance to the credit of the Fund for the Railroad Commission shall be carried over to the credit of the Fund in the next following year and the assessment of the Railroad Corporations shall be proportionally less in amount.

XXXIV. In the discharge of their official duties the Commissioners, the Inspector General and his assistants, the Secretary, Accountant, clerks and all experts and agents whose services are deemed temporarily of importance shall be transported over the railroads in the Island of Cuba free of charge, but only upon orders to the Railroad Company signed by the President and Secretary of the Commission, which orders shall entitle such persons to receive the corresponding first-class tickets to travel upon the ordinary trains of the Companies to which the same are addressed. The officials above mentioned may also use free of charge the telegraph and telephone systems of or under the control of any such Corporations while engaged in the business of official inspection.

XXXV. The production of instructions in writing signed by the Chairman and Secretary of the Railroad Commission under its Seal shall be sufficient evidence of the authority of the Inspectors, Accountant, Clerk, Expert or Agent intrusted with the duties of representing and acting for the Commission.

XXXVI. The provisions of this Chapter as to the Railroad Commission shall apply to all Railroads in the Island of Cuba as well as to the Corporations, Receivers, Trustees, Directors or others owning or operating the same or any of them, and to all sleeping and drawing-room car Corporations and to all other Associations, Partnerships, or Corporations engaged in transporting passengers or freight upon any such railroads as lessee or otherwise.

XXXVII. In all cases in which the decisions or orders of the Railroad Commission have been duly served, as herein provided, and no appeal has been taken, as provided herein, or in cases wherein the Supreme Court has affirmed the decisions or orders of the Railroad Commission and has remitted its decisions on appeals before it to the Commission, the Railroad Commission shall have the power by its Chairman, the Secretary of Public Works, to enforce such decisions or orders, by serving in the manner herein provided a copy

of the same, certified by the Chairman and Secretary, under its seal, upon the representatives of the Railroad or other Corporations, or individuals, parties to the proceedings, in which such decisions or orders were made, and said Secretary of Public Works may require all the public authorities and officials of the Island of Cuba to furnish such aid and assistance as may be necessary to carry such decision or orders into effect, and such railroad or other corporations, or individuals who fail to obey such decisions or orders shall be punishable by a fine to be imposed by the Railroad Commission, not to exceed One Hundred Dollars for every day such neglect shall continue, and the collection of any such or other fines herein imposed on Railroad Corporations shall be made by the Commission upon the petition of the Chairman, setting forth the facts, which petition shall be presented to any Municipal Judge in the City of Havana, as against any Railroad Corporation, and to the Municipal Judge of the District in which any other Corporation or person shall have its or his domicile, such fines when collected to be paid into the Fund of the Railroad Commission, without prejudice to such criminal action as may be instituted against any employee of the Company, or any other person for the offense of grave disobedience to the public authorities.

CHAPTER III.

PROVISIONAL SURVEYS.

I. Any individual, individuals or Railroad Corporation may apply to the Railroad Commission for a permit and such Commission shall grant such permit to make freely by his or their engineers, agents or employees, searches and examinations in public records of any kind for the purpose of collecting such information and documents as may be needed for constructing, maintaining and operating a railroad, upon tender of the legal fees therefor, and may also enter on any lands and waters for the purpose of determining the lines of any railroad proposed to be constructed, maintained and operated, and to make plans and designs.

Such permit shall not however be construed as granting the applicant or applicants therefor any right against the State or as preventing the Railroad Commission from granting similar permits to any other persons or railroad Corporation who may wish to make examinations, surveys, plans or designs as to the same public records, lands and waters.

Such permits shall not be granted unless the applicant or applicants deposit with the Railroad Commission a sufficient guarantee for the payment of any damages caused to private property owners by such applicant or applicants or their agents, in making the surveys on such land and waters, and such guarantee shall not be less than thirty dollars per kilometer in lawful money, or securities approved by the Railroad Commission.

CHAPTER IV.

ORGANIZATION OF RAILROAD COMPANIES.

I. Any number of persons not less than five may form a Corporation for the purpose of constructing, maintaining and operating a railroad for public service and the conveyance of persons and property, and to such effect shall make and sign Articles of Incorporation by an instrument in writing executed before a Notary Public and witnesses, which shall be recorded in the Mercantile Registry of the City of Havana after the deposit in the office of the Secretary of Finance of a sum of money equal to two hundred dollars for each kilometer of railroad intended to be constructed, which deposit shall be in gold or securities to be approved by the Railroad Commission, and shall be credited on the books, and remain in the custody of such Secretary of Finance to the credit of the Railroad Commission for the account of the Railroad Corporation depositing the same as security for the purposes hereinafter mentioned. A copy of such Articles of Incorporation, duly certified by the President or duly authorized Agent of such Corporation, shall be filed with the Railroad Commission, which shall cause the date of filing thereof to be indorsed thereon, and the same to be recorded in a book to be provided by the Commission for such purpose.

The Articles of Incorporation shall state, and must include:

1. The names, and domiciles of the Incorporators;
2. The name of the Corporation;
3. The designation of the person or persons who are to direct the affairs of the same, and the manner of filling vacancies;
4. The Corporation capital, stating (a) the value at which contributed property other than cash has been appraised, or the basis on which the appraisement is to be made, and such capital shall in no case be less than six thousand dollars per kilometer of line of railroad constructed, or to be constructed, maintained or operated; (b) the number of shares into which the Corporation capital is to be divided and represented, and whether all such shares shall be of common stock, or part preferred and part common, and what rights and privileges shall be enjoyed by the preferred over the common stock;
5. The time the Corporation is to continue in existence, or whether it is to be perpetual;
6. The business in which the Capital is to be employed;
7. The places or points from and to which the railroad is to be constructed or maintained and operated; the length of such road, as near as may be, and the name of each municipality through or into which it is made or intended to be made; and the place where its principal office in the Island of Cuba is to be located.

II. The Articles of Incorporation may also include all agreements and special conditions the Shareholders may assent to.

Such Articles of Incorporation shall have affixed thereto, and to be taken as part thereof, a written declaration under oath of three or more of such Incorporators, that at least twenty per cent of the Capital Stock of the Company has been subscribed, and that at least twenty per cent of the amount of such subscription has been paid in good faith in cash to the Incorporators named in such Articles, and that it is intended in good faith to build, maintain and operate the railroad mentioned therein.

III. The liability of shareholders of railroad corporations shall be limited to the par value of the stock subscribed, and on payment of such par value the certificates of stock shall have noted upon their face that the same are full-paid and non-assessable, unless it be otherwise stipulated in the Articles of Incorporation of the Company or its By-laws, or agreed between all the shareholders.

IV. Railroad Corporations if acting in good faith, may accept as payment for Stock, labor, services, material, or property of any kind, or damages which the Company is liable to pay, or any liability of the Company.

V. The Common or Preferred Stock of Railroad Corporations may be represented by certificates, or other like evidences of title, which may be made payable to a registered owner or to bearer.

Shares payable to a registered owner must be registered in a book which the Corporations shall keep for such purpose and the ownership of such shares may be transferred by indorsement on the back of the certificates thereof, executed in the presence of one or more witnesses.

Shares payable to bearer shall be numbered and record thereof kept in books with stubs, which stubs shall be preserved as evidence of the issue of such shares.

On all stock certificates, whether payable to a registered owner or to bearer, there shall always be noted the sum paid on account of the nominal par value thereof or that they are fully paid up and not subject to further assessment.

If within the period fixed by the Directors any subscriber to the Capital Stock of a Railroad Company does not pay the amount he has obligated himself to pay, the Company may elect either to proceed to obtain an execution against his property to recover the amount remaining unpaid, or to rescind the contract with the subscriber defaulting, and retain for the use of the Company the amounts already paid by him.

In case of shares payable to a registered owner until the full par value thereof be paid the first subscriber or holder of the certificate, his assignee, and each successive holder, in case of transfer, shall be

severally liable at the option of the Directors of the Railroad Corporation, for the payment of the amount remaining unpaid, against which liability, thus determined, no agreement whatsoever to suppress the same can be maintained.

After an action has been brought to enforce such liability against any one of the persons mentioned in the foregoing paragraph, no new action shall be commenced against any other of the holders, transferors or assignors of the shares, except upon proof that the person first and previously proceeded against is insolvent.

VI. When shares not fully paid up are payable to bearer, the persons who appear as the holders thereof shall be liable thereon only for the amount not already paid. Should such persons not appear within the time fixed for full payment of such shares, making it impossible to proceed against them personally, the Railroad Corporation may order the cancellation of the certificates corresponding to the shares on which the instalments required for full payment of the par value of each of the same shall not have been paid in.

VII. In such cases the Corporation shall have the right to issue duplicate certificates of such shares and to sell the same for the account and liability of the holders of the certificates canceled and who have defaulted.

VIII. No new series of stock shall be issued until after the payment in full of each and every series theretofore issued. Any agreement to the contrary included in the Articles of Incorporation, the By-laws or Regulations, or any Resolution adopted at a general meeting of shareholders, in opposition to this provision shall be null and of no validity or effect.

IX. The original capital stock of any Railroad Corporation may be increased from time to time if such increase is sanctioned by a vote of two-thirds in interest of the shareholders represented in person or by proxy at a special meeting of such shareholders called by the Directors for that purpose by a notice in writing to each shareholder delivered to him personally or mailed to him at his registered address at least thirty days previous to such meeting, and by continuous advertisement for the same period in the GAZETTE OF HAVANA, which notices and advertisement shall state the time, place and object of such meeting and the amount of the proposed increase and whether the increase is to be in common or preferred stock or both, and the proceedings of the said meeting shall be entered in the minutes of the proceedings of the Company and recorded in the Mercantile Register, and thereupon the capital stock may be increased to the amount authorized.

Such matters as may be properly brought before any meeting of shareholders shall be subject to the vote of the majority thereof except in cases of an increase or decrease of the capital stock of Railroad Corporations, the leasing, mortgaging or selling of their railroads and properties to other Railroad Corporations, or the purchase

or lease of other Railroad Corporations or consolidation therewith, in all of which cases any such acts must be sanctioned by a vote of two-thirds in interest of the shareholders present in person or represented by proxy at a special meeting of the shareholders called in the manner provided for special meetings to increase the capital stock.

X. Railroad Corporations shall not purchase their own shares nor loan upon the security thereof.

The Directors of Railroad Companies shall be designated by the shareholders thereof in the manner determined in the Articles of Incorporation, By-laws, or Regulations.

XI. No Railroad Corporation shall make use of the same name or title of another Corporation already existing and inscribed in the Mercantile Registry of Havana.

XII. If within two years after the date of filing with the Railroad Commission the copy of the Articles of Incorporation provided for in this chapter the construction of the Railroad filing such articles shall not have been begun, and if within such period of time there shall not have been expended on such railroad ten per centum of the amount of the Company's Capital Stock, the Company's right to construct such railroad shall cease and the security required by the provisions of this Chapter to be deposited in the office of the Secretary of Finance for account of the depositing Company shall be forfeited to the State. If within five years of the date of such filing the railroad of such Company shall not be finished and in operation, there shall be forfeited in like manner a part of the said security proportional to the unfinished portion of the railroad, and with respect to such unfinished portion the right of the Company to construct the same shall cease.

XIII. The provisions of this Chapter as to the forfeiture of such deposit shall not apply when the commencement or the completion of the works is prevented by force majeure or by extraordinary fortuitous circumstances.

XIV. Such security so required to be deposited in the office of the Secretary of Finance as aforesaid shall be returned to the Company, proportionately, as the rails are laid on successive sections of its railroad, but such return shall not be made for any section less than ten kilometers in length until the rails shall have been laid on the whole line or the Company shall have ceased construction, as hereinbefore set forth.

XV. No Railroad Corporation shall enjoy any monopoly or exclusive privilege which may prevent the construction of other railroads in the same district, parallel or in any other direction; and neither the State, Province or Municipality shall have any expectant interest in the property of such Railroad Corporation.

XVI. No real or personal property of Railroad Corporations actually used for railroad purposes shall be taxed by any Province or Municipality, except as provided by law.

XVII. Foreign capital employed in the construction, maintenance, or operation of railroads and in loans contracted for such purposes, shall be under the protection of the Government of the Island of Cuba, and shall be exempt from reprisals, confiscations, and attachments in time of war.

XVIII. All alien stockholders in Railroad Companies whether residing in Cuba or elsewhere, shall have equal rights to hold stock in such Companies, and shall be eligible to office therein.

CHAPTER V.

POWERS OF RAILROAD CORPORATIONS.

I. Railroads for public service are works of public utility, and subject to the limitations and requirements of the provisions of this Order. Railroad Corporations after approval of their explanatory statements and plans by the Railroad Commission, shall have the following powers:

(a) To occupy any part of the public domain; and when no agreement can be made with the owner, to acquire in the manner hereinafter provided any kind of property or possession or any interest in real property of the State, the Provinces, the Municipalities or of Corporations or private individuals which may be necessary for the construction, maintenance and operation of their railroads; but no lands within the boundaries of any City dedicated to the public use of such City shall be occupied or taken without the assent of the Ayuntamiento of such City;

(b) To have succession by their corporate name for the period fixed in their Articles of Incorporation;

(c) To appear, to petition, to initiate, continue and discontinue at any stage all proceeding in and out of Court, to sue and be sued, to complain and defend in any of the Courts or Tribunals or before any of the constituted authorities;

(d) To make and use a Common Seal and alter the same at pleasure;

(e) To appoint such officers and agents as the business of the Corporation shall require and to allow them a suitable compensation;

(f) To make with the approval of the Railroad Commission by-laws of their shareholders, not inconsistent with the Constitution or any existing laws, for the management of the property, the regulation and government of the affairs and the transfer of the Stock of the Company;

(g) To make freely, by their engineers, agents or employees, searches and examinations in the public records of any kind for the purpose of collecting the information and documents which may be needed for their corporate purposes, upon tender of the legal fees therefor; also to enter on any lands and waters for the purpose of determining the lines of their railroads and to make plans and designs, subject to liability to the owner of such lands and waters for all damages done;

(h) To acquire for the purposes of their railroads, by purchase, voluntary grant or by any other lawful title, the ownership or possession of lands and other real or personal property as well as of any estate, right, interest or easement therein and to take, hold, lease, exchange, mortgage, pledge, sell or dispose of the same or any part thereof, subject to the provisions herein as to the authority of the Railroad Commission.

(i) To construct, alter, substitute, maintain and operate their railroads, make or construct all buildings, station, shops, warehouses, depots and fixtures, as well as temporary or inclined planes, tunnels, embankments, aqueducts, bridges or other structures, wharves, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences on their own land or lands in which they have acquired the necessary right; and to cross any railway, tramways, river, stream, water-course, lake, canal, shore, road and highway; also to divert or alter, as well temporarily as permanently, the course of any river, stream, water-course or highway or raise or sink the level thereof in order the more conveniently to carry the same over, under or by the side of the railroad;

(j) To open quarries, to collect stone from the surface of the land, to cut timber, to mine in lands for materials, and to build and operate kilns for lime, gypsum and brick on lands owned, occupied, leased or under their control for the purposes of their railroads;

(k) To construct drains and to carry them under and across any adjoining lands;

(l) To conduct water to their railroads for their own use and to make for the free use of the public such wagon roads as may be necessary to give access to their stations from public roads in the vicinity.

(m) To construct, acquire, maintain and operate telegraph and telephone lines along the line of their railroads for railroad uses;

(n) To divert and alter the position of any water pipe, gas pipe, sewer or drain, or any telegraph, telephone or electric wires or poles.

(o) To cross, intersect, join or unite their railroads with any other railroad or railroads constructed before or after the date their railroads have been opened to the public, at any points on their routes and upon the land of the Railroad Corporation or Corporations owning such other railroad or railroads, and to construct, maintain and operate the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of their connections;

(p) To take, carry and convey persons and property on their railroads with one or more sets of rails or tracks, by the force or power of steam, electricity or the atmosphere or of animals or of any mechanical power or by any combination of them; to receive compensation therefor and to regulate the time and manner of such conveyance and the payment of such compensation as hereinafter provided;

(q) To purchase or lease any other Railroad; to consolidate with other Railroad Corporations or to sell or lease their railroads to other Railroad Corporations;

(r) To borrow such sums of money and contract such debts from time to time as may be necessary to construct, complete, maintain and operate their railroads or for any other of their lawful purposes; to issue and dispose of their promissory notes, debentures or other securities for any amount so borrowed or debt contracted with or without the security of the properties or property rights of their railroads and to secure such debts, notes, bonds, debentures or securities by a mortgage deed creating mortgages, charges and incumbrances upon their properties and property rights or rights of any kind, or by deeds constituting liens and charges affecting the rents and revenues of their railroads in whole or in part; and the proper Registrars of Property shall record any such deeds constituting such incumbrances on such property, property rights or rights of any kind of and on such rents and revenues;

(s) To construct, maintain and operate branch railroads or extensions, and for that purpose exercise all the powers, privileges and authorities necessary therefor in as full and ample a manner as for their railroads;

(t) To have all other powers and do all other acts necessary for making, maintaining, altering or repairing and using their railroads as well as for the performance of the duties of Railroad Corporations under the provisions of this order; and

(u) To wind up and dissolve themselves upon the payment and settlement of all their lawful liabilities and debts and the performance of their duties upon filing and recording a certificate to that effect in the office of the Railroad Commission, signed and sworn to by the President and Directors of the Company, and upon filing and recording a like certificate in the Mercantile Registry of Havana.

CHAPTER VI.

ADMINISTRATION OF RAILROAD CORPORATIONS.

I. The shareholders of Railroad Corporations shall at their regular Annual Meetings in each year elect a Board of Directors to manage the affairs of the Company and the number of such directors shall be not less than five, a majority of whom shall form a quorum.

II. No person shall be elected as Director unless he is a shareholder and has paid all calls on the shares held by him and is qualified to vote for Directors at the election at which he is chosen.

III. The Board of Directors shall be elected in such manner as may be prescribed by the by-laws of such corporation, and the Directors shall hold their office until their successors are elected and enter into office. In the election of Directors as well as in all matters properly before any meeting of shareholders, such shareholders shall only be entitled to vote on shares held by them on which all calls shall have been paid and shall be entitled to cast one vote for each share of stock held by them.

IV. In case it shall happen at any time that an election of Directors shall not be made on the day designated by the By-laws of the corporation for that purpose the shareholders shall meet and hold an election for Directors in such manner as shall be provided by the By-laws of the Company.

V. In case of the death, absence or resignation of any of the Directors, others may be appointed in their stead by the surviving Directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

VI. The Directors shall, at their first or at some other meeting after the election, elect one of their number to be the President of the Company, and he shall hold his office until he ceases to be a Director, or until another President has been elected in his stead; and they may, in like manner, elect one or more Vice-Presidents.

VII. The Directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the Directors.

VIII. No Director shall have more than one vote except the chairman, who shall, in case of a division of equal numbers, have the casting vote.

IX. The Directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all By-laws of the Company, and to the orders and directions from time to time made or given at the annual or special meetings of the shareholders; but such orders and directions shall not be contrary to any express directions or provisions of this Order.

X. No Director shall vote at any Directors' meeting on any contract or agreement in which he is individually interested.

XI. The Directors shall, from time to time, appoint such officers as they deem requisite and may take sufficient security, by one or more bonds or by the guarantee of any society or company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, for the faithful execution of their duties, as the Directors think proper.

XII. With the authorization of the shareholders the Directors may make and issue as paid-up stock, shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors or engineers and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable on calls.

XIII. The Directors of Railroad Companies shall not make dividends except from the surplus income arising from the business of such Companies, nor in any way to impair the capital of such Companies.

XIV. The Directors shall cause to be kept, and annually on the thirtieth day of June to be made up and balanced, a true, exact and particular account of the moneys collected and received by the Company or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company.

XV. On or before the first day of November in each year every Railroad Company in the Island of Cuba shall present to the Railroad Commission annually a full report of its affairs showing the capital stock of the Company, its funded and floating debts, the gross receipts and general expenses of the railroad, cost of repairs and improvements, the net profits of the railroad, and dividends declared therefrom, and any other information which the Railroad Commission may deem necessary for a knowledge of the affairs and condition of the Company.

XVI. No share or shares of stock transferred within thirty days next preceding any general or special meeting of stockholders shall entitle the holder or holders thereof to vote at such general or special meeting.

XVII. Any business connected with or incident to the affairs of the Company may be transacted at an annual meeting excepting such business as by this Order is required to be transacted at a Special Meeting.

XVIII. At any general or special meeting of shareholders of any railroad corporation any shareholder entitled to vote thereat may vote by proxy; every proxy must be executed in writing by the shareholder himself or by his duly authorized attorney and be filed with the Secretary of the Company. No proxy shall be valid after the expiration of eleven months from the date of its execution unless the shareholder executing it shall have specified therein the length of time it is to continue in force, which shall be for some limited period. Every proxy shall be revocable at the pleasure of the person executing it.

The form of proxy shall be as follows:

XIX. I,, of, one of the stockholders of the, do hereby appoint, of, or, of, to be my proxy and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said, that is mentioned or proposed at any general or special meeting of the shareholders of the said company, in such manner as he, the said, thinks proper. In witness whereof, I have hereunto set my hand and seal, the, day of, in the year, at

Such proxy shall be signed by the shareholder of record in the presence of two witnesses, who shall subscribe their names thereto as evidence to such signature.

XX. The fiscal year of all railroad corporations is hereby fixed as ending with the 30th day of June in each and every year, and the annual general meeting of the stockholders of all railroad corporations shall be held within three months thereafter.

XXI. Special meetings of the shareholders of railroad companies may be called by the Directors thereof at any time, or by the shareholders representing at least one-quarter in value of the stock entitled to vote at such meeting if the Directors having been requested by the shareholders to convene such special meeting for one month thereafter fail to call such meeting. Notices of such special meeting shall state the object of the meeting and shall be delivered in writing to each shareholder personally or mailed to him at his registered address at least thirty days previously to such meeting and by continuous advertising for the same period in the GAZETTE OF HAVANA, which notice and advertisement shall state the time and place of such meeting.

XXII. No business shall be transacted at any special meeting which has not been set forth in the notice upon which such meeting has been convened.

CHAPTER VII.

EXPROPRIATION.

The right granted to railroads of public service by the Law existing at the time of the promulgation of this Order as well as by the provisions of this Order, for the occupation of any part of the public domain or the expropriation of property or possession, shall be exercised in the following manner:

I.

AS TO OCCUPATION OF PUBLIC DOMAIN.

By approval of the Railroad Commission in the manner provided in Chapter X of this Order, of the plans, profiles and explanatory statements of Railroad Companies, it being understood that the Railroad Commission shall fix the manner and time of entering into the occupation of any part of the public domain.

II.

AS TO THE ACQUISITION OF PROPERTIES OR POSSESSIONS OF THE STATE, THE PROVINCES OR MUNICIPALITIES, NOT DEDICATED TO THE PUBLIC USE.

In case any Railroad Company shall not be able to agree with the Secretary of Finance as the representative of the State, the Governor of the Province as the representative of the Province and the Ayuntamiento as the representative of the Municipality for the purchase by the Company of any kind of property, possession or of any right, interest or easement therein belonging respectively to the State, the Province or the Municipality, a like procedure in all cases shall be had as is hereinafter provided for cases relating to private individuals or Corporations, except that the Railroad Commission shall in all things act in the place of the Judge of First Instance, and any appeal shall be taken from the decision of the Railroad Commission to the Supreme Court instead of to the Audiencia. In the proceedings referred to, the Fiscal of the Audiencia of Havana shall be cited as the representative of the State, the Governors of the Provinces shall be cited as the representatives of their respective Provinces, and the Presidents of Ayuntamientos shall be cited as the representatives of their respective municipalities, who may appear by their properly authorized representatives. The Chairman of the Commission shall by delegate put the Railroad Companies into preliminary and definitive possession in the same manner as hereinafter directed to be done by the Judge of First Instance, and the Commission shall determine the amount of the approximate value of the property to be taken and do all other things required to be done by such Judge.

III.

AS TO THE ACQUISITION OF ANY KIND OF PROPERTY, POSSESSION, RIGHT, INTEREST OR EASEMENT THEREIN OF CORPORATIONS OR PRIVATE INDIVIDUALS.

If the Railroad Company shall not be able to agree with the owner for the purchase by the Company of any kind of property, possession, or of any right, interest or easement therein which may be required for the purposes of the Railroad, or if the owner is incapable of selling any of the same or if after due investigation, the owner cannot be found or his name or residence ascertained, or if his

titles have been found to be invalid or defective, or if such property, possession, right, interest or easement be under embargo or subject to any administration, judicial or otherwise, the Company shall have the right to acquire the same by expropriation not only in respect to the original construction of its railroad, but at any subsequent time for the needs and uses of the railroad.

Whenever it shall be necessary to exercise the right of expropriation of any kind of property, possession or of any right, interest or easement therein, the Company shall present to the Judge of First Instance having jurisdiction in the District in which such property, possession, right, interest or easement to be taken, used, crossed or overflowed is situated, a petition, signed by its agent or engineer showing by means of a map or plan or by any other means, approved by the Railroad Commission, the property, possession, right, interest or easement therein, to be taken, used, crossed or overflowed for the purpose of carrying on its work in the district and setting forth, if known, the names of the owners, incumbancers, mortgagees or other parties interested by any title whatsoever in the property, possession, right, interest or easement aforesaid, and praying such Judge to cite such persons to appear at a meeting before him for the purpose of appointing Commissioners to appraise the property, possession, right, interest or easement to be taken, used, crossed or overflowed and the damages that may be incurred by such taking, using, crossing or overflowing.

The Judge shall fix the place, day and hour for the meeting, which shall be held within twenty days from the first day of publication of the notice thereof as herinafter provided and such meeting shall be held, whatever the number may be of those in attendance. The Judge shall immediately on the presentation to him of the petition aforesaid call the meeting by publishing in the "*Boletín Oficial*" of the Province and in a newspaper of the Municipality, if any there be, for not to exceed ten and not less than five successive days, notices to the persons mentioned in the petition and to all others believed to have any interest. All persons who attend must, before becoming entitled to take part in the meeting, show the evidence of their interest in the purposes of the meeting and the Judge shall within ten days from the date fixed for the meeting decide upon such evidence as to the rights of such parties to take part, and the meeting shall stand adjourned during such ten days. From the decision of the Judge there shall be an appeal to the Audiencia, the decision of which court shall be final. The Judge shall have such persons as are domiciled in his district and he believes to be interested in the matter served personally in the manner provided by law for the serving of notices, with the notice of such meeting.

At such meeting the owner or owners of the property, possession, right, interest, or easement therein, to be taken, used, crossed or overflowed, or the person or persons duly authorized to act for them

shall appoint a Commissioner to represent them in the proceedings of appraisal thereof and the person appearing for the Railroad Company shall appoint a Commissioner to represent such Company for like purpose. In case such owner or owners be not present in person or by duly authorized representatives the Fiscal of the District shall represent them and request the Judge to appoint a Commissioner in their behalf, or if they be present and fail to make such appointment, the Judge shall appoint a Commissioner to act for them. The two Commissioners when appointed in the manner aforesaid shall select a third Commissioner to act as umpire on their appraisal in case they cannot agree as between themselves.

Upon the appointment of the Commissioners as aforesaid the Judge shall publish in the same manner provided for publication of the notice for such meeting a notice to all parties concerned in the property, possession, right, interest or easement, the object of the proceedings to the effect: (a) That the Commissioners have been appointed, giving their names and addresses; (b) That the Commissioners shall make their appraisal on a fixed day, naming the day, hour and place; (c) That the Commissioners shall file their report with the Judge on a fixed day, naming the day; and, (d) That the parties interested may appear and be heard before the Commissioners on the day fixed for the appraisal or present any proofs to them before the date of filing their report.

The Commissioners shall be sworn by the Judge to well and faithfully execute their trust within a period of not more than twenty days then and there fixed by the Judge, to whom after making such investigation by examination of any persons and of the property, possession, right, interest or easement in question as they may deem proper, or after hearing such as avail themselves of the right to appear granted under the provisions of the last preceding paragraph, they shall render a report setting forth the measurement, description, boundaries, as well as the value by them appraised of the property, possession, right, interest or easement claimed by expropriation, giving the bases of such valuation and sum that for the value thereof and the damages thereto caused by expropriation of the same and the construction of the railroad is to be paid to each party interested.

In making their report as to compensation for lands taken by expropriation the Commissioners shall take into account, the increase in value such lands will acquire where the railroad in construction is to pass in order to mitigate the damages that may be occasioned because of the taking possession of, using, crossing or overflowing such lands or any part thereof by expropriation.

Within five days after the delivery to him of the report of the Commissioners the Judge shall decide whether or not to approve such report and shall forthwith notify all parties who have appeared before him of his decision, from which any party in interest may

appeal to the Audiencia of the Province within fifteen days thereafter. The Audiencia of the Province, within five days after receiving the original proceedings which the Judge of First Instance is to forward to such Audiencia on the second day after the expiration of the fifteen days fixed as the time of appeal, shall render its decision solely upon such parts of the judgment of the Judge of First Instance as shall have been appealed from.

The Audiencia after rendering its decision, shall, if its decision be not appealed from within ten days, immediately forward to the Judge of First Instance the Docket of Proceedings together with a certified copy of its decision, to be forthwith carried into execution. In case the Company shall not have delivered to the Judge the approximate value fixed by him of the property, possession, right, interest or easement, on delivery of preliminary possession the Judge on the request of the interest parties or Fiscal shall require the Company immediately to deposit in his office the amount fixed by the final decision of the Court for the account of the owner to whom such compensation shall have been awarded. In case the Company shall have given such Judge as the approximate value in the manner hereinafter provided an amount insufficient to cover such compensation he shall require the Company immediately to increase such amount to a sufficient sum to pay the compensation in full, and, lastly, in case the Company shall have given such Judge a sum for the approximate value greater than the amount of such compensation the excess shall be returned to such Company.

The Judge of First Instance or the Court on appeal shall determine the liability of costs and expenses, following the usual practice of law in force at the time; the fees of the Commissioners shall be submitted to and be approved by the Judge after hearing the parties in interest, and from his decision fixing the same any party in interest may appeal to the Audiencia in the manner provided for appeals to that Court.

In case no appeal be taken from the decision of the Judge of First Instance, such Judge shall immediately after the time to appeal has elapsed put his decision into execution.

At any time after the filing of the petition of the Railroad Company for expropriation of any property, possession, right, interest or easement, the Railroad Company may apply by petition to the Judge of First Instance of the District in which is situated the property, possession, right, interest or easement claimed by expropriation, to be put in immediate possession thereof for the purposes of its railroad, and thereupon such Judge shall immediately put such Railroad Company into preliminary possession of the same, and shall immediately issue an order in duplicate addressed to the Registrar of Property of the District in which such property, possession, right, interest or easement is situated directing him to make a marginal note in the record of such property, stating that such Railroad

Company has been given preliminary possession of such property, possession, right, interest or easement, and that proceedings for the expropriation of such property, possession, right, interest or easement have been commenced and are pending before such Judge, in order that such record may be effective against third parties, provided the Railroad Company shall deliver to the Judge the amount of money he has fixed as the approximate value of the property, possession, right, interest, or easement claimed by expropriation, based upon such facts as are within his own knowledge as well as upon such proof as may be presented to him by the Railroad Company upon filing the petition aforesaid, notice of which shall be served upon the interested parties. Upon establishing their respective rights to the property, the owners thereof may immediately apply to the Judge, on notice to the Railroad Company, for delivery to them of such amount as may be agreed upon between the owners and the Railroad Company, which shall be not less than one-third of the deposited amount, without prejudice to the rights of such owners or Railroad Company as to the determination of the actual value of such property. In case the amount delivered by the Company to the Judge is greater than the value of the property the difference shall be returned by the owners to the Company and if less the difference shall be paid to the owners by the Company.

From the decision of the Judge fixing the amount of such approximate value, the Company or any party interested may appeal to the Audiencia of the Province in which such property, possession, right, interest or easement is situated, which Court sitting as a Court of Administration shall decide summarily, and the decision of such Audiencia shall be final, but such appeal shall not prejudice the right of the Company to immediate possession.

In all cases the Judge of First Instance shall deposit in the Government depository of the Province the approximate value of property delivered to him by Railroad Companies as well as the amount or compensation awarded to persons absent, and shall pay the compensation awarded to others in the manner provided by the general laws.

At the time of putting Railroad Companies into final possession of any property, possession, right, interest or easement as the result of expropriation proceedings the parties in interest or the Judge in their default, shall execute and deliver to the Companies the proper deed of conveyance with the data provided in the existing laws.

CHAPTER VIII.

LANDS OF RAILROADS, INTERESTS AND EASEMENTS THEREIN AND RECORDS THEREOF.

I. When the lands in ownership or possession, or any rights, interests or easements in lands, upon which a Railroad Company proposes to construct its railroad, shall have been acquired by grant,

purchase, expropriation or otherwise, the Company shall present the titles or evidences of title therein to the Registrar of Property in the City of Havana, in charge of the Mercantile Registry, who shall thereupon inscribe the same literally and shall in like manner inscribe any instrument executed before or certified by a Notary, containing a mortgage, lien or incumbrance against such lands, possessions, rights, interests or easements in the records under his charge in special books, opened and reserved for all classes of records relating to railroads, which books shall be opened and closed in the same manner as the other books under his charge and he shall deliver a duly certified copy of the record made by him to the duly authorized agent of the Company, and the Registrars of Property in the Districts through which lines of railroads are to cross shall open special books as part of their records, which books shall be opened and closed in the same manner as the other books under their charge, and be reserved for all classes of records relating to railroads, and shall record in such records under their charge such part of such certified copy as corresponds to lands as well as rights, interests or easements in lands situated within their respective Districts. No Registrar of Property shall refuse to record any class of instrument in writing relating to railroads that has been executed before or certified by a Notary Public when executed or certified within the Island of Cuba or, if executed in a foreign country, when duly legalized according to the laws of Cuba relating to legalization and all Registrars of Property shall record the same forthwith upon the presentation thereof to them, without any right of qualification thereof. In case at any time hereafter the charge of the Mercantile Registry of Havana is separated from the present Registrar of Property in charge thereof, the books containing all classes of records relating to railroads and all subsequent records relating to railroads shall remain in charge of and be made by the Registrar of Property, who at the time of such separation shall be in charge of the Registry of Property which is separated from the Mercantile Registry.

II. The titles and evidences of title to all lands, lands in possession, rights, interests or easements in lands, or any other class of property, acquired and held, occupied or used, by possession by any Railroad Corporation, as well as all deeds constituting mortgages, liens or any kind of incumbrances, conveyances, or other dispositions of such lands, rights, interests or easements in lands, or any other class of property, shall be recorded in like manner as provided in the last preceding paragraph.

III. At the time any Railroad Company presents to the Registrar of Property of the City of Havana, to be recorded as aforesaid, its titles or evidences of title, in lands or rights, interests or easements therein, or to any other class of property, the duly authorized agent of the Company shall also accompany the same with a copy, duly certified by the President and Secretary of the Railroad Commission, under its seal, of the explanatory statement as to the route and general conditions of the railroad, directed by the provisions of this

Order to be filed with said Commission, and such Registrar shall record the same in his office, together with such titles or evidences of title, and such record shall be sufficient for any acts of record thereafter to be made.

The certified copy last hereinbefore referred to shall be a certified copy of the explanatory statement as approved by the Railroad Commission or by the Supreme Court.

IV. All lands, of whatever title of ownership or possession, whether or not contiguous, continuous, undivided, Haciendas Comuneras, or otherwise, belonging to or occupied by any Railroad Company, and devoted to railroad purposes, may at the option of the Company be considered as a single piece or parcel of property, for the effects of recording the same in the office of the corresponding Registrar of Property, as well as for the constitution of all conveyances, mortgages, liens or other incumbrances.

V. In the case of a division of undivided lands, or Haciendas Comuneras, the Railroad Company shall indemnify other owners jointly interested with the Company in that part of such undivided lands or Haciendas Comuneras which is used or occupied in possession of the Railroad Company, for the purposes of its Railroad, provided that the interest possessed by the Railroad Company in such undivided lands or Haciendas Comuneras be found insufficient to cover the full area of its right of way through such undivided lands or Haciendas Comuneras, and its station grounds thereon, if any.

VI. All property acquired by any Railroad Company after the execution of any mortgage containing a covenant to include after-acquired property, shall be considered as forming a part of the single piece or parcel of property given as security for such mortgage, and Registrars of Property shall record the deeds of such after-acquired property as forming a part of the prior-acquired property of the Railroad Company appearing of record in his office, and make the proper note of record extending such mortgage to such after-acquired property, pursuant to the terms of the covenants or agreements in said mortgage contained.

VII. All acquisitions by Railroad Companies by grant, purchase or expropriation of lands, lands in possession, rights, interests or easements therein, and of other property, real or personal, used for purposes of the railroad including the issue and transfer of shares of stock, mortgage bonds and debenture bonds of Railroad Corporations, shall be exempt from any tax imposed by law upon transfers of property.

VIII. Notaries Public shall, in drawing all instruments in writing relating to Railroads, set forth therein the authority and description of the person, persons, Company or Companies executing the same, the boundaries, measurements and description, as well as the

liens, incumbrances and other conditions of lands affected thereby, the description of personal property included therein, and the character, covenants, conditions and stipulations of the contract contained in such instruments, and no other requirements of the requisites provided for by the legislation as to mortgages and Notaries Public shall be enforced.

IX. All Registrars of Property within the Island of Cuba shall be entitled to receive, and shall receive only the fees for compensation hereinafter set forth, and shall not under penalty of forfeiture of office, demand or receive from any officer, agent or attorney of any Railroad Corporation any gift or gratuity, or any compensation or fee, other than as provided herein. The fees of such Registrars for recording and certifying all instruments in writing relating to railroads being fixed on the following basis:

At the rate of forty cents in gold for every one hundred words of the text of any instrument in writing, relating to railroads presented to any Registrar of Property for record by such Registrar in the books relating to railroads, under his charge:

At the rate of forty cents in gold for every one hundred words transcribed by such Registrar from the text of any record relating to railroads in the books of record in his charge, and certified by him under his hand and seal of office to be true copies of the originals in such records; and

At the rate of forty cents in gold for every one hundred words of the text of any instrument in writing relating to railroads, presented to him for certification, and by him compared with the original record, and certified under his hand and seal to be true copies of the originals thereof.

X. No fees shall be charged or collected by any Registrar of Property for copies of papers or records of official documents relating to railroads, furnished to public officials for use in their official capacity.

CHAPTER IX.

MORTGAGES OF RAILROAD CORPORATIONS.

I. Mortgages may include at the option of Railroad Companies, all or any part of their railroad property, properties or property rights, or possessions, whether or not such properties or possessions be undivided lands or Haciendas Comuneras, and other interests or easements in lands, right of any kind, telegraph and telephone systems, works, buildings, fixtures, rolling stock, plant, income, revenues and all things incident and appurtenant to the railroad.

II. Mortgages constituting a lien against the properties, property rights or possessions, whether or not such properties, property rights or possessions be in undivided lands or Haciendas Comun-

eras, or other interests or easements in lands of railroad corporations, in whole or in part, to secure the issue of bonds or any other debt or obligation, may at the option of the Company not only be a lien against the property or properties, expressed in the mortgage deed constituting such mortgage and lien, but likewise be a lien upon such property, properties, property rights or possessions acquired after the execution of such deed, as shall be indicated by the terms and provisions set forth in such deed, and when the Company enters into possession of such after-acquired property or properties, the titles thereto shall be recorded in the offices of the corresponding Registrars of Property, as provided in this Order.

III. In constituting any mortgage upon any of its property, properties, possessions or property rights, the Company may fix the amount of mortgage or bonds secured thereby, either in proportion to the number of kilometers constructed, or to be thereafter constructed, or subject to any other conditions at the option of the Company and expressed in said mortgage or bonds.

IV. Mortgages made by Railroad Corporations upon the security of their properties, possessions, property rights and franchises, to secure the issue of any class of bonds whatsoever, may be executed with private individuals or companies, domestic or foreign, as the agents or representatives of the future holders of such bonds, which individuals or companies acting in such manner as trustees shall have the following powers:

(a) At all times during the existence of the mortgage to act for and in the name of all future holders of such bonds;

(b) To receive from the mortgagor Railroad Corporation all bonds and coupons thereof under the mortgage executed to them and to make a proper certificate on each bond identifying such bond with the mortgage securing it;

(c) To deliver the bonds and coupons issued under the mortgage executed to them, after being duly certified, as provided in the last preceding paragraph, in such manner as is stipulated by the terms and provisions of such mortgage;

(d) To collect from the Mortgagor Company and pay to the future holders of bonds such installments of principal as become due from time to time by such Mortgagor Company in the manner stipulated in such mortgage;

(e) To enter personally, or by their duly authorized agents, into possession, take charge of, manage, maintain, operate and receive all income, rents, or revenue from all the railroad, rolling stock, plant, buildings, stations, workshops, and other property, real and personal, property rights and franchises, connected with or belonging to the Mortgagor Company in the cases and manner stipulated in the mortgage to them; and it shall be the duty of the Supreme Court, sitting as a Court of Administration upon ten days' notice to

the Company of a hearing on the facts, to forthwith put such trustees, or their duly authorized agent, into possession of such railroad, its properties and franchises, upon proof to the Court, by such trustees, or their duly authorized attorney, that the Mortgagor Company has failed to comply with the covenants of the mortgage, or any of them, and the conditions stipulated therein for their entry into such possession have become effective. A copy of such order shall be served on the Railroad Company. Such action of the said Court to which application is so made shall not be hindered, impeded or delayed by any kind of recourse or incident before such or any other Court or Judge. The Court acting in the premises, shall if the circumstances of the case so require, confer authority upon any official acting in the proper district to put such trustees, or their duly authorized agents, into possession of all, or any part of such railroad, its rolling stock, plant, buildings, stations, workshops, and other property, real and personal, property rights and franchises;

(f) To institute all such judicial proceedings as may be necessary to foreclose such mortgage and obtain the sale of the property and properties of said Mortgagor Company in the cases as stated therein, and acting as trustees for such bondholders and holders of such coupons, to receive the proceeds of such sale and apply the same in the manner provided in said mortgage;

(g) To require from the Mortgagor Company notice of new property acquired by such Mortgagor Company, after the date of the execution of the mortgage to them, which, by the terms thereof, is to become subject to the provisions therein contained, and to cause the proper notice to be made in the records of such newly acquired property, that the same is subject to the mortgage to them;

(h) To do such other acts as may be stipulated in said mortgage.

V. The sale in judicial proceeding to foreclose a second or a subsequent mortgage of a railroad and its properties then subject to a prior mortgage or mortgages, shall not in any manner affect the legal status of such prior mortgage or mortgages, which shall continue in force in the same manner fixed at the time such mortgage or mortgages were constituted.

VI. In case of a sale of the property or properties of a Railroad Company, or any part thereof, by proceedings in foreclosure, or by the voluntary action of the Railroad Corporation, a notarial copy of the Deed of Conveyance shall be recorded in the office of the Railroad Commission, as well as in the office of the Registrar of Property of the City of Havana, where the properties of the Company were recorded, and in the office of the Registrar of Property in whose district any such property may be situated.

VII. When the property and franchises of any Railroad Corporation, having a railroad constructed and in operation, shall be sold by virtue of a deed of mortgage, duly executed by it to private indi-

viduals or companies, domestic or foreign, as the agents or representatives of the future holders of bonds and coupons thereof, such individuals or companies, acting in such manner as trustees, or pursuant to the judgment or decree of a Court of competent jurisdiction, or by virtue of any execution against the same, and the purchaser at such sale, shall acquire title to the same in the manner prescribed by law, he may assign his bid in whole or in part, or associate with him any number of persons, not less than the number required by the provisions of this Order for an incorporation for similar purposes, and they may, on complying with all provisions of this Order, except the deposit of two hundred dollars for each kilometer, and the filing of the plan, profile and explanatory statement required on the incorporation of new Railroad Corporations, become a Corporation, and take and possess the property and franchises thus sold, and which were at the time of sale possessed by the Corporation whose property shall have been sold.

VIII. At or previous to the sale the purchasers thereof or the person for whom the purchase is to be made, may enter into a plan or agreement, in anticipation of the readjustment of the respective interests therein of any creditors, mortgagees, bondholders and stockholders, or any of them, of the Corporation owning such property and franchises at the time of sale, and for the representation of such interests in the bonds or stock of the new Corporation to be formed, and may therein regulate voting by the holders of the preferred and common stock, at any meeting of the stockholders, and may provide for and regulate voting by the holders and owners of any or all of the mortgage or debenture bonds of the Corporation, which have become due and payable and have not been paid on the properties of the Company securing the same, or of the bonds issued or to be issued by the new Corporation; and such right of voting by bondholders shall be exercised in such manner for such periods and upon such conditions as shall be therein described. Such plan or agreement must not be inconsistent with the provisions of this Order and shall be binding upon the Corporation, until changed as therein provided. The new Corporation, when duly organized, pursuant to such plan or agreement and to the provisions of this Order, may issue its bonds and stock in conformity with the provisions of such plan and agreement, and may at any time within six months after its organization compromise, settle or assume the payment of any debt, claim or liability of the former Corporation upon such terms as may be lawfully approved by a majority of the agents or representatives intrusted with the carrying out of the plan or agreement of reorganization, and may establish preferences in favor of any portion of its capital stock, and may divide its stock into two classes, common and preferred: but the capital stock of the new Corporation shall not exceed in the aggregate the maximum amount of stock mentioned in its certificate of incorporation.

IX. The procedure for the collection of loans of money or debts secured by mortgages on Railroads, their lands, properties, posses-

sions, property rights, rolling stock and things incident and appurtenant thereto situated within the Island of Cuba, made by Railroad Companies after the promulgation of this Order shall be as follows:

JURISDICTION.

X. All proceedings in Court for the collection of claims against Railroad Companies, their railroads and properties, secured by mortgages made after the promulgation of this Order, as well as for the sale of such Railroads and their properties in such proceedings shall be subject solely to the jurisdiction of such Judge of the First Instance of the City of Havana who may be sitting in turn, and no agreement or attempt to bring such proceedings before any other Judge by stipulation or otherwise shall be lawful or binding.

PROCEEDINGS.

XI. Whenever any Railroad Company shall make default in the payment of any installment of interest or of the principal when due of a loan or debt secured by a mortgage upon its railroad and properties within the Island of Cuba or any part thereof and such default in payment of such interest or principal shall continue during a period of six months the mortgage creditor or creditors may after making demand for the payment of such interest or principal, as the case may be, and the railroad company has neglected or refused to pay the same at the place or in the manner provided in such mortgage, or if not therein provided then and in such case at the place required by such mortgage creditor or creditors or whenever by reason of any other acts of such Company the interest or principal sum secured by such mortgage shall under the terms and provisions thereof have become presently due, being the time provided in such mortgage in that regard, such mortgage creditor or creditors may institute proceedings for the collection of his or their claim by sale of the mortgaged property of the mortgage debtor Company before the Judge of the First Instance of the City of Havana who may be sitting in turn, and for such purpose shall present to such Judge a petition verified under oath by such mortgage creditor or creditors or his or their duly authorized representative and signed by a member of the bar of the Island of Cuba. Such petition shall clearly set forth the facts relating to the personality of the petitioner, the inception of the mortgage debt, the execution and delivery of the mortgage and the recording thereof, the default in payment of the amount due and proceeded upon, the demand made upon the mortgage debtor for payment thereof and the neglect or refusal of such company to pay the same or the default of the Company by doing or failing to do some other thing or act forbidden or required under the terms and provisions of such mortgage whereby such principal or interest has become due, as the case may be and the continuance of the default of such Company, reciting for greater clearness the pertinent parts of the deed of mortgage and

the default of the Company. The petition shall also state the names and domicile of such creditors of the mortgage debtor as appear of record in the office of the Registrar of Property in whose office is recorded the deed of mortgage to the mortgage creditor or creditors initiating the proceedings and shall have annexed a certificate of such Registrar of a date subsequent to that on which the amount secured by the mortgage became due, but not more than five days prior to the date of the petition, certifying that the mortgage does not appear satisfied of record and that it has not been presented for cancellation of record as shown by the Day Book of such Registrar. Said certificate shall also contain a literal copy of any other mortgages or incumbrances affecting the mortgaged property as well as any conveyance thereof to any third person or other Corporation, if any there be, since the date of the mortgage proceeded upon. There shall also be annexed to such petition a notarial copy of the deed of mortgage proceeded upon and the power of attorney of any representative of the mortgage creditor or creditors initiating the proceedings if the same be instituted by their representative.

XII. The Judge shall examine the petition and accompanying documents, and if he finds that the requirements of the preceding paragraph have been complied with, he shall make an order :

1. That, if the proceedings are for default in the payment of any instalment of principal or interest, the mortgage debtor Railroad Company shall within ten days after the date of such order pay into such responsible bank in the City of Havana as the Judge may designate, to the credit of the proceedings the amount alleged to be due, with interest and costs ;

2. That, if the proceedings are instituted on account of the doing or omitting to do any act forbidden or required to be done in the mortgage proceeded upon the Railroad Company shall within ten days comply with the covenants and conditions of the deed of mortgage defaulted upon ;

3. That copies of such order be forthwith served upon the President, Vice-President or Manager of the Railroad Company, or the person duly constituted to represent the Company in the Island of Cuba, with a notice to the effect that unless such payment be made, or the defaulted covenants or conditions be complied with, within such ten days after service thereof, the mortgaged property will be either sold at public auction under the direction of the Judge, not less than sixty-five nor more than ninety days from the date of such order, or disposed of in compliance with the terms of the covenants and agreements contained in the mortgage deed, and that if the domicile of the persons who have liens against the properties proceeded against that are recorded subsequent to the date of record of the mortgage proceeded upon appears in the certificate of the Registrar of Property, copies of the petition and order made by the Judge shall be served on such persons personally if they be in the City of Havana at the time or within a distance of one day's travel

therefrom, but if they be not so present then by mailing the same to them at their last known postoffice address, as well as by publication;

4. That in case of failure of payment the Judge will on motion of the petitioner, sell at public auction the mortgaged property and direct the sale to be made in accordance with the provisions set forth in the mortgage proceeded upon, but if there be no such provisions he will direct the sale to be made in the manner hereinafter provided;

5. That the order for the sale of the mortgaged property shall fix the time and place of the sale, such time to be not less than sixty-five nor more than ninety days from the date of such order, and shall direct the publication of notices of such sale of the tenor and in the manner hereinafter set forth as well as the lowest bid acceptable for the mortgaged property on such sale and that bonds or other evidences of indebtedness secured by the mortgage proceeded upon may be received from purchasers of the mortgaged property in part or in full payment of their bid, as the case may be;

6. That the notices of sale of the mortgaged property last above referred to shall set forth:

(a) The year, month, day, hour and place of the sale;

(b) A concise description of the mortgaged property to be sold;

(c) The lowest bid which will be accepted, which shall not be less than the amount of the prior liens if due and payable and incumbrances of record as found by the Judge, with interest to the date of sale, plus the amount found due by the Judge on the mortgage proceeded against, with interest and costs;

(d) If the principal of such prior liens and incumbrances be not due and payable, the mortgaged property shall be sold subject to the lien thereof. In case there be no prior liens or incumbrances the lowest bid acceptable shall be the amount found due by the Judge upon the principal sum of the mortgage proceeded upon with interest and costs, unless the mortgaged creditor request the Judge to make the lowest bid a lesser amount.

7. That as a condition precedent to the acceptance of a bid on a sale of the mortgaged property, there shall be deposited, as the Judge may direct in the notice of sale, a sum equal to two per cent of the lowest bid subject to which the sale is to be made;

8. That such notices shall be personally served by delivering copies thereof to all the persons who have liens against the mortgaged property recorded in the office of the Registrar of Property wherein the mortgage proceeded upon is recorded, if such persons be domiciled and then actually in the City of Havana or, if not, then such service shall be made by mailing such copies of the notices aforesaid to the last known postoffice address of such persons.

SALE OF MORTGAGED PROPERTY.

XIII. The Judge shall on the day and hour of the sale read to the persons present his order for the sale of the mortgaged property and the terms and conditions of sale and thereupon declare that he will receive sealed bids for the mortgaged property during a period of time not to exceed fifteen minutes, after the expiration of which he shall open the bids and accept the proposition of the highest bidder and should there be two or more of like amount and conditions he shall announce that he will receive, during a reasonable time in his discretion, other bids from such bidders who have presented bids of like amount and conditions and shall so continue until a bid be made greater than all others presented whereupon the Judge shall declare the person making such highest bid to be the purchaser of the mortgaged property and entitled to possession thereof.

XIV. The Judge shall notify the highest bidder to deposit within five days next thereafter the amount of his bid, after deducting the amount of the deposit made as guarantee of good faith, in a responsible Bank in the City of Havana, to be designated by the Judge, together with any bonds secured by the mortgage proceeded upon offered by him in payment of his bid if such be the case, and immediately upon such deposit being made the Judge shall execute a deed before a Notary of the City of Havana conveying to such bidder the mortgaged property and shall make an order directing (a) the cancelation of any mortgages, liens or incumbrances upon the mortgaged property executed at a date subsequent to the date of record of the mortgage proceeded upon; (b) directing that such highest bidder be put into immediate possession of the mortgaged property, which possession shall be given by the Judge or any proper person designated by him; (c) the return within two days, to any other bidders of the amounts deposited by them as guarantee of good faith on or before the day of the sale of the mortgaged property.

XV. In case the highest bidder fails to complete the full payment of his bid, he shall forfeit the deposit made by him as a guarantee of good faith; the costs of the proceeding shall be paid thereout and the excess shall be paid to the Public Treasury and thereupon all the bids shall be declared as canceled and withdrawn.

XVI. In case there be no bids at the sale of the mortgaged property or the bids at such sale be declared canceled and withdrawn, as provided in the last preceding Article, the petitioner may apply to the Judge for an order directing that another sale be had in the same manner as hereinbefore provided, or for an order awarding to him the mortgaged property subject or not subject to any prior liens, as the case may be, in payment of his claim.

XVII. If the mortgaged property cannot be sold in parts without injury to the whole, it may be sold as an entirety. If, however, such

property be divisible and the interest only of a principal sum secured by a mortgage be due and payable the Judge may direct by an order that no more of such property be sold than may be necessary to pay the accrued interest conditional upon a further sale on a second default, and if such part be sold for an amount greater than required to pay such interest the surplus shall be applied on account of such principal sum unless the deed of mortgage otherwise provides.

XVIII. In case of an actual sale of the mortgaged property the Judge shall immediately after the deposit of the purchase price make an order requiring the delivery of the same to the person or persons entitled thereto whether they have parties to the proceedings or not.

XIX. Any case not herein provided for shall be governed by the provisions of the Law of Civil Procedure of the Island of Cuba, provided, however, that no appeal shall suspend the execution of the orders of the Judge of First Instance in the proceedings, except in cases of fraud or forgery.

CHAPTER X.

CONSTRUCTION OF RAILROADS.

I. Railroad Companies, before commencing work on their railroads shall file with the Railroad Commission a map or plan and profile thereof showing its course and direction, accompanied by an explanatory statement as to the route and general conditions of the proposed railroad, and the manner in which it is proposed to carry on the construction of such railroad, and the part of such map, plan, profile and statement as relates to the respective municipalities through which the proposed railroad is to pass, signed by its President or authorized agent, shall be filed in the offices of the respective Ayuntamientos thereof. In case any Railroad Company decides to make changes in its line or route it shall follow the same course of procedure as to such changes.

II. In case two plans with maps and profiles be filed by different individuals or by different Railroad Companies with the Railroad Commission claiming to locate or use the same lands or places for the general line of their proposed railroads in whole or in part, excepting at points of crossing, the set of plans first filed in the office of the Railroad Commission shall have priority, providing the Commission shall not find that there are just and reasonable grounds to decide otherwise.

III. The Railroad Commission may reject any plan for a proposed railroad on the ground that it considers the same to be useless or as prejudicial to the public interests or that the railroad proposed to be constructed for the service of the public will not be able to

furnish the service and benefits claimed and to which the public may be justly entitled. The construction of railways by traction Companies, within any part of the right of way of public highways, except for crossing, is prohibited.

IV. The land necessary for the construction of a railroad shall be considered a strip of thirty meters in width, except in such places where greater width may be required for stations, buildings, embankments, cuts, borrow-pits, quarries, and such additional lands as may be required for diversions of water, roads and highways, drainage of swamp lands, dikes and other works to protect the tracks from floods and freshets, as well as for yards, shops, wharves, platforms, storehouses, turnouts, switches or for any other purposes useful and proper to a railroad.

V. In all railroads for public service the standard gauge—that is, the distance between the inner surfaces of the rails—shall hereafter be, 1.435 meters, and such rails shall be of steel of a weight not less than twenty-five kilograms per meter. In railroads for private use any other gauge or weight may be adopted with the approval of the Railroad Commission.

VI. Railroad Corporations shall submit to the Railroad Commission for its approval such methods and means as it proposes to apply in order to protect the public generally and the health and safety of the employees of the Company during the construction of their railroad.

VII. The Railroad Commission shall prescribe the manner or methods and means of occupying or crossing any part of the public domain, including public highways and navigable streams, the manner of crossing other lines of railroads, as well as any other question that may arise with respect to such crossings.

VIII. The means of public communication shall not be interrupted, nor any aqueduct or other thing of public use, without the Company making, meanwhile, the necessary provision for the public convenience and restoring as soon as possible to its former condition any such works or things of public use as may have been altered or interrupted.

IX. Railroad Companies shall restore as nearly as possible to its former state any river, stream, water-course, highway, water pipe, gas pipe, sewer or drain, or any telegraph, telephone or electric wires, or poles which they divert or alter, or they shall put the same in such state as not materially to impair their usefulness, and shall make full compensation to all parties interested for all damage by them sustained.

X. No railroad or portion of any railroad shall be opened for the public conveyance of passengers until after notice in writing of the intention of opening the same is given to the Railroad Commission by the Company to which the railroad belongs, and until after notice

in writing is given to the Railroad Commission by the Company of the time when the railroad or portion of railroad will be in the opinion of the Company sufficiently completed for the safe conveyance of passengers and ready for inspection.

XI. If any railroad or portion of any railroad is opened without such notice, the Company to which such railroad belongs shall pay to the Fund of the Railroad Commission the sum of two hundred dollars for every day during which the same continues open until said notice has been duly given.

XII. The Railroad Commission upon receiving such notification, shall direct its inspector to forthwith examine the railroad about to be opened, and all bridges, tunnels, railroad crossings and other works and conveyances connected therewith, and also engines and other rolling stock intended to be used thereon, and to report with all convenient speed; and if the inspector reports in writing that in his opinion the opening of the same would be attended with danger to the public using the same by reason of the incompleteness of the works or of the insufficiency of the establishment for working such railroad, together with the grounds of such opinion, the Railroad Commission—and so from time to time, as often as such inspector, after further inspection thereof, reports to the like effect—may order and direct the Company to which the railroad belongs, to postpone such opening for a time not exceeding one month at any one time until it appears to the Railroad Commission that such opening may take place without danger to the public.

XIII. Every Railroad Company, or any lessee or other person in possession of its road, shall erect and maintain fences on the sides of its road, of height and strength sufficient to prevent horses, cattle, sheep and hogs from going upon its roads from the adjoining lands. So long as such fences are not made, or are not in good repair, the Company, its lessee or other person in possession of its road, shall be liable for all damages done by its agents, engines or cars to any domestic animal thereon, and when made and in good repair, they shall not be liable for any damages unless negligently or wilfully done. No railroad need be fenced when not necessary to prevent horses, cattle, sheep or hogs from going upon its tracks from the adjoining lands.

XIV. In case any Railroad Company avails itself of the powers, privileges and authorities with which it is vested herein, to construct and thereafter maintain and operate branch railroads or extensions, the construction, maintenance and operation of such branch railroads or extensions shall be subject to all the provisions of this Order, in the same manner as is provided for the construction, maintenance and operation of railroads, and at the time of filing its plans with the Railroad Commission such railroad corporation shall make the deposit per kilometer, required in cases of railroads and such deposit shall be forfeited or returned in the same manner provided for in Chapter III of this Order.

XV. As often as any contractor for the construction of any part of a railroad, which is in progress of construction, shall be indebted to any laborer for thirty or any less number of days' labor performed in the constructing of such road, such laborer may give notice of such indebtedness to said Company in the manner herein provided; the said Company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said Company therefor; such notice shall be given by such laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made; such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the same was performed, for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent employed by such Company, having charge of the section of the road on which such labor was performed, personally, or by leaving the same at the office or usual place of business of such engineer, agent, or superintendent, with some person of suitable age; but no action shall be maintained against any Company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the Company by such laborer as shown above; *provided* that the liability of the Company under this section shall not exceed its liability to the contractor; and *provided further* that any payments made to such laborers shall be a full discharge to the Company from such contractors for the amount so paid.

CHAPTER XI.

RAILROADS FOR PRIVATE USE.

I. Any person or persons, Company or Companies may on lands owned, leased or used under any title whatsoever by such person, persons, Company or Companies construct, maintain, operate and dispose of in any manner whatsoever a railroad solely for private use or for the use of a plantation or specified industry, freely and without restriction, except that if it be necessary to occupy any part of the public domain, such person, persons, Company or Companies shall apply to the Railroad Commission which may give a permit to do so and shall at the time of granting such permit determine the manner in which such occupation is to be made, and provided that the Railroad Commission may by its Inspectors inspect such Railroads in order that in their construction and operation the safety of those using the same shall not be endangered.

II. Railroads for private use shall not have the other powers granted to railroads for public service.

III. All Railroads for private use constructed in whole or in part at the time of or after the promulgation of this Order and having

the standard gauge of track and weight of rails provided for by this Order or which change their tracks and rails to such standard shall on the application of the owners thereof, be declared to be for public service by the Railroad Commission upon compliance by their owners with the provisions of this Order as to filing maps, profiles and explanatory statements and as to the opening to the public of railroads for public service.

CHAPTER XII.

MAINTENANCE AND OPERATION OF RAILROADS.

I. Every Railroad Company shall start and run its regular trains for the transportation of passengers and property as near as practicable at regular hour fixed by public notice, and shall furnish sufficient accommodations for the transportation of all passengers and property as are within a reasonable time previously thereto offered for transportation at the places of starting, and at the connections of other railroads, and at the usual stopping places established for receiving and discharging way passengers and freight for the trains; and shall take, transport and discharge such passengers and property at, from and to such places on the payment of the toll, freight or fare therefor.

II. It shall be the duty of Railroad Corporations to provide for the redemption at its main office of the whole or such parts or coupons of any ticket or tickets, that may have been sold, as the purchaser, for any reason, has not used and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used; and the sale by any person, of the unused portion of any ticket, otherwise than by the presentation of the same for redemption, as provided for in this section, shall be deemed to be a violation of the provisions of this Order and shall be punished as herein set forth.

III. Every Railroad Corporation whose road, at or near the same place, connects with or is intersected by two or more railroads competing for its business, shall fairly and impartially afford to each of such connecting or intersecting roads equal terms of accommodation, privileges and facilities in the transportation of cars, passengers, baggage and freight, and express matter, over and upon its roads, and over and upon their roads, equal facilities in the interchange and use of passenger, baggage, freight and other cars required to accommodate the business of each road, and in furnishing passage tickets to passengers who may desire to make a continuous trip over any part of its roads and either of such connecting roads. The Railroad Commission may, upon application of the Corporation owning or operating either of the connecting or intersecting roads, and upon fourteen days notice to the Corporation owning or operat-

ing the other road, prescribe such regulations as will secure, in its judgment, the enjoyment of equal privileges, accommodations and facilities to such connecting or intersecting roads as may be required to accommodate the business of each road, and the terms and conditions upon which the same shall be afforded to each road.

IV. Passengers holding first-class tickets shall be entitled to carry free fifty kilograms of personal baggage; those holding lower-class tickets thirty kilograms of personal baggage.

By personal baggage is to be understood ordinary wearing apparel, bicycles, and such articles as may be required by persons practising any profession or trade; it being further understood that such last named articles are only to be accepted by the conveying Railroad Company when contained in such receptacles as will safely contain the same for purposes of transportation, and that the Railroad Company shall not be liable beyond the extent of one hundred dollars in gold on every fifty kilograms of weight of such baggage, unless the owner thereof shall upon offering the same for transportation declare the contents thereof and pay therefor by way of insurance for the additional amount of responsibility to be assumed, at such rate or rates as may be charged by said Company therefor, not to exceed the legal rates for carrying fifty kilograms of goods or merchandise on the railroad of said Company, for every two hundred dollars of additional responsibility assumed on each fifty kilograms of such goods, merchandise or baggage and at this rate for a greater or less quantity.

V. Railroad Companies shall not be required to accept for transportation money, securities, jewelry, or other articles of extraordinary value unless there be no Express service provided for such purposes, but if such Express service be not provided the Railroad Companies shall carry such valuables on their regular passenger trains, charging therefor the usual Express rates.

VI. Railroad Corporations shall have power to carry over their lines of railroad property known as Express matter, such as money, jewelry and other articles of extraordinary value, or other property the handling or transportation of which is attended with extraordinary expense or risk and requires extraordinary care, including parcels and all things generally and ordinarily classed as Express matters, at such rates as may be approved by the Railroad Commission, or to delegate or lease the conveyance of such Express matter to Express Companies, but contracts with Express Companies shall not be exclusive and prevent the transportation of Express matter over their lines by other Express Companies on like terms.

VII. Every Railroad Company which runs trains upon its railroad for the convenience of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engineers of such trains while the

trains are in motion, and good and sufficient means of applying, by the power of the steam or otherwise, at the will of the engineer or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars composing the trains, and of disconnecting the locomotive, tender and cars from each other by any such power or means, and also such apparatus and arrangements as to best and most securely place and fix the seats and chairs in the cars and carriages, and every Railroad Company which fails to comply with any of the provisions of this section shall forfeit to the Fund of the Railroad Commission a sum not exceeding twenty dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to.

VIII. Every Railroad Corporation shall provide each closed car in use in every passenger train regularly used upon a railroad with a water closet constructed to prevent infection as far as possible, and a suitable receptacle for water, with a cup or drinking utensil attached to or near such receptacle, and to keep such receptacle, while the car is in use, constantly supplied with good water. Every Corporation, person or persons, operating such railroad, and violating the provisions of this section shall be liable to a penalty of twenty-five dollars for each day that it shall omit or neglect to comply with any such provisions, which sum shall be paid to the Fund of the Railroad Commission.

IX. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle and the bell shall be rung or the whistle sounded at the distance of at least 300 meters from every place at which the railroad crosses any public highway, and be kept ringing or be sounded at short intervals until the engine has crossed such highway; and the Company shall, for each neglect to comply with the provisions of this section, incur a penalty of ten dollars, to go to the Fund of the Railroad Commission, and shall also be liable for all damages sustained by any person by reason of such neglect; and a moiety of such penalty and damages shall be chargeable to and collected by the Company from the engineer who has charge of such engine, and who neglects to sound the whistle or ring the bell as aforesaid.

X. It shall be the duty of every Company or person using steam locomotives in the operation of any railroad to provide such locomotives with screens and every other necessary and practicable appliance to prevent the escape of sparks or live coals from such locomotives and to use all other practicable means to prevent the spread of fire from the railway to any adjacent property of any description.

XI. The Railroad Commission shall have power, after hearing the Railroad Company to regulate the speed of passenger or freight trains running through the streets or highways of cities, towns or

villages in cases where the line of the Railroads is not fenced in or there are not gates or flagmen at crossings of such streets or high-ways.

XII. Any Railroad Corporation may contract with any person, association or Corporation for the hauling by the special or regular trains of said Railroad Corporation, the parlor, drawing-room or sleeping car or cars, of such person, association or corporation, in which extra accommodations shall be furnished, for which said person, association or corporation furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein a reasonable compensation for such extra accommodation, in addition to the fare and charges allowed by law for the carriage and transportation of passengers and property in the ordinary first-class cars of said Railroad Corporation. But said Railroad Corporation so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the traveling public. In case the Railroad Corporation shall itself furnish such extra accommodation it shall be allowed to make a charge therefor additional to its ordinary first-class rate of transportation.

XIII. Every employee of the Company employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property.

XIV. Train conductors, chiefs of station, station guards, road guards and gatekeepers employed by the Company while on duty shall exercise the powers of the members of the police force.

XV. Every passenger who refuses to pay his fare may, by the conductor of the train and employees of the Company, be put out of the train, with his baggage, at a usual stopping place or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

XVI. Checks or tags shall be affixed by an agent or employee to every parcel of baggage having a handle, loop or fixture of any kind thereupon, delivered to such agent or employees for transportation, and a duplicate of such check or tag shall be given to the passenger delivering the same, or a receipt for such baggage shall be given, as the Company may elect.

XVII. If such check, tag or receipt is refused on demand, the Company shall pay to such passenger the sum of ten dollars, which shall be recoverable in a civil action: and no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train.

XVIII. The Company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and the Company shall not carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of which shall plainly appear in large letters the words, "Dangerous explosives:" and for each neglect to comply with the provisions of this section, the Company shall incur a penalty of five hundred dollars to be paid to the Fund of the Railroad Commission.

XIX. In all cases where the consignee of perishable goods, wares and merchandise transported by any Railroad Company, and still in possession of such Company, cannot be found, or shall neglect or refuse to receive the same, or to pay the costs and expenses of the transportation thereof, application may be made in writing by said Company or its agents to the Municipal Judge of the District where the station is situated upon proof that said goods, wares and merchandise have been transported by said Company, and are perishable, that the consignee thereof cannot be found, or neglects or refuses to receive the same, or to pay the costs and expenses of the transportation thereof, and thereupon he shall issue an order under his hand and seal permitting the sale of the said goods, wares and merchandise by public vendue, at the time and place therein named, due notice whereof shall be given by advertisement signed by said Judge, at such places and for such time as said Judge shall direct, and there shall be no appeal from the decision of said Judge.

XX. The fees of said Court and the cost and expenses of said transportation shall first be paid out of the proceeds of said sale, and the balance (if any) shall be deposited by the Judge, who shall pay the same to the person entitled thereto, if claimed by such person or persons within two years, made upon due proof of said claims, and if the same is not claimed in two years, he shall pay the same into the Fund of the Railroad Commission.

XXI. It shall be lawful for any Railroad to apply to the Municipal Judge of the District where the station is situated for the sale at public auction of all articles of freight or baggage, transported by such Company to any station on its railroad, which may have remained at such station for six months or over and not called for by the owner or consignee or when the owner or consignee cannot be found or is unknown; and may make like application to such Judge for the sale of all articles of a perishable nature in two days, if such articles would depreciate in value by being longer kept, and such Judge shall issue a like order and direct the same procedure as provided in the next preceding paragraph of this Order. The proceeds of said sale shall go first to defray the cost and expenses of said sale, and then to the account of freight and charges of the Railroad Company on said articles of freight and baggage, and the balance, if there be any, shall be deposited with said Judge and be disposed of as provided in the last preceding paragraph of this Order.

XXII. When any freight may have been carried over any railroad, and delivered by the Company at any point specified by the shippers, other than the railroad station of the Company, the said Company shall not be responsible for the safety and security thereof.

XXIII. Any Railroad Corporation shall, when applied to by the Postmaster-General or official acting in such capacity convey the mails of the Island of Cuba on its road, and in case such Corporation and the Postmaster-General or official acting in such capacity shall not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and condition of carrying the same, the Railroad Commission shall fix the prices, terms and conditions therefor, after giving the Corporation reasonable opportunity to be heard and with appeal to the Supreme Court as provided herein for other cases on appeal to that Court. Such prices shall be not less for carrying such mails in the regular passenger trains than the amount which such Corporation would receive as freight on a like amount of merchandise transported in their merchandise trains, and a fair compensation for the postoffice car. If the Postmaster-General or official acting in such capacity shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the Corporation shall furnish an extra train for the mail and be allowed extra compensation therefor.

XXIV. Every Railroad Corporation refusing or neglecting to comply with any provision of this section shall forfeit to the Fund of the Railroad Commission fifty dollars for every day such neglect or refusal continues.

XXV. In case of denial or any lack of payment on demand of the tolls or rates or any part thereof, fixed for the whole or for any particular portions of the railroads of Railroad Corporations, the same shall be recoverable in the Court of the Municipal Judge at the District where the station is situated at which are the articles of freight or baggage upon which such tolls or rates are payable; or the agents or employees of the Company may seize the goods for in respect whereof such tolls or rates are payable and may detain the same until payment thereof and in the meantime the said goods shall be at the risk of the owners thereof. If the tolls or rates are not paid within six weeks, the Company may apply to such Judge, who shall proceed in the manner prescribed hereinbefore for the sale of perishable goods, and sell the same or any part of such goods, and after paying all reasonable charges, expenses and costs, shall deliver the surplus, if any, or such of the goods as remain unsold to the person entitled thereto, and if no such person shall appear to make claim thereto he shall pay the proceeds from such goods to the Fund of the Railroad Commission.

XXVI. No person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injuries, if room inside of a passenger car, sufficient for the proper accommodation of the passengers, was available at the time.

CHAPTER XIII.

GENERAL RESTRICTIONS IN OPERATING RAILROADS.

I. No Railroad Corporation shall make or give any secret special toll, rate, rebate, drawback or concession to any person or Company; and every Company shall on the demand of any person make known to him any special rate, rebate, drawback or concession given to anyone.

II. All tolls on Railroads within the Island of Cuba shall always under the same circumstances be charged equally to all persons and at the same rate, whether per ton, per kilometer or otherwise in respect to all passengers and goods and railway cars of the same description and conveyed or propelled by a like railway car or engine, passing over the same portion of the line of railroad and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular Company or person traveling upon or using the railroad.

III. No Company in fixing any toll or rate shall, under like conditions and circumstances, make any unjust or partial discrimination between different localities.

IV. In justifiable cases of competition or for other causes, the Railroad Commission shall have power to authorize specially in each case, temporary exceptions to the general conditions of the application of tolls or rates.

V. Notwithstanding the establishment of maximum tariffs of rates and tolls and classification of freights as provided in Articles XX and XXI of Chapter II of this Order it shall be unlawful for any Railroad Company to charge or enforce any unreasonable or unjust toll, rate, or classification of a particular kind of freight, or to make or give any undue or unreasonable preference or advantage to any person, firm, company, corporation, locality, or any particular description of traffic, or to subject any person, firm, company, corporation, locality or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever; and whenever, upon complaint thereof by any interested party, the Railroad Commission shall, after due hearing of all parties, of which not less than ten days notice shall be given, find any such unlawful toll, rate, classification of a particular kind of freight, preference or prejudice to exist, such Commission shall have authority to order its discontinuance, and to substitute in such order the rate, toll, classification or practice which shall upon the facts appear to be just and reasonable. *Provided however*, that an appeal may be taken from such order of the Railroad Commission to the Supreme Court, sitting as a Court of Administration, in the same manner and to the same effect as is provided under the provisions of this Order for other appeals to such Court, and the order

of the Commission shall not in any case be binding upon the Railroad Company for a longer period than six months from the time it shall go into effect, but such order, limited in application to six months, may be reissued from time to time by the Railroad Commission for good cause shown upon further complaint and due hearing, subject to the same right or appeal to the Supreme Court as aforesaid. In all such cases due weight shall be given by the Railroad Commission to the fair interest of the Railroad Company as well as to those of the public and affected shippers and communities; and whenever wrongful prejudice or disadvantage shall appear to result from comparison of rates or tolls charged by one or more Railroad Companies the Railroad Commission shall have authority to order an increase of the lower rate, or a reduction of the higher rate, or both such increase and reduction, as the circumstances and conditions and fair interests of the parties may require.

In all cases in which the Railroad Commission shall decide against a Railroad Company and in favor of any person, firm, company, corporation, locality or the representatives thereof, the decision of the Commission shall be considered as a decision of the Government, and such decision of the Commission shall be defended and maintained by the Fiscal of the Supreme Court before the Supreme Court sitting as a Court of Administration, without expense to such person, firm, Company, Corporation, locality or the representatives thereof.

CHAPTER XIV.

APPEALS AND LIMITATIONS TO ACTIONS AND PROCEEDINGS RELATING TO RAILROAD CORPORATIONS.

I. All actions hereafter accruing for injuries to persons caused by the wrongful act, neglect or default of any Railroad Corporation owning or operating any railroad within the Island of Cuba, shall be commenced and sued within six months next after the cause of such actions shall have accrued, and not after.

II. All actions for an injury hereafter done to any property of any person or Company by fire communicated by a locomotive engine of any Railroad Corporation owning or operating any railroad within the Island of Cuba, shall be commenced and sued within six months after the cause of such actions shall have accrued, and not after.

III. All actions or suits for indemnity for any damages or injury to property of any person or corporation, sustained by reason of Railroad Corporations, shall be commenced within six months next after the time when such supposed damage is sustained, or if there is continuation of damage, within six months next after the doing or committing of such damage ceases, and not after.

IV. All appeals to the Supreme Court from decisions of the Railroad Commission, provided for by this Order, shall be taken within thirty days from the day on which the decision of the Commission in writing shall be served on the Railroad Corporation or other party or parties which have appeared or been made parties to the proceeding in which such decision is rendered.

(*) V. All Railroad Companies or other corporations and private individuals, parties to proceedings carried on by or before the Railroad Commission shall have the right of appeal to such Supreme Court from all decisions and orders, of such Commission and such Court shall decide the same, sitting as a Court of Administration, and shall review and revise such decisions and orders, of the said Commission, upon the facts as well as upon the Law; but such appeal shall not operate to stay or supersede the order of the Railroad Commission regulating or requiring movement of traffic.

CHAPTER XV.

COLLECTION OF UNSECURED DEBTS OF RAILROAD CORPORATIONS.

I. The use of a railroad in operation for the public service shall not be interrupted by reason of the action of any of the Judicial or Governmental authorities, unless such interruption be ordered after investigation by the Railroad Commission on the ground that the conditions of operation of the railroad endanger the safety of passengers thereon, and such decision may be set aside by the Supreme Court on appeal in the manner hereinbefore provided in case such Court deems such decision unnecessary and unreasonable.

II. In cases where any creditor or creditors unsecured by mortgage shall have obtained a judgment or judgments against a Railroad Corporation, the Judge charged with the execution upon the judgment shall order the President or Vice-President of the Railroad Corporation, or if they be absent, its Manager, to state by written declaration under oath whether or not any mortgage with or without a trustee therein appointed be then existing, secured by the railroad, properties, property rights and franchises, in whole or in part, of such judgment debtor Company. Upon such report so to be made as aforesaid, or upon such facts relating to the premises as the Judge may have otherwise obtained, he shall make an order according to the facts in each of the following cases:

(a) If there be then existing any first mortgage with a trustee appointed therein, secured by the railroad properties, property rights and franchises of such debtor Company, such order shall direct that such trustee as Judicial Administrator enter into and take possession immediately of the railroad of such Company,

(*) Article V as modified by Order 119, April 28, 1902. Headquarters Department of Cuba. See Order 119 herein.

together with all of its books, properties and franchises, and administer upon the same, and receive and collect the rents, revenues and income therefrom and such trustee shall, after paying all expenses of administration, including such sums as may be necessary for taxes, as well as for the interest and sinking fund of the mortgage secured thereby, pay such judgment creditor, or pro rata such judgment creditors, the amounts of their judgment or judgments, with legal interest, such trustee to remain in possession of and administer upon such properties until payment in full of the claims of such judgment creditor or creditors, provided that during the time of such administration, no default shall have occurred under the terms and provisions of the deed constituting such mortgage, but in case no such default shall have occurred, as aforesaid, such trustee shall thereupon deliver over and return to the debtor Company its railroad, properties, property rights, franchises and books.

(b) In case there be debts of such debtor Company, secured by a mortgage, but no trustee has been appointed in the deed constituting such mortgage, a Judicial Administrator or Receiver shall be appointed by the majority of the creditors secured by such mortgage, at a meeting of such creditors to be held at the place, day and hour to be fixed by order of the Judge, and if such Judicial Administrator or Receiver be not then and there appointed by such creditors, then and in such case such Judge shall appoint a Judicial Administrator or Receiver, and shall require a bond in such amount as he may deem proper under the circumstances, and such Judicial Administrator or Receiver shall enter into possession and administer upon the railroad properties, property rights and franchises of such debtor Company, and pay the amount or amounts due such creditor or creditors out of the net income, if any there be, and return such railroad and properties in the same manner as is set forth in the last preceding paragraph (a);

(c) In case there be no debts of such debtor company, secured by a mortgage upon its railroad and properties, the Judge shall forthwith appoint a Judicial Administrator or Receiver in behalf of the judgment creditor or creditors aforesaid, and shall require a bond in such amount as he may deem proper under the circumstances, whereupon such Judicial Administrator or Receiver shall enter into, take possession of and administer upon the railroad and properties of such debtor company until out of the net earnings thereof the amounts with legal interest due upon the judgment or judgments of such judgment creditor or creditors be paid in full. when such railroad and properties shall be returned to the debtor company.

III. If at any of the times aforesaid, there exist contemporaneously more than one mortgage secured by the railroad and properties, in whole or in part, of such debtor Railroad Company, whether or not a trustee be appointed in the deeds constituting such mortgages, the person to act or be appointed as Judicial Administrator or Receiver

in the manner hereinbefore described, shall be governed according to the constitution of the first mortgage recorded—that is to say, if there be a trustee appointed therein, such Judicial Administrator or Receiver shall be such trustee, and if there be no trustee appointed therein such Judicial Administrator or Receiver shall be the person selected by the first mortgage creditors or by the judge, as the case may be.

IV. In the cases above mentioned of a default in payment of principal or interest due to Mortgage Creditors, the provisions of their mortgages shall be carried into execution as therein provided.

V. In no case shall a railroad, its properties, property rights and franchises be sold at public auction, to make effective the execution of any judgment or judgments of any judgment creditor or creditors of the Railroad Corporation proceeded against, save and except in such cases whereby the terms and provisions of the mortgage secured by such railroad, its properties, property rights and franchises, it is stipulated therein that a sale at public auction of such railroad, properties, property rights and franchises may be had. And it is further provided that in no case shall a Judicial Administrator of any Railroad Corporation be appointed upon any claim, demand or cause of action whatsoever, until such claim, demand or cause of action shall have been put in final judgment, regularly obtained in the courts of law.

VI. Judicial Administrators shall do no act and make no contract that may affect the property of the Company without the authority of the Judge; they shall render their accounts to such Judge from time to time as the Judge may require and shall have their compensation and expenses fixed and allowed by the Judge, which shall be done on hearing the parties in interest, and such compensation shall not exceed five per cent of the amount received and paid by him by virtue of his appointment, and in no case shall it exceed the sum of ten thousand dollars per annum. All orders of the Judge may be appealed from by the parties to the Audiencia in the ordinary manner as provided in the proceedings for execution upon judgments.

VII. No other proceedings of suspension of payment or of bankruptcy shall be instituted by or against Railroad Corporations.

CHAPTER XVI. (*)

CRIMINAL LAW AFFECTING RAILROADS.

Every one is guilty of a crime, and liable to *Presidio Correccional* in its minimum to medium degree (imprisonment from six months and one day to four years and two months) who unlawfully with intent to injure or to endanger the safety of any person traveling or being upon any railroad:

(*) Chapter XVI as substituted by Order 119, April 28, 1902, revoking Chapter XVI of Order 34, February 7, 1902. See Order 119 herein.

I. Places or throws upon or across such railroad any wood, stone, or other matter or thing;

II. Takes up, removes or displaces any rail, railroad switch, sleeper or other matter or thing, belonging to such railroad or injures or destroys any track, bridge or culvert of such railroad, or any portion thereof;

III. Turns, moves or diverts any point or other machinery belonging to such railroad;

IV. Makes or shows, hides or removes any signal or light upon or near to such railroad;

V. Does or causes to be done any other matter or thing with such intent; or

VI. Throws, or causes to fall upon or strike at, against, into or upon any engine, tender or car, any wood, stone or other matter or thing, with intent to injure or endanger the safety of any person being in and upon such engine, tender, or car, or in or upon any other engine, tender, or car of any train of which such first mentioned engine, tender, or car forms a part or does any other unlawful act interfering with or endangering the working of a railroad or the employees thereof or passengers thereon;

VII. If any such acts cause death, the penalty shall be from *Reclusión Temporal* in its maximum degree (imprisonment from 17 years, 4 months 1 day to 20 years) to the extreme penalty of death. If any injury is done to persons the penalty shall be in conformity with the Penal Code, not exceeding *Reclusión Temporal* in its minimum and medium degree (imprisonment from 12 years and one day to 17 years and 4 months).

VIII. Every one who is guilty of one of the acts specified in Paragraphs I, II, III, IV, V and VI of this Chapter *without intent of causing injury to persons or loss of life*, shall be punished in conformity with the Penal Code.

IX. If any person shall stop or attempt to stop any railway passenger train, with intent to rob any person thereon, or to rob any coach attached thereto, or to wreck or attempt to wreck, derail or attempt to derail any such train, by any means whatever, with intent to commit such robbery; or shall obstruct or detain such train, or any locomotive, tender, coach or car attached thereto, with such intent, or shall place upon any railway track, or under any engine, tender, coach, or car any explosive substance, with intent to obstruct, stop, detain, derail or wreck such train, for the purpose of committing such robbery, or remove any spike, fishplate, frog, rail, switch, tie, stringer, or appliance used on such railway, with intent to obstruct, stop, detain, derail or wreck such train for the purpose of committing such robbery; or shall enter any locomotive, tender, coach or car attached to such train, and take or attempt to take pos-

session thereof, for the purpose of committing such robbery; or shall rifle any coach, car, safe, box or mail pouch on such train; or shall with force and arms take and carry away any valuable thing whatever from such train, or from any person thereon; or shall intimidate, injure, wound, or maim any person thereon, with intent to commit such robbery, he shall, upon conviction thereof, be punished with *Reclusión Temporal* in its minimum and medium degrees (imprisonment from 12 years and one day to 17 years and 4 months). If death results from such acts the penalty shall be *Reclusión Temporal* in its maximum degree (imprisonment from 17 years, 4 months and one day to 20 years) to the extreme penalty of death.

X. Everyone is guilty of a crime and liable to *Presidio Correccional* in its minimum and medium degrees (imprisonment from 6 months and one day to 4 years and two months) who steals anything in or from any railway station or building, in actual use or necessary for the operation of the railroad, or from any engine, tender or vehicle of any kind in actual use on any railway.

XI. Every one is guilty of a crime and liable to *Prisión Correccional* in its minimum degree, (imprisonment from 6 months, one day to 2 years and 4 months) who by any act wilfully obstructs or interrupts, or causes to be obstructed or interrupted, the construction, maintenance or free use of any railway or any part thereof, or any matter or thing appertaining thereto or connected therewith. But nothing in this Order shall limit the right of employees either individually or collectively, to leave the service of the Company, except while in train service between stations as provided in Article XVIII of this Chapter.

XII. If any person not employed thereon, or not an officer of the law in the discharge of his duty, gets upon any locomotive, engine or car of any Railroad Company at the established depots of such Company, or gets upon, clings to or otherwise attaches himself to any such engine or car, for the purpose of riding upon the same in violation of the regulations of the Company, he shall be guilty of a misdemeanor and liable to a fine not exceeding ten dollars or in default of payment to a term of imprisonment not exceeding ten days.

XIII. Where a person jumps from a train in motion, the law will presume that an injury sustained by such act is the result of his own negligence.

XIV. Every person not connected with the Railroad Company or employed by the Company, who walks along the track thereof, except where the same is laid across or along a highway, is liable to a penalty not exceeding ten dollars or in default of payment to a term of imprisonment not exceeding ten days.

XV. Every person who enters upon any Railroad train without the knowledge or consent of an officer or employee of the Company,

with intent fraudulently to be carried upon the said railroad without paying fare thereon, and refusing on demand to pay the legal fare, is liable to a penalty not exceeding ten dollars, or in default of payment to imprisonment for a term not exceeding ten days.

XVI. Every person who rides, leads or drives any horse or other animal, or suffers any such horse or other animal to enter upon a railroad, within the fences and guards, other than the farm crossings, without the consent of the Company, shall be liable to a penalty not exceeding ten dollars or in default of payment imprisonment not exceeding ten days and shall also pay to any person aggrieved all damages sustained thereby.

XVII. No engineer, fireman, or conductor on train service, no switchman or flagman on duty and no train dispatcher actually on duty shall be taken into custody, arrested or removed from his post in any case whatsoever, without notice being first given to the Chief of the Department to which he belongs in order that such Chief of Department may be able to substitute other employees in the place of such as have been taken into custody or arrested. The police may, however, take such measures as will prevent the escape of any such employees to be taken into custody or arrested, but whatever may be done shall in no way affect the operation and service of the railroad during the time the Chiefs of the Department are providing substitutes.

XVIII. All Railroad employees whose labor is essential to the operation of railroads, who abandon their posts while on train service between stations, without notice and without giving sufficient time to have others substituted in their place and duties, shall be guilty of a crime, punishable by *Arresto Mayor* (imprisonment of 1 month and one day to 6 months) and shall be liable for injuries occasioned by such act to the punishment prescribed in the Penal Code.

XIX. Within a zone of thirty meters, on each side of the track of a Railroad for public service, no buildings with roofs of combustible materials shall be built or allowed except as hereinafter provided; no explosives shall be kept or stored; and no plants of combustible character shall be cultivated, and persons who commit any of the acts forbidden in this section shall be liable to a fine of from ten to fifty dollars according to the gravity of the offense, without prejudice to any greater punishments imposed by this Order or the Penal Code. Such persons as own lands within such zone of thirty meters on either side of the track of a railroad for public service may erect on their lands buildings with roofs of combustible materials provided they execute and deliver to the respective Railroad Companies an agreement in writing containing a release from any claim for damages incurred for loss by fire of such building so erected.

XX. All crimes and misdemeanors relating to railroads, the penalties for which are not included within this Chapter shall be subject to the provisions of the Penal Code in force in Cuba.

I. The jurisdiction of the courts which shall take cognizance of crimes and misdemeanors specified in this Order, shall be defined in accordance with the amount or nature of the penalties prescribed, in pursuance of existing law in Cuba.

CHAPTER XVII.

APPLICATION OF THIS ORDER TO RAILROAD CORPORATIONS.

Any Railroad Corporation whether domestic or foreign existing at the time of the promulgation of this Order shall be subject to the provisions without prejudice to such rights as it may have acquired, and without release from such obligations as it may have incurred, and in case such Companies shall not heretofore have made corresponding entries in the offices of the Registrars of Property they may make the same in accordance with the provisions of this Order.

II. Any Railroad Corporation organized in any foreign country for the purpose of carrying on business within the Island of Cuba may construct, maintain and operate or maintain and operate railroads and carry on its business in the Island of Cuba, in accordance with the provisions of its Articles of Incorporation and those of this Order, provided that all the provisions of this Order be complied with, except that instead of executing Articles of Incorporation before a Notary Public in Cuba a copy of the Articles of Incorporation and By-laws of such company duly certified as provided by the Law in force in the Island of Cuba shall be recorded in the Mercantile Registry of Havana and in the office of the Railroad Commission.

III. All Railroad Companies, domestic or foreign, shall at all times have a duly constituted representative in the Island of Cuba to represent the Company in all matters in connection with the Government of the Island of Cuba, the Railroad Commission, and the Courts of Law.

IV. All maps, profiles, papers, documents, data and archives relating to railroads now deposited in the office of the Secretary of Public Works shall pass to the possession and control of the Railroad Commission herein created, which from the date of the promulgation of this Order shall have sole jurisdiction in the matters herein set forth as of its jurisdiction and as to all Railroad Corporations now or hereafter existing.

V. This order is not applicable to tramways in Cities or Towns in the Island of Cuba.

VI. All Laws, Regulations, Royal Decrees, Royal Orders, Circulars, Orders and other existing provisions of law relating to Railroads are hereby revoked.

H. L. SCOTT.

Adjutant General.

SUPPLEMENTARY AND TRANSITORY PROVISION.

During the continuance of the Military Government, public domain will not be occupied except under the express authority of the Military Governor and in the manner by him prescribed.

The armed forces of the Insular Government will not be employed in the carrying out of the provisions of this order except upon the direct orders of the Military Governor.

By direction of the Military Governor:

H. L. SCOTT,
Adjutant General.

No. 35.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 8, 1902.

The Military Governor of Cuba directs the publication of the following order:

I. The portion of Par. 1, Art. IV, Civil Order No. 23, c. s., ordering the abolishment of the Ayuntamiento of La Esperanza, is revoked.

Indentations *a* and *e* of said Art. IV are also revoked.

With the exception of the ward Jicotea, which will form a part of the district of Santo Domingo, the territory which pertained to the abolished district of San Diego del Valle is added to the district of La Esperanza.

The district of San Juan de los Yeras with exception of the ward Quemado Hilario shall form a part of the district of Ranchuelo. The ward Quemado Hilario is added to the district of Santa Clara.

II. The ward Wajay, added to the district of Santiago de las Vegas Judicial Circuit of Bejucal by indentation (*i*), Par. 1, Article II, Order 23, is added to the district of Marianao, head of the judicial circuit of the same name, province of Havana.

III. The territory formed by the abolished municipality of Agramonte is separated from the district of Jovellanos, judicial circuit of Cárdenas, and added to the district of Colón, head of the judicial circuit of the same name, province of Matanzas.

IV. The present Ayuntamiento of Melena del Sur, judicial circuit of Güines, is hereby abolished and its territory subdivided in the following manner:

- a. The portion which formed the district of San Antonio de las Vegas is incorporated in the district of Batabanó, judicial circuit of Bejucal.
- b. The territory comprised in the old districts of Guara and Melena del Sur is added to the district of Güines, head of the judicial circuit of the same name, province of Havana.
- V. The following Ayuntamientos will have the number of councilmen, lieutenant mayors and municipal districts indicated:

AYUNTAMIENTOS.	Lieutenant Municipal		
	Councilmen.	Mayors.	Districts.
La Esperanza.....	15	3	3
Ranchuelo.....	14	3	3
Santo Domingo.....	15	4	4
Calabazar.....	13	3	3
Santa Clara.....	17	4	4
Jovellanos.....	12	3	3
Colón.....	22	5	5
Güines.....	18	5	5
Batabanó.....	14	4	4
Marianao.....	15	4	4
Santiago de las Vegas.....	13	3	3

VI. The 4 councilmen assigned to Ranchuelo, Calabazar and Santa Clara from San Diego del Vallejo to the Ayuntamiento of La Esperanza.

Four councilmen from San Juan de los Yeras go to Ranchuelo and one to Santa Clara.

The two councilmen appointed by the abolished Ayuntamiento of Agramonte to Jovellanos go to the Ayuntamiento of Colón.

The two councilmen appointed to Melena del Sur by the abolished Ayuntamiento of San Antonio de las Vegas go to the Ayuntamiento of Batabanó.

The Ayuntamiento of Melena del Sur will appoint two councilmen to Güines, selecting one from the Ayuntamiento of Guara.

The councilman appointed by the abolished Ayuntamiento of El Cano to Santiago de las Vegas goes to the Ayuntamiento of Marianao.

VII. The general provisions contained in Civil Order 23, c. s., and Circular issued on January 27, 1902 by the Secretary of State and Government are declared applicable to this order.

VIII. The Civil Governors of the Provinces of Havana, Matanzas and Santa Clara are charged with the execution of the part of this order which concerns them.

H. L. SCOTT,
Adjutant General.

No. 36.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Commissioner of Public Schools, approved by the Secretary of Public Instruction, directs the publication of the following order:

The following named persons are hereby appointed to constitute the Board of Education of the City District of the 2nd class created in the City of Santiago de Cuba by Order 4, c. s., these Headquarters, viz;

*Julián Parreño,
Francisco Ortiz,
Carlos Duboy,
Luis Fernández Marcané,
Manuel Yero Sagol,
Luis Hechavarría.*

H. L. SCOTT,
Adjutant General.

No. 37.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 8, 1902.

The Military Governor of Cuba directs the publication of the following order:

The penal action pending against *Albert Eastman* in proceedings instituted against him in the Court of Instruction of Santa Clara for the crime of assaulting a public officer is hereby declared ended.

H. L. SCOTT,
Adjutant General.

No. 38.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 9, 1902.

The Military Governor of Cuba directs the publication of the following:

Upon the recommendation of the Civil Governor of the Province of Havana and the petition of twenty three members of the City Council, *Dr. Miguel Gener y Rincón* was removed from office as Mayor of the City of Havana on the 8th day of February, 1902, his longer continuance in office being prejudicial to public interests.

H. L. SCOTT,
Adjutant General.

No. 39.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 12, 1902.

The Military Governor of Cuba, upon the recommendation of the Central Board of Charities and the Superintendent of the Department of Charities, directs the publication of the following order:

In the Department of Charities there is hereby created the office of Commissioner of Insane, the object of which is to secure better compliance with the laws and rules and regulations governing the care and treatment of insane persons. The duties of said Commissioner will be designated by the Superintendent of the Department.

Mr. Juan M. Pla is appointed to fill the office created by this order.

H. L. SCOTT,
Adjutant General.

No. 40.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 12, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Secretary of Justice:—

1. The resignation tendered by *José M. Valdés y Cárdenas*, Secretary of the Audiencia of Santa Clara, based on incompatibility of this office with that of Notary with residence in Vueltas to which he has been appointed, is hereby accepted.

2. *Miguel Cuní*, now Clerk of Chamber of said Audiencia of Santa Clara, is hereby appointed Secretary of same and shall assume charge of said office immediately.

3. *Manuel del Barrio y Llorens* is hereby appointed Clerk of Chamber of the Audiencia of Santa Clara, of which office he shall assume charge within fifteen days from the publication of this order in the GAZETTE OF HAVANA.

4. The resignation tendered by *José Fernández Randán*, Associate Justice of the Audiencia of Santiago de Cuba, is hereby accepted.

5. *Antonio Portuondo*, Deputy Fiscal of the Audiencia of Havana, is hereby promoted to Associate Justice of the Audiencia of Santiago de Cuba.

6. *Martín Aróstegui y del Castillo*, now Deputy Fiscal of the Audiencia of Santa Clara, is transferred to the Audiencia of Havana to fill like office in that court.

7. *Juan Miguel Xiques*, Secretary of the Audiencia of Puerto Principe, is hereby promoted to Deputy Fiscal of the Audiencia of Santa Clara.

8. *Albert E. Diago* is hereby appointed Secretary of the Audiencia of Puerto Principe.

9. The officers referred to in Articles 5, 6, 7 and 8 of this Section will take possession of the respective offices to which they are appointed within fifteen days from the publication of this order in the *GAZETTE OF HAVANA*, and the officer promoted by Article 5, the officer transferred by Article 6 and the officer promoted by Article 7 will continue to receive the salaries assigned to their present offices until the day they take possession of their new offices.

. II.

Upon the recommendation of the respective Audiencias and in accord with the report of the Secretary of Justice:—

The appointment of *Marcos Comas Sardiñas*, as Municipal Judge of Manguito, made by Order No. 260, series of 1901, is hereby revoked, and *Marcos de Armas Sardiñas* is appointed in his place.

Miguel Tamargo y Batista is hereby appointed Substitute Municipal Judge of Matanzas.

Julio Vinajeres y González Chaves is hereby appointed Substitute Municipal Judge of Guamacaro.

Agustín Elías is hereby appointed Municipal Judge of Placetas.

Plácida Sánchez is hereby appointed Substitute Municipal Judge of Arroyo Blanco.

H. L. SCOTT,
Adjutant General.

No. 41.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 12, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

Par. 6, Section I, Civil Order 26, c. s., is hereby amended to read as follows:

Full pardon is granted to the convicts named below, sentenced for violation of the Electoral Law:

Rafael and Federico Rojas y Gómez.
Rafael Alfonso León,
Juan Antonio Mencía Olay,
Juan Díaz.

H. L. SCOTT.
Adjutant General.

No. 42.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 13, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Finance, directs the publication of the following order for the purpose of enforcing Civil Order No. 23, current series:

I. Civil Order No. 141, series of 1901, is hereby extended to June 30th next.

On and after July 1st next, the Ayuntamientos which have not finished their assessments shall not collect the taxes on territorial property except from the quarter or half year in which their tax lists for urban or rural estates may be respectively approved.

During the present half year the Ayuntamientos that may not have finished their assessments shall collect the taxes on the basis of the declarations of the proprietors and in lieu thereof on the incomes fixed by the Municipal Boards in accordance with Civil Order No. 335, Headquarters, Division of Cuba, series of 1900.

Until otherwise provided rural estates destroyed during the war shall continue enjoying the reduction of 33 per cent of the maximum rate of taxation fixed by the Ayuntamientos and specified in their budgets.

II. The registers and tax lists of the Ayuntamientos abolished by Order No. 23, current series, shall be finished by those to which they have been totally or partially annexed. In cases of the total incorporation of one district in another the registers and tax lists of the abolished Ayuntamiento shall be considered as additions to that of the chief town. In cases where one municipal district goes to form a part of two or more districts the Ayuntamiento to which the greater portion of the abolished district is annexed shall forward to the others, by means of a duplicate inventory that shall be attached to the record of the act of delivery, the data of the assessment that may correspond to them in reference to the wards or estates annexed to them.

III. The delivery of the treasury of the abolished districts shall be made to the Ayuntamiento to which the greater portion of the former is annexed, by a record of the act, to which a statement of the books, documents of debit and credit, collection lists and tax receipts will be attached.

The partial deliveries of the tax receipts and certificates of the collection lists corresponding to the wards or estates of an abolished Ayuntamiento, or of those that go to form a part of other districts shall be made by the Ayuntamiento that takes charge of the archives of the abolished one or by the one from which they are detached, in the manner provided by Art. VIII of Order 23, current series.

The treasurers of the Avuntamientos to which the abolished ones go entirely or partially to form a part or those to which parts of other districts are annexed shall forward to the Secretary of Finance an itemized statement of the assets and liabilities of the districts or portions of which they have taken in charge.

IV. The treasurers of abolished Ayuntamientos shall render the accounts of their management and their bonds will not be returned to them until the accounts are approved. The errors and other defects arising from the liquidation and receipt of the treasuries of abolished Ayuntamientos shall be of the responsibility of the treasurers and Ayuntamientos of which the greater portion of the abolished ones go to form a part and they are hereby bound to advise the office of the Secretary of Finance of the omission or defects they may detect in the delivery.

V. The special budgets referred to in Art. XVI of Order 23 shall be drafted in accordance with Order No. 355 (a) series of 1900, shortening the terms fixed by the same order so that they may be approved by the last day of February 1902. Only the services of the abolished districts, in no case those of the Ayuntamientos of which they go to form a part, will be included, the expenditures marked by Art. XVI of Order, No. 23, current series, being obligatory.

VI. Until the budgets for the coming year are formed and proper decisions are adopted by the respective Ayuntamientos and Municipal Boards the quotas of taxation for urban and rural estates in the budgets of the suppressed Ayuntamientos or in the wards or parts thereof that go to form a part of another Ayuntamiento by the cited Order No. 23, shall not exceed those fixed.

The classifications of towns in the schedule annexed to the Industrial Tax tariffs for the collection of this tax in the chief towns and wards of the abolished Ayuntamientos and the portions of those that go to form a part of other municipalities shall also remain in force, and, until the formation of the regular budgets of the coming fiscal year, the quotas of the obligatory and voluntary receipts shall not exceed those stated in the budgets of the abolished Ayuntamientos

or in those of which the wards or estates that are annexed to other municipalities formed a part.

VII. The present division of the Fiscal Zones shall remain in force with the following modifications:

The territory of the abolished Ayuntamiento of Caimito de Guayabal will no longer form a part of the Fiscal Zone of Guanajay, but of that of Havana, to which zone is assigned the Ayuntamiento of Bauta to which that of Caimito de Guayabal was annexed by Order No. 23.

The Ayuntamientos of Consolación del Norte and del Sur in which the abolished Ayuntamiento of San Diego de los Baños was incorporated shall continue assigned, with the alteration made, to the Fiscal Zones of Guanajay and the Pinar del Rio respectively.

The Ayuntamientos of Alquizar and Artemisa, with the alterations established, shall continue as parts of the Fiscal Zones of Havana and Guanajay respectively, to which they were formerly assigned.

The territory of the district of Guamacaro of the Fiscal Zone of Matanzas goes to the Zone of Cárdenas.

H. L. SCOTT.

Adjutant General.

No. 43.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order:

I. Paragraph 8 of Order No. 368, Headquarters Division of Cuba, Series of 1900, is hereby modified to read as follows:—

8. The Municipal School Districts shall be constituted as follows:—

PROVINCE OF PINAR DEL RIO.

Municipal District of Guanajay, to comprise the Municipalities of Mariel, Cabañas and Guanajay;

Municipal District of San Cristóbal, to comprise the Municipalities of Candelaria and San Cristóbal;

Municipal District of Los Palacios, to comprise the Municipalities of San Diego de los Baños and Los Palacios;

Municipal District of Pinar del Río, to comprise the Municipality of Pinar del Río, exclusive of that portion of its territory included within the limits of the City of Pinar del Río;

Municipal Districts of Artemisa, Bahía Honda, Consolación del Norte, Consolación del Sur, Guane, Mantua, San Juan y Martínez, San Luis and Viñales, to comprise the Municipalities of the same names, each respectively.

PROVINCE OF HAVANA.

Municipal District of Madruga, to comprise the Municipality of Madruga and that portion of the Municipality of San Nicolás which formerly constituted the Municipality of Pipián :

Municipal District of Aguacate, to comprise the Municipalities of Bainoa and Aguacate ;

Municipal District of Jaruco, to comprise the Municipalities of Santa Cruz del Norte and Jaruco ;

• Municipal District of Santa María del Rosario, to comprise the Municipalities of Managua and Santa María del Rosario ;

Municipal District of Marianao, to comprise that portion of the Ward of Puentes Grandes, Municipality of Havana, known as Ceiba ; and the Municipalities of Marianao and El Cano :

Municipal District of Bauta, to comprise the Municipalities of Caimito de Guayabal and Bauta ;

Municipal District of Ceiba del Agua, to comprise the Municipalities of Vereda Nueva and Ceiba del Agua ;

Municipal District of Bejucal, to comprise the Municipalities of Salud, Quivicán and Bejucal ;

Municipal District of Batabanó, to comprise the Municipalities of San Felipe and Batabanó ;

Municipal District of Guara, to comprise the Municipalities of San Antonio de las Vegas, Melena del Sur and Guara ;

Municipal District of Güines, to comprise the Municipality of Güines and the Municipality of San Nicolás, excepting those portions of its territory which formerly constituted the Municipality of Pipián, and the ward of Caimito ;

Municipal District of Nueva Paz, to comprise the Municipality of Nueva Paz, and the ward of Caimito of the Municipality of San Nicolás ;

Municipal District of San José de las Lajas, to comprise the Municipalities of Tapaste and San José de las Lajas ;

Municipal District of Guanabacoa, to comprise the Municipality of Guanabacoa, exclusive of that portion of its territory included within the limits of the City of Guanabacoa ;

Municipal Districts of Alquizar, Catalina, Güira de Melena, Isla de Pinos, San Antonio de los Baños and Santiago de las Vegas, to comprise the Municipalities of the same names, each respectively.

PROVINCE OF MATANZAS.

Municipal District of Macagua, to comprise the Municipalities of San José de los Ramos and Macagua;

Municipal District of Palmillas, to comprise the Municipality of Palmillas and the Wards Amarillas and Calimete of the Municipality of Colón;

Municipal District of Colón, to comprise the Municipality of Perico and the Wards Este and Oeste of the Municipality of Colón;

Municipal District of Jovellanos, to comprise the Municipalities of Carlos Rojas and Jovellanos;

Municipal District of Alacranes, to comprise the Municipalities of Cabezas and Alacranes;

Municipal District of Unión de Reyes, to comprise the Municipalities of Sabanilla, Santa Ana and Unión de Reyes;

Municipal District of Martí, to comprise the Municipalities of Maximo Gómez and Martí;

Municipal District of Cárdenas, to comprise the Municipality of Cárdenas, exclusive of that portion of its territory within the limits of the City of Cárdenas;

Municipal District of Matanzas, to comprise the Municipality of Matanzas, exclusive of that portion of its territory included within the limits of the City of Matanzas;

Municipal Districts of Agramonte, Guamarco, Jagüey Grande and Pedro Betancourt, to comprise the Municipalities of the same names, each respectively.

PROVINCE OF SANTA CLARA.

Municipal District of Esperanza, to comprise the Municipalities of San Diego del Valle and Esperanza;

Municipal District of Ranchuelo, to comprise the Municipalities of San Juan de los Yeras and Ranchuelo;

Municipal District of Abreus, to comprise the Municipality of Abreus, and the wards of Castillo de Jagua, Cayo Carenas, Caimanera, Calisito, Charcas, Guasimal, Aguada de Pasajeros, Real Campiña, Venero, Jagüey Chico, Convento, Yaguaramas, Guayabales, Matun and Cayamas, of the Municipality of Cienfuegos;

Municipal District of Cienfuegos, to comprise that portion of the Municipality of Cienfuegos not herein added to the Municipal District of Abreus, and exclusive of any portion of this territory included within the limits of the City of Cienfuegos;

Municipal District of Rodas, to comprise the Municipalities of Cartagena and Rodas;

Municipal District of Palmira, to comprise the Municipalities of San Fernando de Camarones and Palmira;

Municipal District of Sagua la Grande, to comprise the Municipality of Sagua la Grande, exclusive of that portion of its territory included within the limits of the City of Sagua la Grande;

Municipal District of Sancti Spíritus, to comprise the Municipality of Sancti Spiritus, exclusive of that portion of its territory included within the limits of the City of Sancti Spiritus;

Municipal District of Trinidad, to comprise the Municipality of Trinidad, exclusive of that portion of its territory included within the limits of the City of Trinidad;

Municipal District of Santa Clara, to comprise the Municipality of Santa Clara, exclusive of that portion of its territory included within the limits of the City of Santa Clara;

Municipal District of Caibarién, Calabazar, Camajuaní, Ceja de Pablo, Cifuentes, Cruces, Placetas, Quemados de Güines, Rancho Veloz, Remedios, Santa Isabel de las Lajas, Santo Domingo, Vueltas and Yaguajay, to comprise the Municipalities of the same names, each respectively.

PROVINCE OF PUERTO PRÍNCIPE.

Municipal District of Puerto Príncipe, to comprise the Municipality of Puerto Príncipe, exclusive of that portion of its territory included within the limits of the City of Puerto Príncipe;

Municipal Districts of Ciego de Avila, Morón, Nuevitas and Santa Cruz del Sur, to comprise the Municipalities of the same names, each respectively.

PROVINCE OF SANTIAGO DE CUBA.

Municipal District of Caney, to comprise the Municipality of Caney, and the ward of Ramón de las Yaguas, of the Municipality of Santiago de Cuba;

Municipal District of Manzanillo, to comprise the Municipality of Manzanillo, exclusive of that portion of its territory included within the limits of the City of Manzanillo;

Municipal District of Baracoa, Bayamo, Cobre, Gibara, Guantánamo, Holguín, Jiguaní, Mayarí, Palma Soriano, Puerto Padre, Sagua de Tánamo, San Luis and Songo, to comprise the Municipalities of the same names, each respectively.

II. When by the terms of this order a complete sub-district has been added to any Municipal District, the director of such added sub-district shall become a member of the Board of Education of the District to which such sub-district has been added.

III. When a part of a sub-district has been added to any Municipal District, its territory shall be formed into a new sub-district or shall be added to an existing sub-district in the District to which it has been added, and the director of each such newly formed sub-district shall be elected in the manner prescribed in Paragraph 36 of Order No. 368, Headquarters Division of Cuba, Series of 1900.

IV. The terms of office of these directors who become members of a Board of Education as provided in the preceding two paragraphs shall be determined by lot in such a manner as will make most nearly equal the classes mentioned in Paragraph 32 of Order 368.

V. All archives and property which formerly belonged to any abolished Board of Education will be transferred to the Board of Education to which the territory of the former is annexed in such manner as the Commissioner of Public Schools shall direct.

VI. The former employees of any abolished Board of Education shall be continued in their positions so long as in the opinion of the Commissioner of Public Schools it is necessary to retain their services to secure the proper enforcement of this order.

VII. The municipal boundaries herein referred to are those which existed January 23, 1902.

VIII. The Commissioner of Public Schools is hereby charged with the enforcement of this order, and will take the necessary steps to insure prompt compliance therewith.

H. L. SCOTT,
Adjutant General.

No. 44.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 16, 1902.

The Military Governor of Cuba directs the publication of the following order:

The approval of the Civil Governor of the Province of Santiago de Cuba on December 5, 1900 of the abolishment of Article 41 of the By-laws of the Santiago de Cuba Railroad and Warehouse Company, agreed upon at a special general meeting of stockholders of said Company on November 19, 1900, is hereby confirmed and approved; the following addition to Article 3 and modification of Rule 9, Article 14 of said By-laws, agreed upon at a special general

meeting of stockholders of said Company on January 25, 1901, is approved; and the following article to substitute the aforementioned Article 41 abolished is hereby ordered incorporated in the By-laws of said Santiago de Cuba Railroad and Warehouse Company, viz:

ADDITION TO ARTICLE 3.

"The Company may sell or transfer all its concessions, properties and rights of whatever nature they may be to any person or corporation, on the condition that this be approved in a general meeting of any number of shareholders, provided that they represent more than one-half of the shares paid up, and they shall also fix the price of the sale or transfer."

MODIFICATION OF RULE 9, ARTICLE 14.

Same shall read:

"Collect and keep the earnings of the company, the amount of which shall be deposited in the bank or branch designated by the Board of Directors for the custody of its treasure."

SUBSTITUTE ARTICLE FOR ABOLISHED ARTICLE 41.

"ARTICLE 41. The General Meeting of Stockholders can only alter or revoke its former resolutions on formal motion made, taken into consideration, discussed and approved in a meeting afterwards called expressly for this purpose by written notice mailed to each stockholder of record thirty days before such meeting and an advertisement for thirty days prior to such meeting in the Official Bulletin of the Province, which notice and advertisement shall express the object of such meeting. The changing of these Rules can be done when proposed by stockholders representing the tenth part of the stock of the Company. If the proposition is taken into consideration it will be resolved upon and the change can be adopted in a special general meeting called for that purpose; but to alter what is determined in Articles 2, 3, 4, 14, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of these Rules, there shall be required a vote of two-thirds of the shares represented at such meeting and to change Article 1 there shall be required a vote of three-fourths of the shares represented at such meeting. The other articles, as purely reglementary, can be altered, suspended or modified without this requisite."

H. L. SCOTT,

Adjutant General.

No. 45.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 19, 1902.

The Military Governor of Cuba, upon request of the Central Board of Scrutiny, directs the publication of the following—

STATEMENT OF CANDIDATES ELECT
IN THE ISLAND OF CUBA.

PROVINCE OF PINAR DEL RIO.

PRESIDENTIAL ELECTORS.

	Number of Votes.
Andrés Hernández Domínguez.....	18,314
Manuel Gravier Quiñones.....	17,898
Pedro Díaz Molina.....	13,054
Manuel González Naranjo.....	12,827
Narciso Casas Alvarez.....	12,824
Alfredo Veliz Muñoz.....	12,711
José Antonio Cruz.....	12,453
Pedro Saenz Yáñez.....	12,066
Gregorio Ménéndez Salgado.....	10,647
Ramón Vidal.....	10,031
Pablo Suárez Jordá.....	8,900

SENATORIAL ELECTORS.

Indalecio Sobrado Lago.....	20,046
Alfonso Masson García.....	19,994
Manuel Labastida Miranda.....	19,942
Manuel Camejo.....	17,076
Timoteo Lago la Calle.....	14,528
Ildefonso Valdés.....	13,961
Antolín Valdés.....	13,343
Luis Lago Corcho.....	13,238
Polcarpo Fajardo.....	10,889
Benjamín Brito Domínguez.....	10,852
Manuel Herryman Gil.....	10,321
Manuel Ramos Torres.....	10,253
Diego Salazar y Gómez.....	10,214
Carmelo Guzmán Camejo.....	10,232
Clemente Hernández Cruz.....	9,910
Rafael Valdés Carpio.....	9,452
Carlos Estévez.....	9,424
Juan Francisco Llerena Amador.....	8,659
Antonio Pérez Guerra.....	8,384
Enrique Gorgoll Gálvez.....	8,219
José María Lorenzo.....	8,459
Mario G. Lebrede.....	7,262
José Fernández González.....	5,870
Carlos Ramírez Hernández.....	5,268

REPRESENTATIVES.

Gonzalo de Quesada.....	14,951
Alberto Nodarse Bacallao.....	12,974
Alfredo Betancourt Manduley.....	12,532
Faustino Guerra Puente.....	12,430
Guillermo González Arocha.....	10,839
José Antonio Blanco.....	10,083
José Rodríguez Acosta.....	9,476

GOVERNOR.

	Number of Votes.
Luis Pérez Rodríguez.....	22,307

PROVINCIAL COUNCILLORS.

First Circuit.

Luis Guerra Pérez.....	9,823
Julio Piñera Arrastía.....	9,537
Octavio Lamar Salomón.....	8,793
Mateo Trias Quintana.....	8,358
José C. Beltrán.....	7,018
José Fors Perdomo.....	6,668

Second Circuit.

Daniel P. Gispert y García.....	7,027
José Miguel Ascuy.....	3,672
Richardo Chipí García.....	3,474

Third Circuit.

Luis B. Sánchez Chaple.....	4,489
Ibrahín Urzulaga Arrastía.....	4,407
Enrique Zayas Ayesterán.....	4,403

PROVINCE OF HAVANA.

PRESIDENTIAL ELECTORS.

Juan Antonio Lasa y del Río.....	38,927
Francisco Guevara Herrezuelo.....	38,414
Arturo Rosa y Pascual.....	38,404
Juan Guiteras.....	38,171
Esteban González del Valle.....	38,125
José Rosado Aybar.....	37,911
Fernando Méndez Miranda.....	37,862
Angel Justo Párraga.....	37,813
Manuel Alfonso Ceijas.....	37,780
Alejo Sánchez Acosta.....	37,712
Juan Ramón O'Farrill y Chapottin.....	37,698
Fernando Freire de Andrade.....	37,679
Octavio Aguilar.....	37,393
Luis Oliva y de la Oliva.....	36,433
Rafael García Osuna y Lapiedra.....	35,904
Lincoln de Zayas.....	35,100
Oscar Font y Sterling.....	35,028
Arturo Primelles y Agramonte.....	35,012
Manuel Patricio Delgado y Bueno.....	34,956
Rodolfo del Castillo y Márquez.....	34,500
Francisco Díaz Piedra.....	32,221

SENATORIAL ELECTORS.

	Number of Votes.
Antonio Fernández Criado.....	55,486
Felipe Sánchez Romero.....	55,485
José Luis Ferrer y Jenks.....	55,477
Adolfo Nuño y Steegers.....	55,467
Lorenzo Astorga Superanis.....	55,465
Ignacio Ayala y Mena.....	55,449
Hipólito Martínez.....	55,434
Manuel González Iglesias.....	55,420
Regino Morell.....	55,407
Eustaquio Febles Casares.....	55,401
Eulogio Guinea y Cabrera.....	55,380
Eduardo González y Valdés.....	1,112
Gonzalo Fernández de Córdova.....	1,109
Ambrosio Labarrere y Soroa.....	1,101
Enrique Serrapiñana.....	1,093
Francisco Farnós Iglesias.....	1,088
Francisco Busquet.....	1,088
Martín Sampayo.....	1,081
Rogelio Pérez Alfonso.....	55,387
Carlos Botella Morales.....	55,376
Alberto Barrera y Delane.....	55,375
Francisco Díaz González.....	55,371
Juan Bautista Hernández Barreiro.....	55,361
Eduardo Grau Gómez.....	55,356
José María Berriz.....	55,354
Eduardo Hernández.....	55,344
Antonio Fernández Xiques.....	55,342
Vicente Valcarcel.....	55,329
Pedro Costalls.....	55,322
Felipe Tariche.....	55,279
Lorenzo Bosch.....	54,910
Luis Felipe Sotolongo.....	53,351
Manuel Saavedra Campos.....	1,137
Pedro Antonio Estanillo.....	1,131
Manuel Johnson.....	1,120
Pedro Morales Santa Cruz.....	1,090
Gregorio Palacios.....	1,078
Aurelio Maruri.....	1,071

REPRESENTATIVES.

Juan José de la Maza y Artola.....	39,584
Francisco Peraza.....	39,368
Agustín García Osuna.....	38,560
Mario García Kohly.....	38,046
Ambrosio Borges Figueredo.....	37,669
José Lorenzo Castellanos y Perdomo.....	37,462
Gustavo Pérez Abreu.....	37,460
Carlos de la Torre y Huerta.....	36,721
Felipe González Sarrain y Saens.....	36,585
Antonio Gonzalo Pérez y Pérez.....	36,368
Francisco Leyte Vidal.....	36,037
Francisco Chenard.....	33,989
Bernabé Boza.....	33,373
José A. Malberti.....	33,312
José Manuel Govín.....	32,990
Carlos Font y Sterling.....	31,939
Julio Carbonell.....	31,514

GOVERNOR.

	Number of Votes.
Emilio Núñez Rodríguez.....	51,577

PROVINCIAL COUNCILLORS.

First Circuit.

Fortunato Sánchez Osorio.....	21,912
Joaquín Ariza y Rodríguez.....	19,517
Cándido Hoyos y Huguet.....	19,257
Alfredo Rosa y Pascual.....	18,771
José del Real y Asay.....	18,147
Francisco María Casado.....	18,118
José A. Taboadela.....	17,800
Mariano Casquero y Vleta.....	17,559
José Hernández Mesa.....	17,556
Hilario Portuondo y Portuondo.....	17,470
Alfredo Arango y de la Luz.....	16,804

Second Circuit.

Rafael Ayala y Cruz Prieto.....	6,650
Dionisio de los Santos Tellechea.....	6,144
José A. Clark y Mascaró.....	4,310

Third Circuit.

Francisco Campos Marquetti.....	5,157
José E. Prado y Moya.....	3,952
José María Pardiñas.....	3,804

Fourth Circuit.

Guillermo Chaple y Suárez.....	5,658
José Antonio Pérez García.....	5,572
Julio Valdés Infante.....	3,984

PROVINCE OF MATANZAS.

PRESIDENTIAL ELECTORS.

Ernesto Castro Lajouchere.....	20,413
José Cabarrocas Migenes.....	19,923
Joaquín de Rojas Cachurro.....	19,566
Alberto Schweyer y Lamar.....	19,441
Eloy Padrón y Padrón.....	17,912
Leopoldo Dulzaides y Valdés.....	17,139
Antonio B. Zanetti y Rodríguez.....	17,113
Américo Bretos y Pérez.....	16,397
Francisco Trujillo y Armas.....	15,993
José Díaz Boleños.....	14,182
Domingo Campuzano Lamadriz.....	14,095
Ramón Martínez Alfaro.....	11,778

SENATORIAL ELECTORS.

	Number of Votes.
José Cabaleiro Cisero.....	22,837
Pedro Jacinto Alsina y Gómez.....	22,604
Alberto de Rojas Crucet.....	22,467
José María Vedeja Martínez.....	22,198
Leonardo Loinaz Ibarguren.....	21,735
Alfredo Lecuona y Madan.....	20,659
Augustín Pinto Caraballo.....	20,439
José Albistur Oteiza.....	20,344
Tomás Santamarina Molina.....	20,131
Leoncio Serpa y Armas.....	19,542
Vicente Tomás Benavides.....	19,030
Angel Portilla Guilloma.....	17,956
Dionisio Rossié Hernández.....	17,704
Antonio Vignier Sert.....	17,595
Pedro Sánchez Quirós.....	17,125
Luis Cuní y Valera.....	14,706
Carlos Castillo Perera.....	12,357
Bonifacio Birnes Puñales.....	14,355
Andrés Estrada Alvarez.....	13,551
Sixto Lecuona y Madan.....	10,854
Federico Loinaz García.....	3,634
Julian Domínguez Olivera.....	2,910
Alberto D'Clouet y Valdés.....	2,904
Angel Beltranena Grass.....	2,895
José Camejo.....	2,887
Francisco Betancourt Hernández.....	2,876
Baudilio Bofill Soto.....	2,592
Ramón Estacholi Padilla.....	2,591
Manuel Píñar García.....	2,479

REPRESENTATIVES.

Juan Antonio Garmendía y Arango.....	20,365
Manuel Sobrado Ibáñez.....	19,096
Teodoro Cardenal y Gómez.....	18,623
Joaquín García Pola.....	16,995
Felipe Fontanills y Grifol.....	13,524
Alejandro Neira Rangel.....	13,182
Fernand Méndez Capote.....	11,544
Juan Felipe Risquet.....	9,780

GOVERNOR.

Domingo Lecuona y Madan.....	21,776
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PROVINCIAL COUNCILLORS.

First Circuit.

Ramón Pagés Jiménez.....	8,941
Enrique Calleja Hensel.....	8,550
Joaquín Ferreiro Rodríguez.....	8,281
Francisco Armas Nodal.....	7,481
Gonzalo Roig y Salas.....	4,447
Pedro Duarte Domínguez.....	525

Second Circuit.

	Number of Votes.
Antonio Gálvez Cárdenas.....	7,838
Amado Más Hernández.....	7,375
Aurelio Andreu y Armas.....	6,360
Juan Argüelles Armona.....	5,541
Fernán Olivera García.....	4,448
Jacinto Menéndez Medina.....	3,837

Third Circuit.

Arturo de Vargas Montoro.....	5,020
Rafael Reinaldos Caraballo.....	4,892
Adolfo Paniagua.....	1,446

PROVINCE OF SANTA CLARA.

PRESIDENTIAL ELECTORS.

Rafael Tristá Valdés.....	42,573
Francisco Zanoletti.....	42,384
Rafael Lubián Rodríguez.....	40,330
Francisco Rasco Martínez.....	40,297
Antonio Rojas Orta.....	38,926
Eduardo Núñez Rossé.....	38,735
Domingo Madariaga.....	38,727
Julio Jover Anido.....	37,337
Justiniano A. Pedraza.....	37,249
José M. Berenguer.....	37,171
José B. Pérez y Chaviano.....	37,142
Luis López Silvero.....	37,138
Francisco de P. Machado Alfonso.....	29,892
Eduardo Rodríguez Veltia.....	29,877
Agustín Cruz y Cruz.....	28,347
José Torrado y G. Llorrente.....	28,342
R. Lorenzo y Pérez.....	26,111
César Montalván y Bonachea.....	24,531

SENATORIAL ELECTORS.

Carlos Alfert.....	42,794
Andrés Calleja.....	42,784
Santiago Quintero.....	42,768
Cesareo Pérez.....	42,693
Felipe Roche.....	41,004
Severiano García.....	40,335
Mariano Esperón.....	40,277
Francisco Valdés Portela.....	40,142
José A. Badía.....	40,129
Raimundo Gallardo.....	40,018
Rafael García Cañizares.....	39,519
Nicolás Castaño Padilla.....	38,973
José López Vicedo.....	38,951
José R. Vildósola.....	38,881
Rafael Marín.....	38,877
Diego Velazco.....	37,434
Felipe Silva.....	37,383

	Number of Votes.
Vicente G. Abreus López.....	37,373
Mannel A. Granado.....	37,328
Antonio Grosó Alemán.....	37,257
Delfín Tomasino.....	29,932
Juan Avilés y Dorticós.....	28,596
Marcos Antonio Longa.....	28,541
Juan F. Simó.....	27,031
Donatilo Valdés Alday.....	26,742
Rafael Ledón.....	26,114
Justo Carrillo.....	25,821
Hipólito Torres.....	25,006
Francisco Ibáñez.....	14,115
Miguel Urrutia.....	10,419
Eduardo Enrique Costa.....	10,297
Andrés Pfo de Rojas.....	4,508
Jesús Cruz y Ordáz.....	538
José J. Madrigal.....	522

REPRESENTATIVES.

Pedro Cué.....	41,677
Ricardo Fusté.....	39,482
Pedro Albarrán.....	39,350
Carlos Mendieta.....	39,092
Enrique Villuendas.....	37,464
Pelayo García.....	37,082
Rafael M. Ortíz.....	36,922
Gonzalo G. Vieta.....	36,881
Agustín Cruz González.....	31,375
Mannel Gutiérrez.....	29,994
Antonio Torrado.....	29,335
Fernando Escobar.....	28,394
José M. Núñez.....	26,289
Santiago García Cañizares.....	23,897

GOVERNOR.

José Miguel Gómez.....	54,553
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PROVINCIAL COUNCILLORS.

First Circuit.

Rafael Padró.....	14,133
Antonio Berenguer y Sed.....	13,774
Antonio Cacho Bonet.....	8,351
Srrafín Rojas.....	5,881

Second Circuit.

Nicolás Alberdi.....	14,143
Ramón García.....	11,079
Laopoldo Ramos Paret.....	10,726
Esteban Leiseca.....	9,690

Third Circuit.

	Number of Votes.
José Pérez Zúñiga.....	11,311
Juan F. Cabrera.....	9,207
Carlos Sanz y Marmol.....	7,894
Ramón Morales.....	4,993
Perfecto Ponce de León.....	3,823

Fourth Circuit.

Manuel J. Delgado.....	10,276
Mario Pando y Noriega.....	9,774
Laudelino García.....	7,219
Andrés Baldívia y Betancourt.....	4,390

PROVINCE OF PUERTO PRINCIPE.

PRESIDENTIAL ELECTORS.

Luis Mariano Silva Zayas.....	5,166
José Garcini Estrada.....	5,028
Macario Machado Fernández.....	4,830
José Lara Miret.....	4,456
Nicolás Martínez Fernández.....	4,271
Maximiliano Ramos González.....	1,963
Joaquín Barreto Arango.....	1,924
Benjamín Sánchez Agramonte.....	1,939

SENATORIAL ELECTORS.

Antonio J. Moya Pichardo.....	5,535
Francisco Cosío Gómez.....	5,499
Ángel Martínez Bacallao.....	5,370
Buenaventura Hernández y Ramírez.....	5,347
Emilio Viamontes Sarduy.....	4,523
Víctor Pacheco Arias.....	3,547
Porfirio Betancourt Pichardo.....	3,459
Alfredo Martínez Bacallao.....	3,424
Juan de Dios Romero Hinojosa.....	3,411
Antonio Vega Zanetti.....	3,147
Miguel Martínez Miret.....	3,104
Cayetano Guerra Zayas.....	2,350
José V. Pedroso Avilés.....	2,282
Carlos Guerra Arredondo.....	2,200
Federico Sarduy Correas.....	2,131
Corollano Garcini Silva.....	2,071

REPRESENTATIVES.

Juan Ramón Niqués Arango.....	4,141
Pedro Mendoza Guerra.....	3,102
Enrique Loináz del Castillo.....	2,848
Francisco Duque Estrada Varona.....	2,704

GOVERNOR.

Lope Recío Loináz.....	6,151
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PROVINCIAL COUNCILLORS.

First Circuit.

	Number of Votes.
Miguel Ramírez Carnesoltas.....	2,589
Nicolás Guillén Urra.....	2,352
Ramón Suárez García.....	2,047
Ernesto Loaces Iraola.....	748
Benigno Alday Silva.....	737

Second Circuit.

Heraclio Ochoa Echevarría.....	2,825
Abelardo Rico Rosainz.....	1,601
Ramón Rodríguez Labrada.....	1,086

PROVINCE OF SANTIAGO DE CUBA.

PRESIDENTIAL ELECTORS.

Saturnino Lora Torres.....	33,577
Luis Martí.....	33,556
Carlos González Clavel.....	32,931
Silverio Guerra Téllez.....	32,808
Elpidio Estrada.....	32,633
Florencio Estrada.....	32,606
Pedro Hechavarría Sánchez.....	32,535
Enrique Thomas.....	32,417
Eduardo Duboy Castillo.....	31,681
Juan Mendieta.....	31,453
Eduardo Salazar Álvarez.....	31,194
Leopoldo Roca Nateras.....	30,966
Luis de Feria Garallalde.....	2,412
Juan A. Calderón Rodríguez.....	2,280
Cornelio Rojas H. de Mendoza.....	2,159
José Balán Montero.....	1,983
Ricardo Sirven Pérez.....	1,924

SENATORIAL ELECTORS.

Víctor M. Caballero.....	31,525
Pablo Jané Fooome.....	31,030
Eduardo Ramírez Rodríguez.....	30,978
Luis V. Gómez.....	30,970
Victor Salazar Álvarez.....	30,901
Félix Corona.....	30,869
Germán Herrera.....	30,807
Angel Luis Salazar Cuevas.....	30,824
Domingo Sabas Castillo.....	30,821
José Catasús Maury.....	30,777
Alfredo Robert.....	30,471
Rafael Arrue.....	30,736
Angel Penche.....	30,733
Porfirio Carcasés Acosta.....	30,704
Francisco Gutiérrez Barroso.....	30,690
Juan M. Ravelo Asencio.....	30,649
Pedro Suárez Macías.....	30,636
Pablo Morales.....	30,629

	Number of Votes.
José Calasaz Odoardo.....	30,613
Alfredo Antonetti.....	30,566
Eudaldo Feria y Feria.....	5,027
José Ramón Torres.....	4,983
Elieser Artola Vialles.....	4,971
Elldoro Luque Pupo.....	4,815
Cornelio Rojas Escobar.....	4,455
José Manduley Palma.....	4,170
Manuel Avilés Lozano.....	3,364
Diego Yebra Mulet.....	3,055
Rafael Montero Pavón.....	3,004
Elpidio de la Rosa Guerra.....	2,752
Eduardo Jerez Machini.....	2,724
José García Portellez.....	2,679
Rafael Santiesteban.....	2,581
Delmiro Catasús.....	2,465

REPRESENTATIVES.

Rafael Portuondo Tamayo.....	31,310
Carlos M. Céspedes Quesada.....	31,059
Luis A. Columblé.....	29,638
Mariano Corona Ferrer.....	29,599
Florencio Villuendas.....	28,718
Pedro Martínez Rojas.....	28,201
Antonio Poveda Ferrer.....	28,138
Juan León Bello.....	28,012
Agustín Cebreco Sánchez.....	26,478
Álvaro Catá Jardines.....	9,924
Américo Feria Nogales.....	5,360
Antonio Masferrer Grave de Peralta.....	4,730
Faustino Sirven Pérez.....	4,719

GOVERNOR.

Francisco Sánchez Hechavarría.....	34,129
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PROVINCIAL COUNCILLORS.

First Circuit.

Ambrosio Grillo Portuondo.....	16,275
Alberto Quintana Almirall.....	16,214
Buenaventura Cruz Flores.....	14,254
Francisco Odio Mederos.....	14,170
Alberto González Veranes.....	6,821
Antonio Illas Portuondo.....	4,940

Second Circuit.

José Homobono Pérez.....	6,455
Pedro Díaz López.....	6,455

Third Circuit.

Augusto Betancourt Ochoa.....	3,875
José Agustín García Leiva.....	2,963
Manuel Yero Sagol.....	2,544
Félix Hernández Avila.....	2,425

Fourth Circuit.

	Number of Votes.
Antonio Bello Rendon.....	3,240
Francisco Pons Mendoza.....	3,229
Luis Buenaventura Ruiz.....	3,111
Mariano Vila Mestre.....	227

H. L. SCOTT,
Adjutant General.

No. 46.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 20, 1902.

Before a court-martial which convened at Quemados, Cuba, pursuant to Special Orders No. 1, Headquarters of the Rural Guard of the Island of Cuba, January 2, 1902, and of which Major *Rafael Rodríguez*, Acting Inspector General, Rural Guard, was President, and Captain *Ramón Martín*, Adjutant, Rural Guard, judge-advocate, was arraigned and tried—First Lieutenant *Francisco Salmón*, Rural Guard.

CHARGE: "Drunk on duty, in violation of the 104th Article of the Regulations."

Specification 1st. "In that First Lieutenant *Francisco Salmón*, Rural Guard, while under orders to proceed to Colón, Cuba, was drunk at the 'Kisko de Salas,' Cienfuegos, Cuba. This at Cienfuegos, Cuba, on or about December 20, 1901."

Specification 2nd. "In that First Lieutenant *Francisco Salmón*, Rural Guard, while under orders to proceed to Colón, Cuba, was drunk at the District Headquarters, Colón, Cuba. This at Colón Cuba, about 11:30 p. m., on or about December 26, 1901."

Specification 3rd. "In that First Lieutenant *Francisco Salmón*, Rural Guard, while under orders to proceed to Quemados, Cuba, was drunk upon arrival at the Headquarters of Troop "B", Quemados, Cuba. This at Quemados, Cuba, about 9 p. m., on or about January 27, 1902."

To which charge and specifications the accused, First Lieutenant *Francisco Salmón*, Rural Guard, pleaded as follows:

To the 1st Specification, *Guilty.*

To the 2nd Specification, *Guilty.*

To the 3rd Specification, *Guilty.*

To the Charge. *Guilty.*

FINDING:

Of the 1st Specification, *Guilty*.

Of the 2nd Specification, *Guilty*.

Of the 3rd Specification, *Guilty*.

Of the Charge, *Guilty*.

SENTENCE:

And the Court does, therefore, sentence him. First Lieutenant *Francisco Salmón*, Rural Guard, "*To be dismissed the service of the Rural Guard of the Island of Cuba.*"

The proceedings of the court-martial in the foregoing case of First Lieutenant *Francisco Salmón*, Rural Guard, having been submitted to the Military Governor of Cuba, are approved to date January 31, 1902, and the sentence will be duly carried into effect from that date.

H. L. SCOTT,

Adjutant General.

No. 47.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 22, 1902.

Inasmuch as the State contributes a large sum per month to the Municipality of Havana for the maintenance of its various departments, and inasmuch as the financial condition of the city of Havana is such that it is and will be necessary to continue this assistance for some time, it is important and necessary for the protection of the interests of the State as well as those of the Municipality that the taxes which furnish the income of the City of Havana should be promptly, honestly and fully collected, for the State is called upon, in order to maintain suitable conditions in the city, to supply whatever deficiency exists in the receipts of the city; therefore, as it is well known that a large proportion of the houses of Havana which are using water from the city water system are not paying for the same and are obtaining it in an irregular and unlawful manner, the Military Governor directs the publication of the following Order:

A period of ten days from the date of the publication of this order is granted owners of houses in which to file with the Mayor of the City of Havana, applications for the installation of water connections in all those houses in sections of the city where there are at present water mains or pipes.

On the first day of April a fine shall be imposed upon the owners of all those houses in which water is not installed or for which an application for the installation of water connections has not been filed as provided above. Said fine shall be \$20.00 for houses that rent for \$34.00 or less per month and \$40.00 for houses that rent for more than \$34.00 per month. These fines shall be imposed and collected by the correctional courts of the City of Havana upon presentation of the evidence by the Board of Assessment and shall be paid immediately. All funds so collected will be transferred to the municipal treasury of Havana as funds of the municipality. If said fines are not paid within five days after their imposition by the Judge, imprisonment may be imposed as provided by existing laws governing police courts. The water tax upon those houses which at present have no water connection, but for which application shall be filed within the period above specified, namely, ten days from the publication of this order, shall be collected from the date of the completion of the installation.

The cost of installation will be \$9.00 per house instead of the present charge of \$15.20.

In order to facilitate the assessment and collection of this tax, as well as to complete the tax assessment, all property owners who have not already filed their declarations before the Board of Assessment of the City of Havana as to the rental, etc., of their property, shall do so on or before the tenth day of March, 1902, under penalty for failure to do so of a fine of \$25.00 for houses renting for \$34.00 or less per month and \$50.00 for houses renting for more than \$34.00 per month. Said fines shall be imposed and collected by the correctional courts of the City of Havana upon presentation of the evidence by the Board of Assessment and shall be paid immediately. All funds so collected will be transferred to the municipal treasury of Havana as funds of the municipality. If said fines are not paid within five days after their imposition by the Judge, imprisonment may be imposed as provided by the existing laws governing police courts.

All property owners are given until the tenth day of March, 1902, to correct declarations they have already made before the Board of Assessment of Havana as to rental and are informed that all declarations submitted or to be submitted will be carefully scrutinized, and in all cases where declarations as to rental are found to be below the actual rental of the houses, a fine of \$5.00 will be imposed for each \$1.00 or fraction thereof of difference between the declared and the actual annual rental. Said fines will be imposed and collected by the correctional courts of the City of Havana upon presentation of the evidence by the Board of Assessment and will be paid immediately. All funds so collected will be transferred to the municipal treasury of Havana as funds of the municipality. In case the fines are not paid within five days after imposition by the Judge, imprisonment may be imposed as provided by the existing laws governing police courts.

The collection of the water tax shall be based upon the declarations of the rentals made and to be made, subject to such corrections as may be rendered necessary by the final decision of the Board of Assessment.

Manufacturing establishments or institutions of any kind where large quantities of water are consumed shall be required to pay for the same by the cubic meter at the rate of four cents per meter, except in the sections of the city where the water is pumped, in which case the price shall be five cents per meter. The Chief Engineer of the City shall be the judge as to the necessity for the installation of meters. They shall be installed by the City at the expense of the owners.

Neither the State nor any corporation, association, person or persons will be exempt from the payment of the water tax; such holders of redeemed "plumas" as may be found by the courts to have legally acquired a permanent right to them excepted.

A copy of this Order will be published in Spanish and posted in each ward of the City of Havana and also furnished to the Property Owners Association, the Chamber of Commerce and the Produce Exchange. A copy will also be posted in each police precinct of the city, and will be published in at least two daily issues of the leading newspapers of the city.

All the sums mentioned in the preceding paragraph, are in Spanish Gold.

H. L. SCOTT,
Adjutant General.

No 48.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 22, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. ARTICLE 56 of the General Regulations for the Execution of the Mortgage Law in force in this Island, is hereby modified to read as follows:

"The inscription shall be made by the Registrars within fifteen days following the presentation of the receipt for the Real Property Tax, and in case the property is not subject thereto, which should appear upon the paper presented, within the like period, dating from the note of the presentation of the instrument."

"If such time should elapse, without due inscription being made, the Registrar, except in the case of unavoidable physical impediments, shall be liable to a fine of five dollars for each day's delay, to be imposed by the President of the corresponding Audiencia, upon five days' notice to

the Registrar and service of a copy of the complaint; and without prejudice to the right of the party in interest to claim and collect from the Registrar such additional damages as may arise from the delay aforesaid."

"The decision of the President of the Audiencia shall be final."

II. The administrative appeal authorized by Article 66 of Mortgage Law and Articles 111, 112 and 115 of the Regulations for the execution of the same shall be regulated by the procedure established by this order.

III. On an appeal being taken before the Judge he shall immediately grant a hearing to the Registrar for the peremptory period of five days, and, successively to the Notary in the case of Paragraph Second, Article 113 of the Regulations. Should the Registrar permit the period to expire without carrying out the proceeding, in this case as well as all others in which by this Order he is granted a hearing or is asked for a report within a fixed period, he shall be compelled to do it, with a fine of from five to twenty-five dollars for each day he delays, without prejudice to greater punishment when the circumstances of the case or repetition of the failure so warrant. If when proper the Notary does not carry out the proceeding in the term fixed he shall be compelled in like manner to do so.

IV. On appeal being taken before the Judge against his decision, he shall within the period fixed in Article 112 of the Regulations so notify those who may have been parties in the record and shall, without any further delay, forward it to the President of the Audiencia, before whom and within the ten days following the day on which the period for interposing the appeal expires, the interested parties may appear and set forth in writing once, that which they deem in the interest of their rights. Within ten days after the expiration of the aforementioned period of ten days the President shall render his decision.

V. The procedure established in the preceding paragraph shall be followed in appeals which may be interposed against the decision of the President of the Audiencia before the President of the Supreme Court in accordance with rules in force, but with the following modifications with respect to periods of time: The period for the interested parties to enter appearance and plead shall be ten days when the appeal is from the Audiencias of Havana, Matanzas, Santa Clara and Pinar del Río, and twenty days when from the Audiencias of Santiago de Cuba and Puerto Príncipe, and the period for rendering decision shall be fifteen days.

VI. The period to institute the administrative appeal to which Article 120 of the Regulations refers shall be eight days, and on being established the procedure shall be in conformity with the provisions of Paragraph IV of this Order. The hearing granted in Article 121 to the Court or Judge and to the Registrar shall be for a non-extendible period of five days and the decision shall be

rendered within the ten days following the day on which the last report may be received.

VII. The appeal granted in Article 122 of the Regulations shall be conducted and decided in the periods provided in Paragraph V of this Order.

VIII. When in the case of Article 153 of the Regulations the President of the Audiencia should be required to request data from the Registrar, he shall designate a peremptory period of not more than ten days for him to furnish same and shall render his decision within the ten days following the day on which he may receive the data. When data is not requested he shall decide within a like period from the day following that on which the interested party appears before him.

IX. The hearing granted to the Registrar and the appellant by Article 154 of the Regulations shall be for a non-extendible period of five days to each, and the period for rendering decision shall be fifteen days. If in order to render a decision documents are requested, the tribunal shall fix such time as in its judgment may be sufficient for their presentation and, in the meanwhile, the period for rendering a decision shall be suspended.

X. Whenever the refusal of a Registrar is overruled he shall be given a period of not to exceed eight days to perform the act refused, which he shall do without receiving therefor fees of any kind, informing the authority rendering the decision immediately on compliance therewith.

XI. When the Administrative Chamber of the Audiencias and the President of the Supreme Court definitively decide the administrative appeals they may condemn to pay the costs of the same the Registrar who is proven to have notoriously acted without legal reason or inconsiderately supported the appeals. These costs shall only comprise the fees of the attorneys who have defended the objecting parties.

XII. The objection to the costs referred to in the preceding paragraph shall be made before the Administrative Chamber of the Audiencia which may have imposed them, and in turn, before the President of the Supreme Court, and they will be collected in accordance with the rules governing these imposed in judicial procedures.

XIII. The delays observed and other infractions of these rules shall be disciplinarily punished by the superior hierarchs on taking cognizance of these appeals, imposing the punishments authorized by the Law of Civil Procedure and allowing the appeals therefrom granted by the same.

XIV. The Secretary of Justice is encharged with the enforcement of this order.

H. L. SCOTT.

Adjutant General.

No. 49.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 22, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. So much of Paragraph 2nd, Civil Order 472 of November 15, 1900 as refers to the abolishment of the Registry of Property of "Mediodía" of the City of Havana, is hereby revoked.

II. The appointing of persons to fill the Registries of Property now served by temporary appointees will be done by the Military Governor.

III. The following appointments of Registrars of Property are hereby made:

NAME	DISTRICT OF
<i>Félix Iznaga Ruiz</i>	"Mediodía," Havana.
<i>Manuel Betancourt</i>	Pinar del Río.
<i>Fernando Gonzáles Veranes</i>	Guanabacoa.
<i>Juan Montalvo y Morales</i>	Bejucal.
<i>Arturo Aróstegui y del Castillo</i>	Matanzas.
<i>Ernesto Castro</i>	Cárdenas.
<i>Andrés Trujillo y Armas</i>	Colón.
<i>Dámaso Pasalodos y Bouffartigue</i>	Trinidad.
<i>Miguel García y Echemendía</i>	Sancti Spíritus.
<i>José Batista y Varona</i>	Puerto Príncipe.
<i>Eduardo Sánchez de Fuentes y Peláez</i>	Manzanillo.
<i>Elpidio Estrada</i>	Bayamo.
<i>Belisario Alvarez Céspedes</i>	Holguín.
<i>Manuel Tamargo</i>	Baracoa.

IV. The Secretary of Justice is hereby charged with the enforcement of this order.

H. L. SCOTT,
Adjutant General.

No. 50.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 22, 1902.

The Military Governor directs the publication of the following order:

Any person, company or corporation who shall, or shall attempt, to construct, establish or install any telegraph or telephone line or other works, public or private, without proper authorization, as and

when required by law; or who shall occupy or attempt to occupy any part of the property of the public domain, without proper authorization, shall be liable to a fine of not less than one hundred dollars (\$100); nor more than five hundred dollars (\$500); and such persons, companies or corporations shall also be liable to an additional fine of twenty-five dollars (\$25) for each day such telephone or telegraph line or other work shall be continued in operation, or such occupation shall continue after due notice to discontinue such operation or occupation shall have been given: *Provided however*, that if the above mentioned acts are punishable under special ordinances or regulations now in force, the penalties therein provided shall be applicable.

The fines provided for in this order shall be imposed by Correctional Judges.

H. L. SCOTT,
Adjutant General.

No. 51.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 22, 1902.

Lieutenant Commander *Lucien Young*, U. S. Navy, having been relieved from duty in the Island of Cuba, the Military Governor desires to express his appreciation of the efficient services rendered by him as Captain of the Port of Havana, in the establishment of the Light-House Service, the buoys of the harbors, the preparation of regulations for Captains of Port and the maintenance of an efficient and valuable harbor police in the Harbor of Havana.

H. L. SCOTT,
Adjutant General.

No. 52.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 26, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. The period granted in Civil Order 228, series of 1901, for the inscription in the Civil Registers of the religious marriages referred to in said order, is hereby extended until March 31, 1902.

II. Civil Order 228, series of 1901, in all that relates to the period mentioned in the foregoing article, and the rules issued by the Department of Justice on June 23, 1899, in accordance with Art. 6, Civil Order 66, May 31, 1899, is declared in force.

H. L. SCOTT,
Adjutant General.

No. 53.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 26, 1902.

The Military Governor of Cuba, upon the recommendation of the respective Audiencias and in accord with the report of the Secretary of Justice, directs the publication of the following appointments:

Manuel Azcuy, Substitute Municipal Judge of Ceiba del Agua.

Francisco María Rodríguez Oliva, Municipal Judge of San Antonio de las Vegas.

Domino Rodríguez, Municipal Judge of Santa Ana.

Antonio Mesa Prieto, Substitute Municipal Judge of Santa Ana.

Felipe Casas Martínez, Substitute Municipal Judge of Jovellanos.

José J. Fonseca, Substitute Municipal Judge of Camajuaní.

Federico Sariol y Hernández, Municipal Judge of Caunao.

Rafael González Hidalgo, Municipal Judge of Fray Benito.

José Ricardo O'Farrill, Substitute Municipal Judge of Cauto Embarcadero.

Félix Olivé, Municipal Judge of Congo Calicito.

Cándido Conte, Substitute Municipal Judge of Samá.

Juan Vera Puig, Substitute Municipal Judge of Dos Caminos.

H. L. SCOTT,

Adjutant General.

No. 54.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 26, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order:

I. Hereafter the general registry of literary works provided for by Art. 33 of the Law and Par. II, Civil Order 119 of 1900 shall be kept in the Section of General Government of the Department of State and Government in the same form as the register of foreign literary works is now kept in the Section of State of said department and shall also include that of foreign works, with the same books and formalities as in use at present.

II. The records relating thereto and the works deposited in the printing bureau of the Department of State and Government for the purposes of Article 34 of the Law shall be transferred to the general register of literary works.

III. The connection of the provincial registries with the general registry shall be the same as that existing prior to January 1, 1899

with the general registry of the Department of Development and the General Directory of Public Instruction, and they will forward to said registry the semi-annual statements of the inscriptions effected and their after-history, in accordance with Par. 3 of the aforesaid Article 34 of the Law.

IV. The three copies of each scientific, literary or dramatic work which in accordance with Royal Order of January 14, 1879 the interested parties must submit at the time of requesting the inscription, and which prior to January 1, 1899 were forwarded to the Department of Development of Spain, shall in the future be sent through the civil governors to the general registry of literary works, one of which shall go to the National Library, one to the University, the third remaining in the archives of the registry.

The copy or copies as the case may be of musical works which must be presented shall be filed in the general registry of literary works, unless otherwise directed in the future.

H. L. SCOTT,
Adjutant General.

No. 57.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 27, 1902.

The Military Governor of Cuba directs the publication of the following:

The attention of officials of suppressed municipalities is invited to Order No. 23, current series, these Headquarters, and they are informed that no salaries will be authorized to be paid from municipal funds subsequent to March 1, 1902.

H. L. SCOTT,
Adjutant General.

No. 58.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 28, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. Full pardon, effective April 1, 1902. is granted to *Clotilde Pérez Rodríguez*, confined in the Women's Prison, of the remainder

of the unexpired sentence of 1 year and 1 day of imprisonment passed upon her by the Audiencia of Havana, on June 5, 1901.

2. Full pardon, effective April 20, 1902, is hereby granted to *Antonio Figueredo y Fen*, now confined in the jail of Matanzas.

3. Full pardon, effective April 20, 1902, is granted to *Francisco Arcencibia Castellanos*, now confined in the jail of Matanzas.

4. Full pardon, effective April 20, 1902, is granted to *Tomás Valdés de la Luz*, now confined in the Jail of Havana, of the sentence of 1 year, 8 months and 21 day of imprisonment passed upon him by the Audiencia of Havana.

5. Full pardon, effective April 20, 1902, is granted to *María Luisa Zayas*, now confined in the Women's Prison of Havana, of the sentence of 1 year and 1 day of imprisonment passed upon her by the Audiencia of Havana.

6. Full pardon, effective April 20, 1902, is granted to *Pedro Reyes Ramírez* and *Alfonso Carpio*, now in the jail of Santa Clara, of the sentences passed upon them by the Audiencia of Santa Clara.

7. Full pardon, effective February 22, 1902, is granted to *José María Villaverde* and *Braulio Menéndez* of the sentence of 3 months of imprisonment passed upon them.

8. Full pardon, effective February 1, 1902, is granted to *Charles Newlin* of the sentence of 4 years, 2 months and 1 day of imprisonment passed upon him May 14, 1901 by the Audiencia of Havana.

9. Full pardon, effective February 13, 1902, is granted to *Antonio Suárez y Vázquez*.

10. Full pardon, effective February 15, 1902, is granted to convict *Félix Gutiérrez y García* of the sentence of 3 years, 3 months and 8 days of imprisonment passed upon him by the Audiencia of Santa Clara.

11. Partial pardon, effective February 1, 1902, is granted to *Francisco González Viera*, reducing to 30 days the sentence of 80 days imprisonment passed upon him on January 16, 1902, by the 2nd district Correctional Court of Havana.

12. The penal action pending against *Juan Pérez y Pérez*, *Rafael Martínez González*, *José Manuel Govín Tejada* and *Aurelio Villegas* is declared ended, effective February 20, 1902.

13. The penal action pending in the proceedings instituted against *Virgilio Mora* in the Court of Instruction of Puerto Príncipe for discharging a firearm, is declared ended, effective February 19, 1902.

14. The penal action pending in Santiago de Cuba against *William Lowry* is declared ended.

II.

Upon the recommendation of the Secretary of Justice :

1. Full pardon, effective February 3, 1902, is granted to *Eduardo Fernández*, known as "*Labrada*," of the sentence of 2 years 11 months and 11 days of imprisonment passed upon him December 11, 1900 by the Audiencia of Santa Clara for robbery.

2. Full pardon, effective February 22, 1902, is granted to *Fernando Rovira de los Santos*, of the sentences of 4 months and 1 day and 2 months and 1 day of imprisonment passed upon him by the Audiencia of Santa Clara on August 21, 1901, for swindling.

3. Full pardon, effective February 22, 1902, is granted to *Francisco Valdés Blain*, of the sentence of 6 months of imprisonment passed upon him for theft.

4. Full pardon, effective February 18, 1902, is granted to convict *Juan Estanislao Abreu*, of the sentence of 6 years, 10 months and 1 day of imprisonment passed upon him by the Audiencia of Matanzas on June 14, 1901, for robbery.

5. Full pardon is granted to *Juan Beiro Acevedo* of the remainder of the unexpired sentence passed upon him on October 25, 1901 by the Audiencia of Havana for electoral fraud.

III.

The Secretary of Justice is hereby charged with the enforcement of this order.

H. L. SCOTT,
Adjutant General.

No. 59.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 28, 1902.

In view of the mutual agreement entered into on February 22, 1902, in the office of the Captain of the Port of Cienfuegos, by the representatives of the shipping interests, labor unions and contractors of said port, in the absence of the Adjutant General of the Department, accepting the tariffs and conditions now in force in the Port of Havana, the Military Governor of Cuba directs that Orders Nos. 71 and 76, series 1901, these Headquarters, as well as all duly authorized tariffs and agreements this date in force in the Port of Havana be made applicable likewise to the port of Cienfuegos and binding upon all parties concerned. In all cases where labor is hired the employer shall be judge of the number of men to be employed.

H. L. SCOTT,
Adjutant General.

No. 60.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 28, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following Order :

The Hunting Law in force is hereby amended as follows :

1. The hunting of deer is prohibited from February first to September first, inclusive.
2. The hunting of quail is prohibited from March first to November first, inclusive.
3. The hunting of pigeons of all kinds is prohibited from April first to October first, inclusive.

H. L. SCOTT,
Adjutant General.

No. 61.

CORRECTED COPY.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 3, 1902.

The Military Governor of Cuba directs the publication of the following Rules of Practice before the Railroad Commission in cases and proceedings under the Railroad Law of the Island of Cuba ; and Official Classification No. 1, upon which the tariffs of Railroad Companies shall be fixed.

The classification hereinafter set forth shall be the only one used by Railroad Companies in the Island of Cuba and such Companies shall, on or before the fifteenth day of March, 1902, present to the Railroad Commission, through its Chairman, as provided in Order 34, current series, these Headquarters, their maximum tariff rates to be based on such classification and Railroad Companies shall, at the same time, present to the Railroad Commission maximum tariff rates for transportation and services over and in combination with the lines of connecting railroads.

RULES OF PRACTICE BEFORE THE RAILROAD COMMISSION IN CASES AND PROCEEDINGS UNDER THE RAILROAD LAW.

I.

PUBLIC SESSIONS.

1. The general sessions of the Commission for hearing contested cases will be held at the office of the Secretary of Public Works in the City of Havana, on such days and at such hour as the Commission may designate.

2. Sessions for receiving, considering, and acting upon petitions, applications, and other communications, and also for considering and acting upon any business of the Commission other than the hearing of contested cases, will be held at its said office at least once in each week.

II.

PARTIES TO CASES.

3. Any person, firm, corporation, or association, mercantile, agricultural or manufacturing society, body politic or municipal organization, may complain to the Railroad Commission of anything done, or omitted to be done, in violation of the provisions of the Railroad Law by any Railroad Company or Companies.

4. Where a complaint relates to the rates or practices of a single Railroad Company no other need be made a party; but if it relates to matters in which two or more Railroad Companies are interested, the several Companies are proper parties defendant.

5. Where a complaint relates to rates or practices of Railroad Companies operating different lines, and the object of the proceeding is to secure correction of such rates or practices on each of said lines, all the Companies operating such lines must be made defendants.

6. When the line of a Railroad Company is operated by a receiver or trustee, both the Railroad Company and its receiver or trustee should be made defendants in cases involving transportation over such line.

7. Persons or Railroad Companies not parties may petition in any proceeding for leave to intervene and be heard therein. Such petition shall be duly verified, and shall set forth the petitioner's interest in the proceeding. Leave granted on such application shall entitle the intervener to appear and be treated as a party to the proceeding.

III.

COMPLAINTS.

8. Complaints of unlawful acts or practices by any Railroad Company, made in pursuance of the Railroad Law must be by petition, setting forth briefly the facts claimed to constitute a violation of the law, and must be verified by the petitioner, or by some officer or agent of the corporation, society, organization, or other body making the complaint, to the effect that the allegations of the petition are true as the affiant verily believes.

9. The name of the Railroad Company or Companies complained against must be stated in full, and the address of the petitioner, with the name and address of his attorney or counsel, if any, must appear upon the petition. The secretary of the Railroad Commission will furnish as many copies of the petition as there may be parties complained against to be served, and the Railroad Commission will cause a copy of the petition, with notice to satisfy or answer the same within a specified time, to be served, personally or by mail in its discretion, upon each Railroad Company complained against.

IV.

ANSWERS.

10. A Railroad Company complained against must answer within twenty days from the date of the notice above provided for, but the Railroad Commission may in a particular case require the answer to be filed within a shorter time, but not less than five days. The time prescribed in any case may be extended, upon good cause shown, by special order of the Commission. The original answer must be filed with the Secretary of the Commission at its office in Havana, and a copy thereof at the same time served, personally or by mail, upon the complainant, who must forthwith notify the Secretary of its receipt. The answer must specifically admit or deny the material allegations of the petition, and also set forth the facts which will be relied upon to support any such denial. The answer in any case or proceeding must be verified. If a Railroad Company complained against shall make satisfaction before answering, a written acknowledgment thereof, showing the character and extent of the satisfaction given, must be filed by the complainant, and in that case the fact and manner of satisfaction, without other matter, may be set forth in the answer. If satisfaction be made after the filing and service of an answer, such written acknowledgment must also be filed by the complainant, and a supplemental answer setting forth the fact and manner of satisfaction must be filed by the Railroad Company.

V.

SERVICE OF PAPERS.

11. Copies of notices or other papers must be served upon the adverse party or parties, personally or by mail; and when any party has appeared by attorney, service upon such attorney shall be deemed proper service upon the party.

VI.

AMENDMENTS.

12. Upon application of any party, amendments to any petition or answer, in any proceeding or investigation, may be allowed by the Commission in its discretion.

VII.

ADJOURNMENTS AND EXTENSION OF TIME.

13. Adjournments and extensions of time may be granted upon the application of any party in the discretion of the Railroad Commission.

VIII.

STIPULATIONS.

14. The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Secretary, agree upon the facts, or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. It is desired that the facts be thus agreed upon whenever practicable.

IX.

HEARINGS.

15. Upon issue being joined by the service of an answer, the Railroad Commission will assign a time and place for hearing the case, of which not less than ten days notice will be given, and such hearing will be held at its office in the City of Havana, unless otherwise ordered. Witnesses will be examined orally before the Railroad Commission, unless their testimony be taken or the facts be agreed upon as provided for in these rules. The complainant must in all cases establish the facts alleged to constitute a violation of the law, unless the Railroad Company complained against admits the same or fails to answer the petition. The Railroad Company must also prove facts alleged in the answer, unless admitted by the petitioner, and fully disclose its defense at the hearing.

16. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable, and

make such order thereon as the circumstances of the case appear to require.

17. Cases shall be argued orally upon submission of the testimony, unless a different time shall be agreed upon by the parties or directed by the Commission, but oral argument may be omitted in the discretion of the Commission.

X.

TESTIMONY OF WITNESSES.

18. The testimony of any witness may be taken by deposition, at the instance of a party, in any proceeding or investigation before the Commission or any member thereof, and at any time after the same is at issue. The Commission may also order testimony to be taken before itself or any member thereof in any proceeding or investigation pending before it, at any stage of such proceedings or investigation. If any witness be within the Island of Cuba, but absent from the City of Havana, the testimony of such witness may upon the request of the Commission be taken before the Judge of First Instance in the District wherein such witness resides or is to be found. Reasonable notice must be given in writing by the party or his attorney proposing to take such testimony to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his testimony and a copy of such notice shall be filed with the Secretary.

The Judges of First Instance in the Island of Cuba are hereby required to execute the Letters Rogatory of the Railroad Commission issued to them by the Commission for the purpose of taking the testimony of witnesses who are found in their districts outside of the City of Havana.

19. When testimony is to be taken on behalf of a Railroad Company in any proceeding instituted by the Commission on its own motion, reasonable notice thereof in writing must be given by such Railroad Company to the Commission itself, or to such person as may have been previously designated by the Commission to be served with such notice.

20. Every person whose testimony is taken shall be cautioned and sworn (or may affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing, which may be typewriting, by the officer taking the testimony or under his direction, and shall, after it has been reduced to writing, be subscribed by the witness.

21. If a witness whose testimony may be desired to be taken be in a foreign country, such testimony may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Secretary. All depositions must be promptly filed with the Secretary.

XI.

WITNESSES AND SUBPOENAS.

22. Subpoenas requiring the attendance of witnesses from any place in the Island of Cuba to any designated place of hearing in the Island of Cuba, for the purpose of taking the testimony of such witnesses orally before one or more members of the Commission, or before the Judge of First Instance or before a magistrate authorized to take the same, will, upon the application of either party, or upon the order of the Commission directing the taking of such testimony, be issued by the Commission.

23. Subpoenas for the production of books, papers, or documents (unless directed to issue by the Commission upon its own motion) will only be issued upon application in writing; and when it is sought to compel witnesses, not parties to the proceeding, to produce such documentary evidence, the application must be sworn to and must specify, as nearly as may be, the books, papers, or documents desired; that the same are in the possession of the witness or under his control; and also, by facts stated, show that they contain material evidence necessary to the applicant. Applications to compel a party to the proceeding to produce books, papers, or documents need only set forth in a general way the books, papers, or documents desired to be produced, and that the applicant believes they will be of service in the determination of the case.

XII.

PROPOSED FINDINGS AND BRIEFS.

24. Any party to a case may be required to file proposed findings embracing the material facts claimed to be established by the evidence, and referring to the particular part of the record relied upon to support each finding proposed. Printed or written arguments or briefs may be filed by any party. A copy of the proposed findings, brief or argument filed on behalf of any party must at the same time be served upon the adverse party or parties, personally or by mail, and notice of such service thereupon filed with the Secretary of the Commission. The time within which proposed findings and printed or written arguments or briefs may be filed in any case will be determined by the Commission upon submission of the testimony.

XIII.

REHEARINGS.

25. Applications for reopening a case after final submission, or for rehearing after decision made by the Commission, must be by petition, and must state specifically the grounds upon which the application is based. If such application be to reopen the case for further evidence, the nature and purpose of such evidence must be

briefly stated, and the same must not be merely cumulative. If the application be for a rehearing, the petition must specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error; and when any recommendation, decision, or order of the Commission is sought to be reversed, changed, or modified on account of facts and circumstances arising subsequent to the hearing, or of consequences resulting from compliance with such recommendation, decision, or order which are claimed to justify a reconsideration of the case, the matters relied upon by the applicant must be fully set forth. Such petition must be duly verified, and a copy thereof, with notice of the time and place when the application will be made, must be served upon the adverse party at least ten days before the time named in such notice.

XIV.

PRINTING OF PLEADINGS, ETC.

26. Pleadings, depositions briefs, and other papers of importance should be printed or in typewriting whenever practicable, and when not printed only one side of the paper used.

XV.

COPIES OF PAPERS OF TESTIMONY.

27. Copies of any petition, complaint, or answer in any matter or proceeding before the Commission, or of any order, decision, or opinion by the Commission, will be furnished upon application to the Secretary by any person or Railroad Company party to the proceeding.

28. One copy of the testimony will be furnished by the Commission for the use of the complainant, and one copy for the use of the defendant, without charge; and when two or more complainants or defendants have appeared at the hearing, such complainants or defendants must designate to whom the copy for their use shall be delivered.

XVI.

COMPLIANCE WITH ORDERS AGAINST RAILROAD COMPANIES.

29. Upon the issuance of an order against any Railroad Company or Companies, after hearing, investigation and report by the Commission, such Company or Companies must promptly, upon compliance with its requirements, notify the Secretary that action has been taken in conformity with the order; and when a change in rates is required, such notice must be given in addition to the filing of a schedule or tariff showing such change in rates.

XVII.

APPLICATIONS BY RAILROAD COMPANIES UNDER ARTICLE IV OF
CHAPTER XIII OF THE RAILROAD LAW.

30. Any Railroad Company may apply to the Commission, under Article IV of Chapter XIII of the Railroad Law, for authority to make temporary exceptions to general conditions governing the application of tolls or rates. Such application shall be by verified petition, which shall specify the places, traffic, tolls and rates involved, the Railroad Companies other than the petitioner which may be interested in the traffic, the character of the hardship claimed to exist, and the extent of the relief sought by the petitioner. Upon the filing of such a petition, the Commission will take such action as the circumstances of the case seem to require.

XVIII.

INFORMATION TO PARTIES.

31. The Secretary of the Commission will, upon request, advise any party as to the form of petition, answer or other paper necessary to be filed in any case, and furnish such information from the files of the Commission as will conduce to a full presentation of facts material to the controversy.

XIX.

ADDRESS OF THE COMMISSION.

32. All complaints concerning anything done or omitted to be done by any Railroad Company, and all petitions or answers in any proceeding, or applications in relation thereto, and all letters and telegrams for the Commission must be addressed to the President of the Railroad Commission, City of Havana, unless otherwise specially directed.

FORMS.

These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary.

No. 1.

COMPLAINT AGAINST A RAILROAD COMPANY.

The Railroad Commission.

A. B.

against

THE _____ RAILROAD COMPANY.

The petition of the above named complainant respectfully shows:

I. That (*here let complainant state his occupation and place of business.*)

II. That the defendant above named is a Railroad Company engaged in the transportation of passengers and property by railroad between _____ and _____, and as such company is subject to the provisions of the Railroad Law of the Island of Cuba.

III. That (*here state concisely the matters intended to be complained of. Continue numbering each succeeding paragraph as in Nos. I, II and III.*)

Wherefore the petitioner prays that the defendant may be required to answer the charges herein, and that after due hearing and investigation an order be made commanding the defendant to cease and desist from said violations of the Railroad Law, and for such other and further order as the Commission may deem necessary in the premises. (*The prayer may be varied so as to ask also for the ascertainment of lawful rates or practices and an order requiring the railroad company to conform thereto. If reparation for any wrong or injury be desired, the petitioner should state the nature and extent of the reparation he deems proper.*)

Dated at _____, _____, 190—.

A. B.

(*Complainant's signature.*)

PROVINCE OF _____,

Municipality of _____, ss:

A. B., being duly sworn, says that he is the complainant in this proceeding, and that the matters set forth in the foregoing petition are true as he verily believes.

A. B.

Subscribed and sworn to before me this _____ day of _____, 190—.

C. D.

(*Here the signature of the officer authorized to administer oaths and the office in which he acts.*)

No. 2.

ANSWER.

The Railroad Commission.

A. B. }
 against }
 THE _____ RAILROAD COMPANY. }

The above named defendant, for answer to the complaint in this proceeding, respectfully states:

I. That (*here follow the usual admissions, denials and averments. Continue numbering each succeeding paragraph.*)

Wherefore the defendant prays that the complaint in this proceeding be dismissed.

The _____ Railroad Company.

By E. F.,

(Title of officer.)

PROVINCE OF _____,

Municipality of _____, ss:

E. F., being duly sworn, says that he is the _____ of the _____ Railroad Company, defendant in this proceeding, and that the foregoing answer is true, as he verily believes.

E. F.

Subscribed and sworn to before me this _____ day of _____, 190—.

C. D.

(Here the signature of the officer authorized to administer oaths and the office in which he acts.)

No. 3.

SUBPOENA.

To _____

You are hereby required to appear before the Railroad Commission at its office in the City of Havana on the _____ day of _____ A. D. _____ at _____ o'clock in the _____ noon in the Matter of the Complaint of _____ against _____ as a witness on the part of _____ and bring with you then and there the documents set forth in the list hereunto annexed, and you are hereby notified that your attendance is obligatory and that if you fail to appear on the day and hour fixed you will be liable to the penalties prescribed by Law.

Dated _____, Havana.

(Here the signature of the chairman of the commission or of two of the commissioners.)

Official seal.

No. 4.

NOTICE OF TESTIMONY OF WITNESSES.

The Railroad Commission.

A. B.

against

THE _____ RAILROAD COMPANY. }

You are hereby notified that G. H. will be examined before C. D. (who is exercising the office of _____) at _____ on the _____ day of _____ A. D. at _____ o'clock in the _____

noon as a witness for the above named complainant (*or defendant as the case may be*) according to the Railroad Law and the Rules of practice of the Railroad Commission; at which time and place you are notified to be present and take part in the examination of the said witness.

Dated _____

A. D.

(*Signature of the complainant or defendant or of the attorney.*)

To A. B. the above named complainant (*or the _____ Railroad Company the above named defendant; or to K. L., Attorney for the above named complainant or defendant*).

OFFICIAL CLASSIFICATION No. 1.

I. Freight will be charged on all goods according to gross weight, except in cases where the measurement exceeds two (2) cubic meters per ton of one thousand (1000) kilogrammes. In such cases the weight will be calculated on the basis of one-half ($\frac{1}{2}$) of a ton per cubic meter and the cubic measurement will be that of a box or covering of usual form in which the article may be contained.

II. The base of all tariffs will be per ton of one thousand (1000) kilogrammes. Lots of ten (10) tons or over will be carried at ten per cent (10%) reduction from the class rate. When shippers or consignees do the loading or unloading a further reduction will be made for each of these operations according to charges for such service in loading and unloading tariffs.

III. The minimum charge will be upon a minimum weight of 50 kilogrammes, and not in any case less than 25 cents.

IV. Articles belonging to the same class shipped by one consignor to one consignee will be carried in mixed loads of ten (10) tons or over at the above provided rate for such quantity. Any package containing Articles of more than one class will be charged for at the rate fixed for the highest-classed article contained therein. Articles not enumerated will be given the class provided for analogous articles.

DEFINITION OF CHARACTERS.

N. O. S.—“Not Otherwise Specified.”

S. U.—“Set Up.”

K. D.—“Knocked Down.”

D.—“Double.”

ARTICLES.	Class.
A	
Acids.....	1
Alcohol, Refined.....	2
Alcohol, unrefined.....	Special E.
Ammunition (except as otherwise specified).....	D 1
Animals :	
Cattle.....	} Special A.
Goats.....	
Horses, Mules and Donkeys.....	
Pigs.....	
Sheep.....	
Asbestos.....	1
Ashes and Cinders.....	4
Asphalt.....	3
B	
Baggage, Personal.....	1
Baskets.....	3
Baths.....	2
Beer, Imported.....	1
Beer, Native.....	2
Bells.....	1
Beverages, N. O. S.....	1
Bicycles.....	1
Billiard Tables.....	1
Bird Cages.....	1
Blinds, Window.....	2
Boats and Canoes and Accessories.....	2
Bollers.....	2
Bones.....	4
Bottles, Empty.....	3
Boxes, Empty.....	3
Box Stuff, Cedar.....	2
Box Stuff or Shooks, N. O. S.....	3
Bran.....	2
Brass, In bars, Fittings or Sheets.....	1
Brass, Scrap.....	3
Bric-a-Brac.....	D 1
Brickdust.....	4
Brick, Not Fire.....	3
Brushes and brooms.....	2
Butter, In tubs.....	1
C	
Cabinet Woods, Worked.....	2
Calico, Printed and Plain.....	1
Camp Beds, K. D.....	2
Camp Beds, S. U.....	1
Candles.....	1
Canned Goods.....	1
Canvas.....	2
Cardboard.....	2
Carpenters' Benches.....	3
Carpets.....	2
Carriages, For—persons, S. U.....	1
Carriages, Spare Part of.....	2
Cars, Sugar Cooling.....	3
Cartridge Cases, Empty.....	1
Carts or Wagons with springs.....	2

ARTICLES.	Class.
Cart Stakes*.....	Special E.
Casks, Empty or K. D.....	3
Castings, Iron.....	2
Cement.....	3
Chains.....	2
Chalk.....	4
Chairs, K. D.....	2
Chandellers, Crystal.....	D 1
Chandellers, N. O. S.....	1
Charcoal, Animal.....	2
Charcoal, Vegetable.....	3
Cheese.....	1
Chemicals, Coarse.....	2
Chemicals, N. O. S.....	1
Cigars, Cigarettes and Tobacco, Manufactured.....	1
Clay.....	4
Clocks.....	D 1
Clothing.....	1
Coal.....	4
Coal Oil.....	2
Cocoa.....	1
Coffee, Native.....	2
Coffee, N. O. S.....	1
Coffins and Caskets.....	1
Coke.....	3
Confectionery and Sweet Stuff.....	1
Coops.....	3
Copper Goods.....	1
Copper Plates, Bars, etc.....	1
Copper Scrap.....	3
Copper Wire.....	1
Cork or Corks.....	1
Corn Fodder.....	4
Crockery.....	1
Curtains.....	1
Cutlery.....	1
D	
Demijohns, Empty.....	3
Desks.....	2
Doors.....	2
Drugs.....	1
Dry Goods.....	1
Dyewood.....	3
Dynamite.....	D 1
E	
Eggs.....	1
Earth.....	4
Earthenware.....	2
F	
Fans.....	1
Felt.....	2
Fertilizers, N. O. S.....	3
Firearms.....	1
Fire Brick.....	2

*See Order 117, April 28, 1902, Headquarters Department of Cuba.

ARTICLES.	Class.
Firewood, Common.....	4
Firewood, Split.....	3
Fireworks.....	D 1
Fish, Fresh.....	1
Fish, Salted and Dried.....	1
Flax and Hemp.....	2
Flour, N. O. S.....	1
Forges.....	2
Forgings.....	2
Fossils.....	1
Frames, Door and Window.....	2
Fruits, Native.....	3
Fruits, Preserved and Fresh, Imported.....	1
Furniture.....	2
Furs, etc., Valuable.....	1
Fuses (explosive).....	D 1
G	
Garbage.....	4
Garlic.....	1
Gas In Carboys.....	1
Gasoline, In Carboys.....	1
Gates.....	2
Glass Cases.....	D 1
Glass, Plate.....	D 1
Glassware.....	1
Glass, Window.....	1
Gloves.....	1
Glue.....	2
Grain.....	2
Grass.....	4
Gravel.....	4
Grease, In Tins.....	1
Grease, Soap.....	3
Grindstones.....	2
Groceries, N. O. S.....	1
Guano Manure.....	3
Guttering, Iron and Zinc.....	2
H	
Haberdashery.....	1
Hams.....	1
Harness.....	2
Hats and Caps.....	1
Hay.....	3
Hides and Skins, Green.....	3
Hides and Skins, Tanned or Dry.....	2
Honey.....	1
Hoofs and Horns.....	3
I	
Ice.....	2
Implements :	
Agricultural.....	2
Ink, Powder.....	1
Ink, Printers'.....	3
Ink, Writing.....	1

ARTICLES.	Class.
Instruments :	
Analytical.....	D 1
Astronomical.....	D 1
Chemical.....	D 1
Dental.....	D 1
Electrical.....	D 1
Engineering.....	D 1
Musical.....	D 1
Nautical.....	D 1
Optical.....	D 1
Photographic.....	D 1
Surgical.....	D 1
Telegraph.....	1
Telephone.....	1
Insulators.....	2
Iron, Cast, and Castings.....	3
Iron, Galvanized.....	3
Iron Hoops.....	3
Iron, In Bars and Sheets.....	3
Ironmongery.....	2
Iron Ore.....	4
Iron, Pig.....	4
Iron, Scrap.....	4
Iron, Tanks.....	3
Iron, Wire.....	3
Iron, Work, Structural.....	3
Iron, Wrought.....	3
K	
Kitchen Utensils.....	2
L	
Ladders.....	2
Lamps.....	1
Lard.....	1
Lead Goods.....	1
Lead, In Sheets and Pigs.....	2
Leather Belting.....	2
Leather Common.....	2
Leather Goods.....	1
Lime.....	4
Liquors.....	1
Locomotives, K. D.....	3
Lumber.....	3
M	
Machinery and Machines, N. O. S.....	2
Machinery, New:	
Agricultural.....	3
Saw Mill.....	3
Sugar Manufacturing and Parts of.....	3
Wind Mill.....	3
Machines :	
Printing.....	3
Pumping.....	3
Sewing.....	1
Typewriting.....	1
Washing.....	3
Weighing.....	3

ARTICLES.	Class.
Maize, Flour.....	2
Maize, In Ear.....	3
Maize, Shelled.....	2
Manufactured Goods, N. O. S.....	1
Manure, Common.....	4
Manure, Guano.....	3
Marble, Worked.....	2
Matches.....	D 1
Matting, Straw.....	2
Mattresses.....	2
Measures.....	2
Meat.....	1
Medicines.....	1
Metals, N. O. S.....	2
Milk.....	1
Millet.....	2
Mineral Waters, Boxed.....	1
Miraguano.....	2
Mirrors.....	D 1
Molasses.....	Special D
Motor Cars.....	1
N	
Nails.....	2
Nets, Fishing.....	2
Nuts.....	1
O	
Oilecloth.....	2
Oil, In Tins or Boxes, N. O. S.....	1
Oil, Lubricating.....	2
Oil, Olive or Salad.....	1
Oil, Petroleum.....	2
Onions, Native.....	3
Onions, N. O. S.....	1
Ores, Mineral.....	4
Ornaments (China and Brass).....	D 1
Ox Yokes.....	3
P	
Packages, Empty Returned.....	4
Paints.....	2
Palm Berries.....	3
Palm Shucks for Baling.....	3
Paper, Common and Printing.....	2
Paper, Decorative.....	1
Perfumery.....	D 1
Personal Baggage.....	1
Petroleum.....	2
Picture Frames.....	D 1
Pictures.....	D 1
Pipes, Drain, Earthenware.....	2
Pipes, Glazed.....	2
Pipes, Iron.....	2
Piping:	
Copper, Lead and Zinc.....	1
Plants, Agricultural.....	3
Plants:	
Flowering or Ornamental.....	1

ARTICLES.	Class.
Poles, Tobacco (cujes).....	2
Posts or Poles, Wooden.....	3
Potatoes, Native.....	3
Potatoes, N. O. S.....	2
Pottery.....	2
Poultry, In Crates.....	2
Putty.....	2
R	
Rags.....	3
Rails and Accessories.....	3
Railings and Gratings.....	2
Rice.....	2
Rice, Not Shelled.....	3
Rolling Stock, K. D.....	3
Rope.....	2
Rubber Goods.....	1
S	
Sacking.....	2
Sacks, New, In Bales.....	2
Safes.....	2
Salt, Common.....	3
Sand, Common.....	4
Sand, Molding.....	3
Sanitary Fittings.....	2
Sash.....	2
Sawdust.....	4
Sculpture.....	D 1
Seed, N. O. S.....	1
Shot.....	2
Silks and Laces.....	1
Slate, Roofing.....	3
Soaps, Common.....	2
Soap Grease.....	3
Spirits of Wine.....	2
Sponges, Native.....	3
Sponges, N. O. S.....	1
Starch.....	2
Stationery.....	1
Statuary.....	D 1
Steam Engines and Motors.....	2
Steel, In Bars and Sheets.....	3
Sticks.....	1
Stone, In Blocks.....	3
Stone, Rough.....	4
Stoves.....	3
Straw.....	3
Straw Matting.....	2
String.....	2
Sugar Cane.....	Special C.
Sugar Cooling Cars.....	3
Sugar, Raw.....	Special B.
Sugar, Refined.....	1
Syrups, Not Molasses.....	1
T	
Tallow.....	2
Tan Bark.....	3

ARTICLES.	Class.
Tanks, Iron.....	3
Tar.....	3
Tea.....	1
Tents.....	2
Textile Fibre.....	3
Thatching Materials.....	3
Theatrical Effects.....	2
Ties, Railroad.....	3
Tiles.....	2
Timber.....	3
Tin in Sheets.....	2
Tinware.....	2
Tobacco, Manufactured.....	1
Tobacco Stems.....	4
Tobacco, Unmanufactured.....	Special F.
Toilet Articles.....	D 1
Tools, Artificers'.....	1
Toys.....	1
Trunks, Empty.....	3
Turpentine.....	2
Twine.....	2
U	
Umbrellas.....	1
V	
Varnish.....	2
Vegetables, Native.....	3
Vegetables, N. O. S.....	1
Vehicles, K. D.....	2
Vitriol.....	1
W	
Wagons or Carts, Spare Parts of.....	2
Wagons or Carts with Springs.....	2
Waste.....	2
Water Closets.....	2
Wax.....	1
Weights and Measures.....	2
Wheelbarrows.....	2
Wines.....	1
Wire Fencing and Accessories.....	3
Wire, Iron.....	3
Wood Paving Blocks.....	3
Wreaths, Funeral.....	D 1
Z	
Zinc Goods.....	1

H. L. SCOTT,
Adjutant General.

No. 62.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 5, 1902.

The Military Governor of Cuba directs the publication of the following order:

PREAMBLE

Havana, December 20th, 1901.

BRIGADIER GENERAL LEONARD WOOD,
Military Governor of Cuba.

Sir: The undersigned have the honor to submit to you the project they have agreed upon to regulate the judicial procedure relative to the demarkation and division of rural properties (*haciendas, hatos y corrales*), whether or not same are held in common (*comuneros*), the area of which is not determined by a previous demarkation or which may have no boundaries known by the demarkation of adjoining properties (*fundos*), and, when belonging to a tenantry in common (*comunidad*) they are not apportioned among the tenants (*comuneros*).

Our principal, if not exclusive, aim has been to provide a clear and simple method for that class of proceedings, applying thereto the general rules and provisions of our Law of Civil Procedure, harmonized with the peculiar nature of our primitive territorial property. The first result of the promulgation of an Order such as the one we recommend will be to put an end to the anomaly, hardly conceivable, that since 1866 we should lack a procedure adequate to ventilate and determine with efficiency, the demarkation and final apportionment of our territorial properties held in common (*comunidades*), which still occupy a great place in our national wealth.

The fact is the promulgation in this Island of the Law of Civil Procedure in force in Spain from 1856, was ordered by Royal Decree of December 9, 1865, and on that same date there was a Royal Order issued with the modifications deemed proper for its application. None of those modifications made mention of the properties held in common, and Article 1415 of that Code of Procedure was published without any exception or alteration. By it all the laws, royal decrees, rules and regulations, orders and local charters (*fueros*) in which rules might have been issued for the Civil Procedure were revoked, or to say: *all the old laws of procedure in civil affairs*, the single exception being the complete systems of procedures proper of a few tribunals, like those of commerce in that epoch.

Therefore, so long as the Law of Civil Procedure promulgated in December 1865, was in force there was no special procedure for

the demarkation and division of the properties held in common (*haciendas comuneras*); there existed no other rules applicable to the demarkation of any lands and setting of landmarks thereon than those set forth in Title V of the Second Part of the Code, aforesaid, and the last one of those was that if prior to the demarkation objections were entered against same by the owner of any adjoining land, the proceedings should be forthwith discontinued, reserving the parties their rights in order that they might assert same in the declaratory action, the most prolonged of all; a general rule of all ex parte or voluntary jurisdiction proceedings which deprived the former procedure of all force and efficiency for the division of properties held in common (*haciendas comuneras*).

Some time after, in September 1885, the so-called amended Law of Civil Procedure was extended to the Island of Cuba and is the one now in force. In Article 3 of the Royal Decree promulgating said amended Law it is provided that for the demarkation and division of properties held in common (*haciendas comuneras*) the courts shall continue applying the provisions of the Regulations of March 6th (sic) 1819 and the articles added thereto as agreed upon by the Audiencia of Puerto Principe, but in so far as not substituted or amended by the provisions contained in Title XV, Book Third of the Law aforesaid, and without prejudice to the changes which after the proper investigation the Government might in the future decree in connection with said regulations.

In the preamble it prepared for its project the Codifying Commission of the Colonial Department admitted that the law of 1865, by virtue of necessary and unavoidable logic as it states, had repealed the regulations or "ruling agreed upon" called that of March 1819, because "*otherwise, a privilege would have been sustained difficult of assimilation, with the inconveniences of a special procedure, disadvantageous and anomalous;*" concluding with the positive affirmation that there existed no reason to lengthen the project with articles specially devoted to properties owned in common (*haciendas comuneras*) in the larger of the Antilles, inasmuch as "*the Articles of Title XV and the regulations on properties held in common (haciendas comuneras), in that which refers to the conduction of the proceedings, do not essentially differ, unless it be in the substantive provisions of the said regulations, the usefulness of which no one is ignorant and which, after all, the tribunals will apply as technical rules and means of evidence, because it is an established fact that same cannot be revoked by adjective laws or laws of procedure.*"

The Codifying Commission dealt with the problem as lightly as stated, incurring twice in the inaccuracy, repeated in the Royal Decree promulgating the Code of Civil Procedure, of giving the name of "Regulations of March 6th" to the ruling agreed upon (*Auto acordado*) by the Audiencia of Puerto Principe on the 1st of April 1819 and approved by the Governor and by the *Intendents* of Cuba

on the 6th of May of the same year, so that even in this detail appears its complete lack of acquaintance with the matter.

Title V of the law extended to Cuba in 1865 and Title XV of the one in force, the amended one, are substantially identical. Both of said laws agree that the demarkation should have its place among the acts of *ex parte* or voluntary jurisdiction so long as it is effected with the acquiescence or good will of the interested parties, and that whenever anyone objects to said demarkations prior to the effecting of same, or at the time it is to be carried out, the cognizance of the contentions arising should be referred to the contentious jurisdiction or an action between parties. Such being the case, under the present procedure concerning this matter the judicial authority has nothing to determine; it neither gives rights nor takes them away; the division which is made and the boundaries which are fixed with its intervention have the same force and value as the apportionments and demarkations which the interested parties record in a notarial document or in any other authentic manner. To render evident said characteristic mark of the law in force we transcribe immediately hereafter its Article 2069. It reads: "*If before beginning the demarkation objections are raised by the owner of any adjoining land, the demarkation of that part of the land which adjoins that of the objecting party shall be immediately suspended, reserving to the parties their rights in order that they may exercise them in the declaratory action corresponding. The same shall be done if objection is raised during the proceedings and the parties in interest cannot at once agree upon the matter in dispute. In either case the demarkation of the remainder of the estate may be continued at the request of the petitioner, if the other adjoining parties do not object thereto.*"

That such procedure is utterly inadequate may be corroborated by all those who by reason of their offices, professions or trades, have had to intervene directly or indirectly in proceedings of the peculiar nature of those in hand, or by those who have any idea of what one of those primitive territorial unities is which were created by the manner of distributing the lands in Cuba. The declaratory action to which the law in force refers the parties whenever anyone objects to a demarkation is that in which all actions are had by the protracted and solemn proceedings the Law has established in order that the right of each of the parties may be carefully ascertained or the truth of the facts learned and the judicial decision rendered after a thorough knowledge of the case. Therein as a general rule one of the litigants must necessarily be the plaintiff and the other the defendant, because the different character which according to the condition of things corresponds to each is already defined. In the action for the demarkation and in the division of common properties any of the interested parties may be the plaintiff or the defendant, active or passive, in the different steps of the suit; and as the tenantry in common (*comunidad*) constitutes an entity which in its relations with those foreign to same must be represented as a collectivity, it is necessary to provide for its representation.

Various and multiple issues may and in fact do arise in the survey and demarkation of those properties held in common (*comunidades*) on account of which they should be confined to the ex parte or voluntary jurisdiction, namely, that jurisdiction exercised by the Judge in those cases which due either to the nature thereof or to the condition of things do not generally admit contradictions. According to the law they correspond to the contentious jurisdiction, not for the reason that a contention between parties is necessarily raised, but that due to their complexity they require the judicial intervention between the opposed pleadings of two or more participants or interested parties. The Judge, vested with his authority and ample powers, is the one called upon to determine those contentions, as is the case in testamentary proceedings and voluntary settlements with creditors, in the summary proceedings to acquire properties, and in other proceedings included in Book Second of the Code of Civil Procedure in force, namely, in the section relative to the contentious jurisdiction, although in some the conflict or contention may be casual and not necessary.

* * *

Founded on the foregoing considerations, we recommend the establishment of proceedings similar to those of universal testamentary, bankruptcy or insolvency, with their special methods and characteristic juridical effects.

In our work we have taken into consideration that these properties can be divided into two great groups: 1st, the properties (*fundos*) belonging to only one owner, and 2nd, those held in common (*en comunidad*). With regard to the first we have only to attend to the demarkation of their area, and concerning the second, to the demarkation and apportionment among the participants.

For the properties (*haciendas, hatos ó corrales*) of the first group, or those having an exclusive owner, we divide the proceedings into two stages: *Preliminary or Preparatory* and *Demarkation*; and for the properties (*fundos*) of the second group or those belonging to a tenantry in common (*comunidad*), into three stages: *Preliminary or Preparatory, Demarkation and Passing Upon Titles, and Division or Apportionment*.

The preliminary stage is common to both groups, and its object is to gather from the first moment all the data relative to the character, personality and rights and actions of the petitioners or interested parties; applying to these special proceedings the general rules of our procedure which consist in that to the complaints or judicial petitions in declaratory actions in writing, there be accompanied the evidence available beforehand, namely, the documents prior to the petition relative to the circumstances of the persons and the grounds of the right claimed.

Said rules, far-reaching in all kinds of actions, are of yet greater

importance in the proceedings concerning this demarkation. The exhibition from the inception of the proceedings of the data which the interested parties may possess or which they may secure, not only facilitates the speedy progress thereof, but is also a powerful incentive to good faith, furnishing effective hindrances to the entanglements with which some tenants in common (*comuneros*) have obstructed the demarkation of the properties (*haciendas*). In fact, certain petitioners and participants resorted to the concealment of the title-deeds and documents of proof until the time they deemed opportune; they withheld the furnishing of necessary data for the demarkation, such as the determination of the centre of the properties, until the time when the survey commenced, and by force of capriciousness, surprises and stratagems, the most bold, powerful or indifferent wearied the patience or exhausted the resources of those who showed the greatest interest in effecting the demarkation or division.

After the most necessary data has been gathered in the preliminary stage the stage of demarkation is entered, which, if an estate owned in common is involved, is also the stage of passing upon the titles. Both steps are not incompatible and time is thus put to advantage and useless delays set aside.

When the property whose demarkation is concerned is not held in common (*comunero*), but exclusively by one owner, no attention has to be paid to the difficulties and problems inherent to the representation of every tenantry in common (*comunidad*); but, the case must be provided for in which the adjoining properties are held in common (*heredades comuneras*). If on the contrary the demarkation of a property held in common (*hacienda, hato ó corral, comuneros*) is involved, the common representation of the participants has to be provided for and also that of the adjoining tenancies in common (*comunidades*); hence the special rules which make some of said demarkations differ from the others, all directed towards giving a sure method to the proceedings and rendering speedy the progress thereof, without impairment of the guarantees of accuracy, of primary importance in all kinds of procedures.

The characteristic of the stage of demarkation as it is regulated in the project, is that upon the commencement of the work of survey the Court and the surveyors already have all the data required to carry out same successfully, without it being possible to interrupt it under the pretext that new data exists or that the persons effecting it are incompetent. To this end the points in controversy which might reasonably obstruct must have been discussed and decided before the commencement of the work.

The titles of the participants in a property held in common (*hacienda comunera*) can be passed upon simultaneously with the proceedings of the demarkation. To this effect a separate record is made, in which, after the data required for the purpose is secured, the appointment of referees on title is made in order that they may

examine all the titles and determine the portions corresponding to each one, the reports being submitted to the consideration and opinion of the tenants in common (*comuneros*) and the final decision of the judge, against which there shall lie the remedies authorized by the laws as a guarantee of any rights which may be deemed injured.

With the completion of the demarkation and its approval the action is concluded if relating to a property not held in common (*fundo no comunero*), and the owner thereof is then in proper condition to record his ownership in the Registry of Property, with all the requirements exacted by the Mortgage Law in force. If the estate is owned in common (*heredad comunera*), after the titles have been passed upon and the judicial approval of the decision become final, the proceedings pass to the third stage or that of division or apportionment; the apportionment of the property being already prepared with the topographical plan which the surveyors shall have made, unnecessary for the properties of the first group as the only object is to define the boundaries.

In the former procedure it was optional with each participant to request his portion or allotment; in our project this is the third stage of the proceedings, which is commenced with a general plan of the apportionment, submitted with the corresponding formalities to the deliberation, discussion and approval of the co-owners, always without detriment to the powers inherent in the Judge, who is called upon to finally decide the controversies arising among the interested parties, as in all kinds of actions. After the plan is approved each participant acquires the full ownership of his parcel of land, which he may record in the corresponding Registry of Property.

Our project contains three sections, under the headings *Expenses and Costs in Common*, *General Provisions*, and *Transitory Provisions*. Upon deliberating and determining upon the first, or, the expenses and costs, we have taken into account that justice is at present gratuitous inasmuch as the stamped paper tax does not exist and the assistant functionaries of the Department of Justice do not now receive their compensation from the parties in interest, but from the public treasury alone. This economy is so considerable that it constitutes in itself a powerful incentive to effect the demarkations. In fact, the stamped paper which had to be used being arranged in ratio with the amount involved in the transaction, it can be affirmed that as soon as a contention arose said paper was in no case less in value than one dollar and fifty cents gold and in many cases the price reached three dollars. On the other hand, the court recorders were given high fees, which in such diffuse and complex proceedings amounted to considerable sums.

Notwithstanding this, it has seemed to us that we should offer greater incentive for the demarkations and to that end we have granted in our project the right to pay the expenses of the survey, reduced almost to the fees of the lawyers and the surveyors, in five

annual installments, guaranteed with a lien on the respective parcels. Furthermore, we recommend that said expenses shall never exceed 10 per cent of the value of the property (*fundo*) divided, as prudently decided by the Judge, according to the place and circumstances of the action.

The Section *General Provisions* comprises the substantive legislation which characterizes this class of properties, formerly incorporated in the laws of procedure and without express sanction in the Civil Code. This Code, in matters of demarkations and holding of properties in common (*comunidad de bienes*), only contains the few articles of Chapters 3rd and 4th, Title II, of Book Second, and, in their greater part they are not applicable to rural property nor to urban property precisely as they are constituted in Cuba. Nevertheless, those precepts are respected in so far as same are applicable and not at variance with the special provisions regulating our primitive territorial property.

The object of the *Transitory Provisions* is to give proper course to the actions pending in the Courts, whether or not same are stayed, in order that according to the stage thereof they may be adjusted to the precepts of the project. Furthermore, the organization of a bureau of statistics, information and publicity is recommended, which shall make known to those who may be interested and concerned all the data which may be gathered in the public archives concerning the rural properties in question. We have considered that this service will prove of positive utility because there prevails a genuine lack of knowledge of said primitive title-deeds, interred in moth-eaten documents, which, after this obscurity has been dissipated, would facilitate not a little the demarkation and final apportionment of the properties (*haciendas*).

* * *

As it is seen, we give a juridical solution to a problem which in our judgment is strictly juridical. We put aside violence in a matter so serious as that of the territorial property, moved by the purpose of not implanting in Cuba an agrarian question, and condemn as an attempt upon most sacred rights the scheme devised by a few persons in order to solve the difficulties proper of their title-deeds of abolishing all territorial tenancies in common by a single stroke of the pen and granting to the possessors and adverse occupants, without any investigations or elucidations of their title-deeds, the right of appropriating to themselves and recording in Registries of Property as theirs exclusively the portions which they hold. We have considered improper the division and demarkation for account of the State because it is already too greatly encumbered with duties and expenses to assume new obligations.

The grounds of these conclusions are of diverse character. Above all we have taken into account considerations of justice and equity

of easy comprehension by any unprejudiced person. There exists in Cuba since many centuries ago a complete juridical system, with organic laws bearing on territorial properties; our landholders, great and small, have acquired by the means recognized in law either *caballerias* of land when, after the properties (*haciendas*) were apportioned the property became individualized, or portions of land with *Pesos de posesión*, or areas undetermined, when they continued in the regimen of tenancies in common, or without being marked out. Both forms are those sanctioned by the institutions not of yesterday, but of the juridical history since the earliest days of our colonization, for it is well known that by a law included in the code known as the Laws of the Colonies (*Leyes de Indias*) the laws of Castille were extended to the Americas, with the exception of the amendments made therein due to considerations of place and conditions, but always in such a manner that there should be the greatest possible similarity.

The Cuban territory was apportioned among the settlers until 1729 in conformity with the Municipal Ordinances of Havana dated in 1574, approved by the competent authority and extended to the city of Santiago de Cuba and to the villages of Bayamo. Puerto Principe and Sancti Spiritus, Article 64 of which reads: "*The Municipal Councils of the Island, each one in its jurisdiction, may grant licenses of sites and lots of land for houses, and lands for cattle-raising farms, in the same manner as they have been hitherto granted since the discovery of the Island; provided, the public and third parties are not injured thereby.*"

When in 1729 said power of granting lands was withdrawn from the Municipal Councils the greater part of the territory had already been distributed; in many districts even more lands than those existing were granted, inasmuch as the areas of a circle of a radius of two leagues and one league respectively having been assigned to the cattle-raising farms and inclosures (*haciendas y corrales*) no survey was made; the centres or settlements being determined by some topographical detail with undetermined limits, the distances judged by sight.

During the first years of the nineteenth century the titles aforementioned were again sanctioned, legally giving the character of owner to all those who were possessing the lands by virtue of the grants; the prescription of forty years being recognized for the vacant or uncultivated lands; adjustments with the State being allowed concerning the surplus resulting from the surveys, and, lastly, conceding them to the tenants in common (*comuneros*) in the works of demarkation, wherefore, the State recognized as a general rule the individual appropriation of the territory, there remaining only as free lands those not comprised in its concessions.

Said provisions did not in reality introduce any fundamental innovations in our civil legislation, for since time immemorial the conveyance and circulation of the land had been adjusted to the

principles aforementioned and these were supplemented by the famous ruling (*Voto Consultivo*) of the Audiencia of Puerto Príncipe, of April first, 1819, promulgated on the sixth of May of the same year, which sanctioned the usages and customs prevailing in matters of possession and ownership of properties held in common (*haciendas, hatos ó corrales*), incorporating them in our substantive local laws, inasmuch as the general codes, recognizing the ownership in common of properties as one of the means of enjoyment thereof, had not been enabled to foresee the characteristic circumstances of the appropriation of the lands in this Island.

The ruling aforesaid (*Voto Consultivo*) also contained rules of procedure, likewise special ones, wherein taking as a basis the ancient practices in the proceedings of survey and demarkation there were precepts of genuine utility and efficiency, considering the condition of our legislation on procedure and the political and administrative organization of Cuba in that epoch and while the *Voto Consultivo* governed. There was established a kind of mixed jurisdiction: the ordinary authority exercised by the Judge by reason of his office and that delegated by the administration, such as that granted the Municipal Councils to designate a referee. The referee proceedings were combined with the declaratory action, inasmuch as the referee designated by the Municipal Council, together with those appointed by the tenancies in common (*comunidades*) had to determine the boundaries according to their discretion and conscience and subject to several rules in which were jumbled the rules of procedure, the technics of the surveyor, and the Civil Law. In reality it did not contain a complete system, leaving in darkness, as was the case in all the procedures of the time, the actions and recourses which the interested parties could exercise, abuses and practices contrary to law more than familiar to all those who are versed with the history of our procedure being enthroned thereby.

Nevertheless, said regulations were in accord with their object in that they gave a method for the demarkation, assuring the intervention of the judiciary to conduct and decide the questions arising between the interested parties; consequently, the criticism of the Codifying Commission of the Colonies to the effect that the ruling of the Audiencia of Puerto Príncipe effaces the dividing line between the contentious and voluntary jurisdiction is groundless. So long as said ruling was in force without restrictions, namely, until 1866, before the great insurrection of 1868, the properties held in common (*haciendas comuneras*) were constantly marked out and apportioned, the greater part of those of the ancient jurisdiction of Sancti Spiritus and many others in the remainder of the Island having been totally apportioned during a little more than ten years. If the demarkations have been less numerous since that time it is due in no small part to the lack of an adequate procedure to which we have made reference in the course of this report.

The violent solution proposed by some of considering the tenants

in common (*comuneros*) with defined portions in the common property (*fundo común*) as individual owners of the portions they occupy, would be an attempt against the juridical order which we have carefully considered and, therefore, it could not secure our approval. Those who advocate said measure found themselves on the fact that the properties held in common (*haciendas comuneras*) have been an obstacle to the development of agriculture in Cuba and constitute a hindrance to progress, the removal of which should be resolutely aimed at by the legislator. Said assertion is utterly destitute of foundation and evinces positive lack of knowledge, and frivolity. None of the eminent Cubans who studied our economic constitution during the whole course of the nineteenth century ever laid such charges against the regimen of the property in Cuba. We refer to Arango y Parreño, who was a representative character of evolution effected from 1790 to 1830; to Saco, who studied our social and political problems from 1830 to 1850; and to Pozos Dulces, Reinoso and others, from 1850 and thereafter. In the annals of our history it appears that the total apportionment of our rural properties (*haciendas*) was effected in a continuous manner according to the demands of agriculture before and after the *Voto Consultivo* of 1819, and that said demarkations stagnated and even disappeared when the cultivation of the lands diminished as has occurred since 1868 in consequence of the wars, complicated with a careless legislation, which, maliciously perhaps, failed to provide a new procedure upon the revocation of the former one because it was behind time and detrimental.

The only special mention we have found by those noted writers concerning the problem of the properties held in common (*haciendas comuneras*) has been in the writings of Arango y Parreño, so much greater an authority to those who subordinate the organization of properties to private interests as he was a true apostle of the primacy of economical over political and social questions, to which he paid little attention; consecrating almost all his labor in public life to insure for this island the agricultural development which circumstances rendered feasible by the ruin of Havti, the decline of Jamaica, the revolutions of South America, and, in general terms, by the great maritime wars of the French Revolution and Napoleon, which sent to utter ruin the Spanish mercantile system of the time.

Arango, with profound wisdom considered the property held in common not as the cause, but as the consequence of the lack of population, which rendered difficult or impossible the cultivation thereof. Only once, in an annotation to one of his reports, he makes the remark aforesaid, but in the numerous reports which he published on financial matters according to the fashion of the time, data may be found which evinces that the evolution of the territorial property in Cuba does not substantially differ in that connection from any of the countries of European colonization and at the end is analogous with that of civilization in general. First the occupation of the lands most easily turned to account by the scattered settlers, among us the lands for pasturing; common working of

those sources of wealth; slavery or servitude to engage in the cultivation of the soil, profiting by the work imposed on the slave; and lastly the distribution of the soil into individual lots, larger or smaller, upon the growth and development of the population, either with free laborers or slaves as occurrences favored.

From the year 1763, date of the restitution of Havana by England in consequence of the first Treaty of Paris which may have affected the destinies of Cuba, there began in what is at present the Province of Havana the division of the lands held in common (*haciendas comuneras*) and this continued with such force on the East of the present Province of Pinar del Río and throughout that of Matanzas that in the first decade of the nineteenth century, years prior to the *Voto Consultivo* of 1819, scarcely was there any property unapportioned within thirty leagues around this city. It thus appears from the reports of Arango on the development of our agriculture and especially on the regulations of the supply of meats; on the utilization of the forests for the Royal Navy of Spain, and on other matters of the same nature. It is thus corroborated by the innumerable deeds concerning lands alienated under reservative ground rents, which are dated in the same period.

In all the Island that movement continued evenly with rate of increase of population and agriculture to the extent that it can be affirmed that until 1868 there was always a district in which the problem had ripened and was in course of solution. We have made reference before to the apportionment of the properties in Sancti Spiritus in the decade of the year sixty; from thence it was extended to Remedios and the present district of Morón, and in a very interesting monograph just published by the expert and enlightened counsellor of Holguín, Mr. Belisario Alvarez, collecting articles written in 1867, there are apparent conclusive indications that the same movement was started in that vast and wealthy district.

How could said evolution fail to be stagnated in the last thirty years if sixteen of them have been of declared civil war and during the period of fifteen years truce the reconstruction of the Island was complicated with the abolishment of slavery and the formidable sugar crisis, which, initiated in 1884 has lingered with various vicissitudes and is now reaching its most distressful periods? In very limited zones there has existed during said period a genuine development of agriculture, as has occurred on the west of Remedios, and a part of Cienfuegos and Sagua, but in the remainder of the Island the general rule is that agriculture and pasturage and fattening of cattle did not extend the zones of cultivation nor occupy a greater area than the one worked prior to 1868.

With the aforesaid perturbations and ruin coincides the occupation of vast areas by tenants in common (*comuneros*) without titles, availing themselves of the political and social preponderance which the disturbances insured to certain social classes and when pest and war had decimated, ruined and dispersed the families, legitimate

possessors of a part of the territorial properties held in common. That anti-juridical and violent condition is the one which can never be sanctioned by the State, whose first duty is to give guarantees to the life and properties of the citizens, without sacrificing under any circumstances those who are most in need of its protection and support.

It must be borne in mind that any measure contrary to law which may be adopted would not favor the distribution of the soil among the cultivators thereof; on the contrary it would be a stimulant to the strong and powerful. In our territorial tenancies the middle and small owners abound, people who by succession from parents to children and during three or four generations have been distributing their titles among themselves, and who occupy or possess the land which in our rural economy is only sufficient for the decorous support of a family.

As a last reason in this order of ideas and omitting others in order not to fatigue your enlightened attention, we record the fact that the greater part of the territory of this Island is at present apportioned, but that a large portion thereof, perhaps the greater, is held in common; for, in consequence of the utter ruin of our agriculture during the last war and when the wounds of the first one are not yet well healed, there are pending in a considerable number, settlements and partitions of inheritances, the heirs being satisfied to enjoy the inheritance undivided, the inheritance consisting in lands, which is also an unequivocal proof that the problem of the individual appropriation of the land depends on the financial condition of society.

Finally, we are of the opinion that we should cast aside as inadvisable from every standpoint the accomplishment of the demarcations and apportionments by the Government, which some have recommended; confining ourselves to empowering the Secretary of Finance to institute said proceedings when in the interest of the patrimony of the State in charge of said functionary.

The reasons by which we have been prompted are obvious. It is at once evident that the Government lacks trustworthy data to know which are the properties (*haciendas*) held in common or which have been previously marked out; it would be necessary for it to secure said data by means of a general and continuous investigation, prohibited by the old laws; a menace to those possessing lands in two-thirds of the Island, whom it would disturb in the legitimate exercise of their rights; violating fundamental principles of our legislation, according to which no person should be disturbed in the possession of his property except for justified causes of public utility and then with the legal formalities; and infringing on the precept of our Civil Code, by which no public authority can demand from the possessor or owner the exhibition of the titles by which he possesses, except as provided by the laws which regulate the exercise of actions.

To place the territorial property in the hands of investigating functionaries would be to cause a greater perturbation and restlessness in our country than all those unreasonably ascribed to our properties held in common (*haciendas comuneras*). It suffices to consider that the so-called investigators of properties of the State done away with by you in Order No. 135 of 1900 would be pleasurable remembrances placed by the side of those who would appear as soon as there should be employees vested with the power of forcibly instituting proceedings for the demarkation and apportionment in question, or to denounce as unappropriated or uncultivated the lands of a great portion of our Island possessed by private individuals. And it is not our intent to suppose them prompted by evil designs, but, on the contrary inspired by the greatest zeal: a sufficient reason for many of them to yield to the disputes, false statements, rumors and conjectures which entangle and depreciate everything; sowing discord, lack of confidence and suspicion in the families and among the citizens.

On the other hand, the number of agents which would be required for the conduction of said proceedings would be great, when the administration of justice itself is parsimoniously endowed and other services which fall within the sphere of obligatory action of the State are in a state of infancy and insufficiently provided for, such as development, public works, rivers and ports, and others which it would be prolix to enumerate.

If there existed vacant territories in this Island to assign to colonization, radical measures would be understood although not always excusable, but we repeat the statement we have made before: In Cuba the vacant lands are the exception for almost all the lands are appropriated; this is not a country of colonization, but of improvement and development. Any attempt on the part of the State to disturb property owners with compulsory proceedings directed towards forcing them to make the division would bring about a general execration. Therefore, let no exception be made of only one class of properties, withdrawing it from the ordinary rules of the Civil Procedure, sufficient for the conciliation of the general interest with individual initiative by the principles of the common procedure, which we respect in our project.

We conclude not satisfied with our work because the matter is arduous, although convinced that the project if adopted shall be an improvement on the present condition of the question, for, respecting all legitimate interests, it gives guarantees to private rights, equally encouraging all apportionments, without imposing new burdens on the State or more afflictions on our country.

Very respectfully,

Leopoldo Cancio.
Rafael Cruz Pérez.
Octavio Giberga.

ORDER.

DEMARKATION AND DIVISION OF RURAL PROPERTIES.

(Haciendas, Hatos ó Corrales.)

ARTICLE 1. The demarkation and division of rural properties (*haciendas, hatos ó corrales*) whether or not held in common, the area of which has not been determined in a previous demarkation or is not known by the demarkation of the bounding properties (*fundos límites*), and the apportionment of the land when the properties belong to tenants in common (*comuneras*), shall be governed by these rules.

Said rules shall also be applicable to the demarkation of lands granted for cattle farms and sugar plantations (*estancias é ingenios mercedados*).

ARTICLE 2. The Judge of the judicial district wherein the property is situated shall be vested with authority to take cognizance of these actions and if same is located in more than one judicial district any Judge who has jurisdiction in the territory shall be competent, at the choice of the petitioner.

The jurisdiction aforesaid debars the parties from expressly or tacitly submitting themselves to any other Court.

ARTICLE 3. All claims pending or which may be made in actions for the possession or recovery of lands of the property (*hacienda*) subsequent to the institution of the suit, may be consolidated in these proceedings.

ARTICLE 4. Any property owner, tenant-in-common (*comunero*) or co-owner, whatever may be the import and kind of right he has in the tenancy in common (*comunidad*), and any person who has a property right constituted on the property in common (*fundo*), shall be a legitimate party to institute these proceedings.

The Department of Finance may also institute them, either in its own name or by expressly delegating any public functionary, when in the opinion of the Government the demarkation may be in the interest of the patrimony of the State.

ARTICLE 5. Should only the demarkation of a property not held in common (*hacienda, hato ó corral no comuneros*) be involved the proceedings will be divided into two stages: *Preliminary* and *Demarkation*; and should it be a property that is held in common (*fundo comunero*), into three stages: *Preliminary, Demarkation and Passing Upon Titles*, and *Division or Apportionment*.

PRELIMINARY STAGE.

ARTICLE 6. The person petitioning the demarkation of a rural property (*hacienda, hato ó corral*) belonging exclusively to him,

or the demarkation and division of a property held in common (*hacienda, hato ó corral comuneros*), shall, besides complying with the general requirements prescribed for appearance in an action, file his petition in duplicate setting forth in separate and numbered paragraphs the facts and legal grounds on which he bases his petition and stating whether or not the property in question is held in common.

He shall necessarily attach to the petition, without which it shall not be admitted:

(a) The public document proving his status as owner or co-owner or a certificate of the Registry of Property should he have recorded in his own name the possession of any defined portion. The functionaries delegated by the Department of Finance shall present the credential of their express commission, which they shall indispen- sably receive.

If the petitioner lacks a written title-deed of ownership or possession, he may accredit his status before the same Court in which he files the petition for demarkation by the deposition of witnesses, showing the nature and location of the property (*fundo*) or defined portion of which he claims he is owner or tenant in common (*comu- nero*), the legal nature, value, origin and circumstances of the right on which he founds his pleadings, the time during which he has held possession, and the fact that there does not exist any written title-deed.

The tenants-in-common (*comuneros*) whose possessions adjoin that of the petitioner shall necessarily depose if a property held in common (*hacienda, hato ó corral comuneros*) is involved in the peti- tion, and the owner or owners of the adjoining properties (*fundos*) if the property in question is not held in common.

The persons aforementioned having deposed, the Court shall thereupon consider proven the status of the petitioner, without detriment to the objections which the interested parties may make at a proper time.

(b) A statement of the co-owners or tenants-in-common (*comu- neros*) of the adjoining properties, or the name or names of the adjoining owner or owners if the properties (*fundos*) adjoining are not held in common.

(c) Another statement giving the names of the co-owners or tenants-in-common (*comuneros*) if the demarkation and apportion- ment of a property held in common (*hacienda, hato ó corral*) is involved.

(d) An authenticated copy of the grant of the property (*haci- enda, hato ó corral*), with a detailed description of the centre which should be taken as the starting point for the general survey.

If the petitioner cannot obtain a certified copy of the grant he

may present an authenticated copy of any public document which contains it.

If authenticated copies are not obtained simple copies may be filed, but in this case the place and the archives wherein the originals may be found shall be designated, petitioning that as a preliminary measure letters mandatory be issued to bring authenticated copies, with summons of the Public Prosecutor.

(e) If the archives wherein the grant has been filed have been destroyed this fact shall be proven by the deposition of witnesses and the copy of the original documents shall be substituted by the means recognized in law.

Any person or entity holding an authenticated copy of the grant may file same and it shall be added to the proceedings.

ARTICLE 7. Should preliminary action be necessary on the petition being filed, the preliminary stage of the proceedings shall be made known by means of notices posted in the Court and published in the HAVANA GAZETTE and the newspapers of the judicial district once at least, announcing that the records are to be seen in the office of the Court Recorder, where they may be examined by any of the persons designated as co-owners or adjoining owners and by the functionary who may have been commissioned by the Department of Finance.

ARTICLE 8. On the preliminary proceedings being closed the notices and copies of the newspapers wherein same have been published shall be annexed to the proceedings.

ARTICLE 9. During this preliminary stage the persons designated as co-owners or adjoining owners and any other interested party may file any documents which may throw light upon any of the requisites referred to in Article 6.

STAGE OF DEMARKATION.

ARTICLE 10. The petition having been presented with all the requirements mentioned or the preliminary proceedings having ended, the action enters the stage of Demarkation.

For this purpose a separate record shall be made which shall be headed with the duplicate of the petition of the petitioner and an order shall be forthwith issued in which, setting forth as ended the Preliminary stage and begun that of the Demarkation, shall be ordered the convocation of the tenants-in-common (*comuneros*) of the property (*hacienda*), if a property (*fundo*) held in common is involved, and of the possessors or owners of the adjoining properties (*propiedades ó fundos*), in order that they may appear in the proceedings; warning all that the proceedings will continue to their detriment if they do not present themselves.

The tenants-in-common (*comuneros*) of the property (*hacienda*) the demarkation of which is involved, shall appear with the titles of their possessions accredited in any of the forms established in letters *a*, *d*, and *e* of Article 6. The tenants-in-common (*comuneros*) lacking in the list of tenants-in-common referred to by letter *c* of said Article 6 may be added to said list.

If the adjoining properties are properties in common the possessors will be notified that they must appear and appoint a common representative for the demarkation.

The period of the call for the convocation shall be thirty days, counted from the first publication of the order in the GAZETTE OF HAVANA.

ARTICLE 11. In the order to which the foregoing article refers there shall be fixed the place, day and hour for the meetings in which the adjoining tenancies in common (*comunidades*) shall unite to provide their common representative.

The meetings shall be held in the last ten days of the period fixed in the foregoing article and after account is rendered by the Clerk of the Court of the institution of the proceedings and the documents presented, the election of the representative shall be proceeded with. Any of the tenants-in-common (*comuneros*) present in the meeting shall be eligible and the one who obtains the greatest number of votes shall be considered elected.

The office of common representative is obligatory upon the tenants-in-common (*comuneros*).

ARTICLE 12. The notification of the order shall be made in the ordinary manner, and in addition summonses shall also be left in the farms and defined portions of the property (*fundo*) and of the adjoining ones which may be inhabited. The call for the convocation shall also be advertised in three consecutive numbers of the GAZETTE OF HAVANA; in the newspapers of general interest of the judicial district in which the proceedings are carried on, and in those of the same class published in the districts in which the adjoining properties may be situated. In addition, posters shall be fixed in the buildings of the municipal councils and the courts, schools, churches and public places of the towns and villages nearby or nearest to the property (*hacienda, hato ó corral*).

ARTICLE 13. In the notifications and calls for the convocations mention shall be made of the name of the petitioner and status under which he has appeared; of the grant or title presented; of the point designated as the centre from which the general survey should begin; of the date on which the thirty days of the call for convocation expire; of the warning above mentioned, and that the records are to be seen in the office of the Court Recorder, where the interested parties may themselves or through attorneys and agents examine them.

The advertisements in the newspapers and the posters shall also contain the list of those designated as tenants-in-common (*comuneros*) of the property (*hacienda*) or as owners and tenants-in-common (*comuneros*) of the adjoining properties (*fundos*), giving notice that all those who may believe they have a right to do so may appear in the proceedings under the title of such tenants-in-common (*comuneros*), although their names may not be in the list of the petitioner; it being necessary for all to accredit the status under which they enter appearance.

ARTICLE 14. The orders for the publications, the posters and the letters-requisitorial will necessarily be made in the ten days following the date of the order and they shall be forwarded immediately. The respective Municipal Courts may be encharged with the notification, which they shall make immediately.

To obviate delays the petitioner or any interested party who has been present in the proceedings may present written or printed summonses, orders and posters of the notifications and advertisements, conforming with the legal precepts, and the Court shall forward them. the clerk of the Court signing and rubricating the documents with the countersign of the Judge and placing on them the seal the court.

ARTICLE 15. The letters-requisitorial may be forwarded by the Clerk of the Court in registered envelopes, the petitioner or any interested party paying the necessary expenses, and the Judges addressed will give preference to their accomplishment, returning them in the same manner or any other deemed expeditious and secure.

ARTICLE 16. After the thirty days of the call for the convocation have expired the records and documents of advertisement and notification shall be annexed to this record and then an order shall be issued for the beginning of the demarkation, which shall be from forty to sixty days after the order, according to the circumstances of the proceedings and locality as considered by the Judge. This done, it shall be published within the ten days following in notices, posters and advertisements, which shall be fixed and inserted respectively in the same places and newspapers designated in Article 12, with exception of the GAZETTE OF HAVANA.

ARTICLE 17. For the representation and decisions of each adjoining tenantry in common (*comunidad*) a separate record shall be made, which shall be headed with the minutes of the meeting referred to in Articles 10 and 11. In that first meeting the instructions to which the representative shall adjust his actions, and in particular, the demarkation requested, must be deliberated and decided upon. The vote of the majority of those attending shall form a decision, the enforcement of which is obligatory upon the common representative. If in the voting there should not be a majority, the two candidates who may obtain the greatest number of votes shall

be considered elected. The representatives of each adjoining tenantry in common (*comunidad*) shall in no case be more than two.

ARTICLE 18. Should the common representative or representatives or any tenant-in-common (*comunero*) of an adjoining property deem it necessary or to their interest, they may petition that the tenants-in-common (*comuneros*) be convoked in a meeting, setting forth to the Court in writing the object of the call, and, provided it refers to the object of the proceedings and appertains to the tenantry in common (*comunidad*) of which the petitioners are members, the Judge shall accede to the petition.

These petitions shall be conducted in a separate record corresponding to each tenantry in common (*comunidad*) and in them the respective tenants-in-common (*comuneros*) only shall be parties. The terms and conditions of the calls for convocation must be carried out within the periods fixed for the main proceedings, which shall continue their course in accordance with this order.

The expenses that may be caused in these separate records by such proceedings shall be charged to the respective tenantry in common (*comunidad*.)

ARTICLE 19. Within the period fixed in conformity with Article 16, the petitioner shall, if the property (*fundo*) is not held in common and if he has not done so before, make the designation of the expert who is to make the demarkation, appointing also a substitute to replace him in case he should become incapacitated for the work.

ARTICLE 20. If the property (*fundo*) the demarkation of which is involved is not held in common, the demarkation shall be commenced on the day fixed unless opposition should be formally made within the non-extendible period of twenty days counted from the publication of the order referred to in Article 16, and the objection be made by setting up that the documents on which the petition is based are false or by referring to the location of the centre for the general survey, to the priority and legitimacy of the grant or title of the petitioner, or on account of violation of the essential forms of the proceedings.

In all other cases the objection or opposition shall not hinder the demarkation.

ARTICLE 21. The opposition or objection shall be conducted according to the procedure established for incidental issues in Title III, Book Second of the Law of Civil Procedure; in the same record of proceedings if of those mentioned in the foregoing article, in a separate record in other cases.

Those who sustain the same pleadings shall litigate together; the adjoining tenants-in-common (*comuneros*) through their representatives; and the periods fixed by the law for each proceeding shall be common to all whether they litigate together or not.

ARTICLE 22. The adjoining owners and tenancies in common (*comunidades*), may at their own expense designate experts to attend the demarkation, but solely for the purpose of inspecting the technical execution and without interrupting it under any circumstance.

ARTICLE 23. The incidental issues of prior and special decision concluded, admitted by the Judge, or the day fixed having arrived, the demarkation shall be begun. For this purpose the corresponding order shall be issued by the Court, in which there shall be pointed out to the expert the centre for the survey and special circumstances of the work as shown by the results of the proceedings.

ARTICLE 24. The expert shall render report to the Court within the sixty days following the one on which he receives the order and if he does not do so he shall incur the loss of his fees unless he has been prevented by *force majeure*.

If by reason of sickness or other cause neither the expert nor his substitute are able to discharge their commission, the Judge shall, upon request of the petitioner or anyone adjoining or upon his own motion, appoint an expert to carry out the work within the period fixed in the foregoing paragraph and at the expense of the petitioner.

ARTICLE 25. Account having been rendered to the Court of the work of demarkation, same shall be exhibited in the office of the Court Recorder for a period of twenty days, during which it may be objected to by any interested party. The objection must be based on failure to comply with the terms on which the commission was conferred or on technical reasons duly formulated and based on an expert report which shall be attached.

The objection having been conducted in the form and by the procedure for incidental issues; being united those who sustain the same pleadings, and the tenancies in common (*comunidades*) through their representatives, the proceedings of demarkation of the rural property not held in common (*hato ó corral*) shall be declared ended with the decision which may be rendered.

DEMARKATION OF PROPERTIES (FUNDOS) HELD IN COMMON AND PASSING UPON THE TITLES THERETO.

ARTICLE 26. If the proceedings instituted be for demarkation and division of a rural property held in common (*hacienda, hato ó corral*), and in the Preliminary stage within the period of thirty days fixed in Article 10, any tenant-in-common (*comunero*) should state that he does not agree with the designation of the centre or with the grant or title presented or alleged by the petitioner, setting forth the grounds of his dissent, all the tenants-in-common (*comuneros*) shall be called to a meeting, which shall be held twenty days after the order on which the call is given and advertised in the form

provided in Article 12, except that the publication in the GAZETTE OF HAVANA shall be omitted.

ARTICLE 27. In the meeting the objections presented shall be deliberated upon and the data which may be presented in writing shall be admitted. After the objections are discussed the voting shall be proceeded with and the majority of votes of the tenants-in-common (*comuneros*) present shall form a decision, one vote being counted for each twenty-five *pesos de posesión* to the tenants-in-common (*comuneros*) who possess a larger amount, any excess which does not reach said amount not being counted.

ARTICLE 28. Should the minority, founded on reasons which in the prudent judgment of the Judge are considered without further remedy, protest against the decision of the majority, or should the votes of the majority not equal the two-thirds of the *pesos de posesión* which constitute the property (*hacienda ó corral*), the meeting will continue until there are elected by a simple majority of voters three Amicable Compounders, who shall, in the period of twenty days counted from that on which their appointment is made known to them, decide all the points controverted. These Amicable Compounders must be learned persons and established residents in the place where the proceedings are had, taxpayers on a rural property (*finca rústica*) to a municipal council of that judicial district or any other in the Island, but they must not be tenants-in-common (*comuneros*) nor owners of the property (*fundo*) which has made or may make opposition or objection to the demarkation, nor of an adjoining one.

If in the voting there should not be a majority, those who obtain the greater number of votes of the persons present shall be considered elected.

The office of Amicable Compounder is obligatory.

Within the twenty days fixed the Amicable Compounders shall decide the points controverted, rendering their award in writing in clear and precise terms and according to their faithful knowledge and understanding, but based on the data existing in the records.

Against the award of the Amicable Compounders there shall be no recourse, the liabilities which they may incur excepted.

ARTICLE 29. Should there be no objections to the demarkation the meeting of tenants-in-common (*comuneros*) provided in Article 26 shall be called to consider the appointment of a Syndic and principal and substitute experts, as well as all particulars of interest to the better carrying out of the work and providing funds for the expenses.

The Syndic or common representative shall have the powers of an agent of the tenantry in common (*comunidad*) and shall proceed in accordance with the instructions he may receive. In default

thereof he shall do that which the nature of the proceedings demands, rendering a report of his actions in the form established for accounts of administration in intestate proceedings. As such he shall be charged with the collection and use of the funds necessary for the indispensable common expenditures and for the work of demarkation and classification of the lands. He shall also represent the tenantry in common (*comunidad*) in the proceedings against those foreign to it and shall likewise sustain the decision of the majority in the incidental issues arising with the adjoining as well as in those which may be instituted by any tenant-in-common (*comunero*).

The obligations of the experts will be those established in Article 24.

ARTICLE 30. The Syndic may make use against delinquent tenants-in-common (*comuneros*) of the procedure established in Article 8 of the Law of Civil Procedure for the collection of funds.

ARTICLE 31. When objections are made to the demarkation, the appointment of the Syndic and experts shall be made in the same meeting convoked to consider those objections. The office of Syndic is obligatory upon the tenants-in-common (*comuneros*).

ARTICLE 32. The appointment of the Syndic and experts having been made or the objections made to the demarkation by the tenants-in-common (*comuneros*) decided, the course of the proceedings shall be continued in accordance with Articles 17 to 25, except that the expert shall survey and classify the lands, the defined portions, the spaces occupied by railroad lines, and the watering places comprised in the area marked out, but not including public highways. By defined portions are understood those that are really and actually cultivated or occupied by permanent buildings. The expert shall present a topographical plan of the work and a statement of the appraisalment of the lands, according to their location and condition.

The lands shall be classified as mountainous, cultivated, bare and useless, should the useless ones have a continuous area of more than one *caballería* of land. Should there be mineral beds of importance they will be included in the classification. The period for the execution of the work shall be one hundred and twenty days, extendible for forty more, as decided by and under the responsibility of the Judge.

ARTICLE 33. On the expiration of the thirty days fixed in Article 10, the passing upon of the legitimacy and importance of the possession which each tenant-in-common (*comunero*) represents in the property (*fundo*) shall be proceeded with. For this purpose the documents which the tenants-in-common (*comuneros*) present during the period of thirty days fixed in Article 10 and a copy of the additions made to the list of tenants-in-common (*comuneros*), shall be annexed to the records formed in the Preliminary stage of the proceedings.

ARTICLE 34. The passing upon titles shall be done by Referees on Title chosen by the tenants-in-common (*comuneros*) in a meeting called especially for such purpose. Between the call for and holding of the meeting twenty to thirty days must intervene, according to the circumstances of the proceedings, as freely considered by the Judge. The day shall be set in such a manner that from fifteen to twenty days shall intervene between this meeting and that for the appointments of the Syndic and experts.

ARTICLE 35. The summons issued for said meeting shall be served in the manner provided for in Articles 12, 13, 14, and 15.

ARTICLE 36. In the meeting there shall be elected two Referees on Title who shall combine the same qualifications as the Amicable Compounders referred to in Article 28, the Judge designating a third who must necessarily be a lawyer and combine all the other requirements aforementioned, the senior in age being the president, and the Court Recorder acting, the secretary. The election shall be by a plurality of votes.

ARTICLE 37. After the Referees on Title have been appointed, the record bearing on the passing upon titles shall be forwarded to them for a period of not less than thirty nor more than fifty days, in order that upon the title-deeds filed and data of the proceedings they may make the corresponding examination and decision; rendering their report in writing as to the legitimacy, value and origin of the possessions claimed and the aggregate amount of the portions of possession or property (*pesos de posesión ó de propiedad*) and areas represented by the tenancy in common (*comunidad*).

Together with this general report they shall file two partial statements: one wherein the portions of land (*pesos de posesión*) belonging to each co-owner shall be precisely and clearly specified if the undivided portions are so determined; or the nature of the possession of each one of them if the manner of determination thereof should be different, as "*children*" or "*grandchildren*," provided he has a settlement or establishment within the property (*fundo*) held in common; and another of the possessions of those who do not have a settlement or establishment within said property (*fundo*).

ARTICLE 38. The report and the statements aforementioned shall be exhibited in the office of the Court Recorder for a period of fifteen days, where same may be examined by the interested parties.

If during the period aforesaid the decisions on title are objected to, a meeting will be called which shall be held ten days after the call and announced in the customary newspapers, localities and public places.

ARTICLE 39. In the meeting the general report, the statements filed by the Referees on Title, and the petitions entering the objections thereto shall be read. Forthwith votes shall be cast on each one of the objections and a decision shall be made by a majority of

the voters; the claimants whose pleadings are not recognized in the general report not being allowed to vote.

ARTICLE 40. The latter and the minority may maintain their pleadings and a separate record shall be prepared with the documents of objection filed within the period specified in Article 38. These proceedings shall be conducted in accordance with the procedure established for collateral issues, with the hearing of the Syndic or common representative in the name of the tenantry in common (*comunidad*).

If the objections affect the totality of the decision on title they shall be conducted as collateral issues which must be determined prior to the main issue, and with the persons united who support the same pleadings.

ARTICLE 41. The Judge, considering the decision of the majority, shall render his decision, and if the demarkation has been completed the proceedings shall enter the stage of Division or Apportionment.

STAGE OF DIVISION OR APPORTIONMENT OF PROPERTIES (FUNDOS) HELD IN COMMON.

ARTICLE 42. After the stage of Demarkation and Passing Upon Titles has ended, the Judge upon his own motion shall order that the action enter the stage Division or Apportionment. He shall decree that the Referees on Title file within the period of thirty days a general statement showing the areas which may individually correspond to each entity in common, whether or not it has a settlement or defined portion, distributing the area of the property (*hacienda*) so that the bare lands, the mountainous and useless ones may be apportioned with the greatest possible equality.

A plan of the distribution, signed by the expert, shall be attached to said general statement. The following rules shall be observed in the division:

(a) All the lands comprised under the known and accurate boundaries of the granted sugar plantations and farms for grazing cattle (*ingenios y estancias mercedados*) shall be assigned thereto without regard to the possession which they may have in the property (*fundo*) held in common; but, if one or more of the boundaries aforementioned shall have been lost or should be in litigation in such a manner as to prevent the closing of the figure, they shall enter in partition like the other sites, under the rules given, and their land, joined to the remaining part of the property (*fundo*), shall be apportioned among the co-owners in proportion to their possessions.

(b) To each recognized tenant-in-common (*comunero*) who on the promulgation of this Order possesses a settlement or defined portion (*asiento ó acotamiento*), be these estates that were for cattle-

raising, factories, agriculture workings, fixed tree plantings, or apportionments of ground-lots, shall be assigned his portion in the place or places he may occupy, according to the class and conditions of the lands to him awarded; care being had that there be regularity in the figures.

(c) Should each of the cattle-raising farms, factories, establishments, agricultural workings, plantings and apportionments of ground-lots have a distinct settlement, the tenant-in-common (*comunero*) shall be awarded the land which corresponds to him by his title, distributed throughout the diverse settlements; but, should it be possible to unite them, he shall be made the apportionment in a whole; all as decided by the Referees on Title, counseled by the expert.

(d) Should the cattle-raising farms, factories, agricultural workings, fixed tree plantings and apportionments of ground-lots belonging to one tenant-in-common (*comunero*) occupy on the promulgation of this Order an excess of cultivated land twenty five per cent, namely, one-fourth part, less than the area which, according to the value of his possession legally corresponds to him in the apportionment, he may choose between returning the excess to the tenantry in common (*comunidad*) and retaining same and having it warded to him through cash payment of its value to the tenantry in common (*comunidad*), taking as a basis the general appraisement of the lands made in the proceedings.

(e) Owners of isolated portions shall be provided entrances and exits at the continuation of the land awarded the site from which they may proceed, or there not being room there, in another part, as decided by the Referees on Title, counseled by the expert.

(f) The natural watering places and watering places which are fertile in the dry season shall remain, in so far as possible, on the dividing lines, in order that they may serve two or more tenants-in-common (*comuneros*). If their location with respect to that of the portions of the co-owners should not permit this, the advantage resulting to the co-owner in whose benefit they may be left shall be calculated in order that he may indemnify the tenants-in-common (*comuneros*) deprived of them, under the condition that they shall be subject to an easement during three years; sufficient to enable each one to supply himself with the watering place he may require within his portion; without prejudice to the provisions of the Civil Code, the Law of Waters and Order 34, current series, relative to Railroads.

(g) The roads and by-roads necessary for the transit of the residents or for public use shall be taken into consideration upon making the division; the general provisions of the Civil Code, the special provisions concerning roads and by-roads, and those of Order 34 relative to Railroads being respected.

(h) If in consequence of defect in the survey or division there

should remain any surplus of lands or should be any important bed of minerals of iron, copper or manganese, same shall remain *pro indiviso*, without prejudice to what the tenantry in common (*comunidad*) may decide thereafter.

ARTICLE 43. The statement and the plan shall be exhibited in the office of the Court Recorder for a period of twenty days, during which same may be objected to by the parties.

The order wherein this is enjoined shall be published by notices, which shall remain posted during those twenty days in the public sites of the place where the proceedings are being had, it being thus recorded in the proceedings.

ARTICLE 44. If the plan of the apportionment is objected to within the term specified the tenants in common (*comuneros*) shall be called to a meeting.

The meeting shall be held fifteen days after said order, which shall be notified to the parties interested and advertised by notices, in the form and for the period specified in the foregoing Article.

ARTICLE 45. In said meeting, which the common representative or Syndic, the Referees on Title and expert shall necessarily attend, deliberations shall be held and votes cast concerning the points contradicted; that being a decision which may be voted by two-thirds of those present, computed in the manner provided in Article 27 and in such manner that the votes making the decision shall be two-thirds of the total number of the tenantry in common (*comunidad*).

ARTICLE 46. If no decision is arrived at the dissenting parties may formally prepare their objections, which, in case they affect the totality of the apportionment, shall be conducted according to the methods provided for collateral issues which must be decided before the main issue; otherwise, in a separate record.

In either case the Judge shall determine all the points contested, affirming same or directing that there be made in the apportionment the modifications which may be proper. The decisions which may be rendered in second instance shall be held final for the purposes of the appeal of cassation.

ARTICLE 47. Should the apportionment not have been objected to within the period specified in Article 43; should the objections have been overruled or the modifications directed made by a final decision be completed, the proceedings shall be declared closed and it shall be ordered that an attested copy be issued to each tenant-in-common (*comunero*) of the proceedings relating to his apportionment, with the plan of his allotment, which shall be his title of ownership for recording in the respective Registry of Property.

OF THE COSTS AND EXPENSES IN COMMON.

ARTICLE 48. The common costs which may be incurred in the proceedings for the demarkation and apportionment of properties (*haciendas, hatos ó corrales*), whether or not same are held in common, shall not exceed ten per cent of the value of the property (*fundo*), according to the circumstances of time and locality as decided by the Judge; and same may be paid by the interested parties in five equal annual installments counted from the date of approval of the demarkation of the property (*hacienda*) should it not be held in common, or from the apportionment of same if it should be held in common.

To this end the costs shall be appraised by the Court Recorder after the lawvers and experts have filed their respective schedule of fees.

The private costs shall be paid in the regular manner. The adjoining parties shall reimburse to the property marked out one-half of the expense of their dividing lines.

ARTICLE 49. The necessary expenses shall be defraved by the tenantry in common (*comunidad*) after the proper assessment has been recommended by the Syndic, or common representative, and approved by the Judge.

ARTICLE 50. Any tenant or tenants-in-common (*comunero ó comuneros*) may advance the amount of the expenses and pay the costs in cash, substituting the creditors for the reimbursement thereof.

In this case the expenses shall be added to the costs for their repayment in the period of five years.

ARTICLE 51. The Syndic or common representative shall be exempt from contributing to the expenses, but he must contribute with the quota which corresponds to him for the payment of the costs.

ARTICLE 52. The portions of the tenants-in-common (*comuneros*) shall be proportionately liable for the costs and expenses pending payment, for which purpose orders may be issued to the corresponding Registry of Property for the recording of the said encumbrance with the entries and requirements exacted by the Mortgage Law, all at the expense of the debtor.

ARTICLE 53. All transactions which may be occasioned by the demarkation of a rural property (*hacienda, hato ó corral*) and the division and apportionment as the case may be, shall be exempted from the payment of fiscal fees for the conveyance of properties (*Derechos Reales*).

To this end, as soon as proceedings are instituted for the demarkation of a property defined in Article 1, the inception of said proceed-

ings shall be communicated to the Administrator of Internal Revenue of the respective Fiscal Zone, and he shall forthwith report same to the Department of Finance.

ARTICLE 54. When the Department of Finance institutes demarkation proceedings, the engineers of the State, either of Public Works or Forests, shall carry out the work of the experts. They shall receive no compensation other than that corresponding to them by reason of their offices and the delegates who file said proceedings shall be guided by the Public Prosecution or by the representative thereof in the place where the proceedings are being had.

GENERAL PROVISIONS.

ARTICLE 55. In the Demarkation, Passing Upon Titles and Apportionment of the properties (*haciendas*) the bases set forth in the following articles shall be observed.

ARTICLE 56. In the work of demarkation the dividing lines traced in a previous demarkation of the same property (*hacienda*) or of the adjoining one, which have not been impugned, shall be respected; and the landmarks or dividing lines evident by their titles or ancient markings, by agreement of the parties or by final decisions, shall be rigorously observed.

ARTICLE 57. In the absence of the limits or boundaries referred to in the foregoing article between adjoining rural properties (*haciendas ó corrales*) the one having the most ancient grant or license shall complete its radius, determining the location and marks; it being well understood, however, that to fix the question of priority the date of the petition of the license or grant will not suffice, but that of the possession in the form established by the Municipal Ordinances of 1574.

ARTICLE 58. If prior to the meeting in which the experts are appointed for the demarkation none of the adjoining tenancies in common (*comunidades*) can present the license or grant with the requisites stated in the foregoing article, but the petitions to the respective councils with the first decision rendered without the determination of location and marks, and it cannot be amply proven that one of the properties (*haciendas*) was actually occupied before the other or that one tenantry in common (*comunidad*) has acknowledged expressly or from time immemorial the priority of the other, both possessions shall be considered as simultaneous, the demarkation being carried out from their known centre and the conterminous area distributed between both tenancies in common (*comunidades*) in the proportion corresponding to their area, according to the class of rural property they may be (*hato or corral*).

ARTICLE 59. When the boundary lines do not appear with precision in the grant or documents filed, but only the directions, these directions shall be followed in the demarkation.

ARTICLE 60. The centre designated in the decision of the Council when the grant was made, and which can be identified, shall be considered as the centre of the property (*fundo*). In its absence the one acknowledged as such in public records or documents prior to 1800 shall be considered as the centre, and in the absence of both the one acknowledged as such from time immemorial or where the most ancient settlement of the property (*asiento ó corral*) should have been located; the facts and grounds alleged and proven being considered by the Judge, according to law.

ARTICLE 61. The simple mention of a site or topographical detail by some name in the concession of a grant, or in its preliminary proceedings, does not establish any presumption in favor of the existence of titles on said site, but, should mention be made that there existed a prior concession or settlement (*asiento*) this shall be considered as the proof of a grant if in fact a known settlement has been there from an immemorial time.

ARTICLE 62. In the passing upon of the title-deeds of the tenants-in-common (*comuneros*) their co-ownership shall be determined not by the *caballerias* of land on survey of the areas or longitude which may appear in the documents thereof, but by the aliquot part it may represent in the old and genuine titles of the property (*hacienda, hato ó corral*), the portion thereof being fixed as the total area to be apportioned, and the possessions legitimately acquired in the corresponding proportion, may be known.

ARTICLE 63. If by the apportionment of a cattle-raising farm it should result that the cattle of one co-owner remain in the lands of an adjoining one or that the cattle of one property (*hacienda*) remain in the lands of an adjoining one, they shall be bound to concentrate same in their own lands or to take them out within the period of one year, unless it should be otherwise agreed.

ARTICLE 64. The tilled portions and improvements that remain without the area of a marked-out property (*hacienda*) and those that anyone must relinquish on account of occupying more than that which corresponds to him, will be enjoyed for one year by the one who made them if they are vegetables or garden products; until the gathering of the crops if the planting is a yearly one, and for three years if they are canefields, unless the tenant who acquires the land prefers to indemnify the occupant upon the valuation or in the manner agreed by both parties. The one who erected the buildings can demolish them and take away the materials if he cannot come to an agreement with the acquiring tenant or tenantry in common (*comunero ó comunidad*). The fixed fences, tree plantings and artificial pastures shall be paid for upon the appraisement of learned persons; the price being paid in three equal annual installments, with the exception always of that provided in letter *d* of Article 42.

ARTICLE 65. If the plantings, fences and improvements have been made after the preliminary stage of the demarkation proceedings,

the tenant-in-common (*comunero*) doing same shall not be entitled to any indemnification whatsoever.

ARTICLE 66. The errors of the survey arising from the unavoidable imperfection of the instruments shall not be subject to rectification.

ARTICLE 67. If in consequence of the apportionment there should result any surplus lands, same shall be sold to cover the expenses and costs pending payment. Should there be none pending they shall be included in the apportionment. The mineral beds of importance shall, if so decided by the Referees on Title and the Syndic, be sold for the benefit of the tenantry in common (*comunidad*); however, if the majority of the tenants-in-common (*comuneros*) should so agree they shall be included in the apportionment.

ARTICLE 68. When meetings are called, the day, hour and place wherein they are to be held shall be specified. Said meetings will be held in the audience room of the Court and in case this is not sufficiently spacious they shall be held in the hall of the Municipal Council. They shall always be presided over by the Judge, who shall exercise fully the powers vested in him, and minutes of the session shall be drafted in clear and concise terms.

When due to any reason a meeting does not end on the day fixed it shall be continued on the day following, at the same hour and in the same place.

ARTICLE 69. When various properties not marked out adjoin each other and belong to a single owner, for the demarkation of any one of them the owners or tenants-in-common (*comuneros*) of the nearest properties (*fundos*) not marked out shall be summoned, on account of the interest they have or may have in the determination of the grants of the immediate properties and their centres.

ARTICLE 70. In the directions in which it is shown or appears that the adjoining properties have already been marked out in a legal manner the demarkation shall be discontinued and the work which may have been effected shall not in any manner injure the possessors, it being well understood that this rule does not refer to the mere survey and demarkation of defined portions (*acotamientos*) or settlements (*asientos*).

ARTICLE 71. In all the dividing lines a barrier (*trocha*) shall be made or fixed landmarks placed at the common cost of the adjoining owners whom they may benefit.

ARTICLE 72. The segments, hollows and surpluses which may result between adjoining properties (*haciendas, hatos ó corrales*) in consequence of the circular measurement thereof, shall be apportioned among the adjoining properties (*fundos*) in the proportion which may naturally correspond to them; provided same should not have been occupied during the time necessary for prescription.

ARTICLE 73. No retrocession in the proceedings will be had on account of the allegations of any of the parties, unless in a final decision it should be declared that the proceedings are null and void due to violation of the essential forms of the action, enumerated in Article 1691 of the Code of Civil Procedure, and after due consideration is given to the special precepts of this Order.

ARTICLE 74. The summons served on absentees shall only be made by notices (*edictos*); being understood for the purposes of these proceedings as absentees those persons who not residing in the Island have not appointed an administrator or recognized agent for the management and control of their properties. Summonses shall also be left in the properties which may belong to them. If the said properties are abandoned the summonses shall be delivered to the Municipal Mayor of the District wherein the property is situated and in case same should belong to more than one district, to the Mayor of the District in which may be the settlement (*asiento*) or the main building of the property (*fundo*).

In all cases the Public Prosecution will be summoned for the absentees or for the parties whose representation is not legalized or in due form.

ARTICLE 75. If it results during the course of the proceedings that there are successions who have not a legalized representation, the Judge shall in a separate record of proceedings provide for this legalization, which may also be made by the interested parties or their representatives appearing before a Notary Public with the necessary documents to make the declaration of heirs and with the witnesses to depose on the non-existence of a last will.

The proceedings had in this connection shall be forwarded to the Court of First Instance, which, hearing the Public Prosecutor, who shall report within five days, shall thereupon issue a ruling making the declaration of heirs which may be proper, subsequent to the advertisements and notices when they are necessary returning the original record to the forwarding Notary Public, who will file same in his registry. Ten and five dollars respectively shall be paid as fees to the Notary Public and Public Prosecutor for their action in the proceedings.

For the purposes of exemption from the payment of taxes on the conveyance of properties (*derechos fiscales*), in the ruling making the declaration of heirs mention shall furthermore be made that the proceedings for the demarkation having been instituted in conformity with this Order said ruling is for the purpose of legalizing the representation of the heirs in the proceedings to which this Order refers.

TRANSITORY PROVISIONS.

ARTICLE 76. The proceedings commenced prior to and pending on the publication of this Order shall be adapted to it in their suc-

ceeding course and to this effect the Judges of First Instance shall with all promptness call for the proceedings referring to the demarkation and division of properties (*haciendas, hatos ó corrales*), pending in the court and issue the necessary orders for their continuation, and the Audiencias shall return to the respective Courts the discontinued proceedings of Demarkation.

ARTICLE 77. If the proceedings are in the stage of Division and Apportionment and there should be Syndics, Referees on Title, and Experts in possession of office they shall proceed to make within the period of sixty days the general apportionment pending.

If there should be none, the tenants-in-common (*comuneros*) who may not have received their portions shall be convoked in order that they may make the appointment of Referees on Title and Experts in conformity with this Order.

The examinations, objections and incidental issues caused by the decisions on title or the plan of the apportionment shall be conducted in conformity with the rules of this Order.

ARTICLE 78. The Registrars of Property of the Districts in which properties (*haciendas, hatos ó corrales*) not marked out and held in common may be situated, shall keep a special book in the form of an index and in conformity with the forms furnished them by the Government, wherein upon the data existing in the respective registries and that which the interested parties may furnish them they shall record that kind of properties (*fundos*) and the defined portions (*acotamientos*) thereof.

Every six months, beginning from the date of the publication of this Order, they shall forward to the Department of Justice and Finance authenticated copies of said index.

ARTICLE 79. Immediately after the publication of this Order the Department of Finance shall proceed to the investigation, compilation and publication of the data and documents which there may be in the public archives concerning grants of properties (*haciendas, hatos ó corrales*). The Municipal Councils, Notaries Public, Court Recorders, Registrars of Property and Custodians of Archives in general, shall furnish said Department, or the delegates and representatives thereof the data and papers in their possession, making their archives, books and registries free to the investigations which may be necessary; all without collection of fees or charges.

Any person or entity possessing data and documents may furnish same, signing the proper papers proving the presentation thereof, and same shall be filed if they offer guarantees of authenticity and genuineness. Those documents which may not be in public archives shall be considered as private documents.

FINAL PROVISION.

ARTICLE 80. All laws, regulations and decrees of procedure relative to this class of proceedings are hereby revoked.

In so far as same are not expressly amended by the provisions of this Order, the provisions of the Civil Code and of the Law of Civil Procedure shall be applied.

This Order does not amend the Order relative to Railroads.

H. L. SCOTT,
Adjutant General.

No. 63.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 7, 1902.

The Military Governor of Cuba directs the publication of the following order:

Mr. *Gonzalo Jorrin y Moliner* is hereby appointed Judge of Instruction of Santiago de Cuba and shall assume charge of his office within fifteen days from the publication of this order in the GAZETTE OF HAVANA.

H. L. SCOTT,
Adjutant General.

No. 64.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 7, 1902.

The Military Governor of Cuba directs the publication of the following:

Order No. 83, Headquarters Division of Cuba, June 19, 1899, is amended as follows:

Owners or managers of plantations or rural estates will be permitted to employ men to act as sworn guards, irrespective of nationality.

These guards will be called upon by Mayors only in cases of great emergency, such as extensive public disorders, and where the general welfare of the public is threatened.

H. L. SCOTT,
Adjutant General.

No. 65.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 7, 1902.

The Military Governor of Cuba, upon the recommendation of the Chief Sanitary Officer, City of Havana, directs the publication of the following order:

All persons non-immune to yellow fever, coming to the City of Havana from places infected with yellow fever, shall report at such time and place as directed by the Chief Sanitary Officer of the City of Havana. The Chief Sanitary Officer shall be the judge as to immunity and infection and shall serve proper notice upon persons concerned. Violations of this order shall be punished by a fine of not less than five nor more than fifty dollars, U. S. Currency, or imprisonment of from one to ten days. All fines shall be assessed and collected by the Sanitary Department.

H. L. SCOTT,

Adjutant General.

No. 66.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 8, 1902.

The Military Governor of Cuba directs that the following be announced relative to the appointment of officers for the "Cuerpo de Artillería" of the Island of Cuba, for the information of all concerned:

Applicants for appointment will be between the ages of 21 and 36 years, *i. e.*, the minimum age limit will be 21 and the maximum 35. The examinations will cover physical, mental and moral qualifications. Those appointed must be of excellent character, capable of exercising command and desirous of fitting themselves for advancement, and they must not have been dismissed from any office of trust or responsibility under the Military Government in any of its branches. Each applicant will be required to submit testimonials as to his character and qualifications for the position sought, from well-known residents of the locality or town in which he resides.

The basis of marking will be 100, personal aptitude of the applicant being considered at 50% and general educational qualifications at 50%. "Personal aptitude" shall include personal character, standing and record in the community, as shown by credentials presented and investigations made pertaining thereto; ideas and knowledge of military discipline, hygiene, care of men, preparation of rations, general knowledge of military matters and fitness to command. "General educational qualifications" shall include

knowledge of the language of the applicant, algebra, plane geometry, and other branches of common school education.

There will also be appointed for the "Cuerpo de Artillería" a Surgeon, whose pay and status will be the same as that of an Acting Assistant Surgeon, United States Army, the pay being \$150.00 per month, and who will make a due and formal contract on this basis with the Chief of the Rural Guard of the Island of Cuba, on the same general basis as is made by contract surgeons of the U. S. Army with the Surgeon General, U. S. Army. A full explanation of this matter will be made to those interested, at the Headquarters of the Rural Guard. This Surgeon to be appointed for the "Cuerpo de Artillería" will wear a distinctive uniform, have the same rank and privileges as a similar official in the U. S. Army, and will be an official of the State and a part, for the time being, of the military body to which he belongs. Applicants for this position must be graduates of a duly recognized medical college, and will be required to present their credentials, together with evidence as to their standing in the community in which they reside, on all of which, due consideration being given to the general aptitude of the applicant, recommendation for appointment will be duly made to the Military Governor.

Examinations will be held at the Headquarters of the Rural Guard of the Island of Cuba, and recommendations for appointment, based on the result of such examinations, will be duly made to the Military Governor.

Applicants will send their applications, with letter of transmittal, showing their age and personal history, addressed to the Adjutant General, Rural Guard of the Island of Cuba, on or before April first 1902, when notice will be sent them as to when and where they should appear for examination.

H. L. SCOTT,
Adjutant General.

No. 67.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 9, 1902.

The Military Governor of Cuba directs the publication of the result of the voting for President, Vice-President and Senators, by provinces, on February 24, 1902, reported by the Central Board of Scrutiny:

HAVANA.		Number of Votes.
PRESIDENT.		
Tomás Estrada Palma.....	21
VICE-PRESIDENT.		
Luis Estévez Romero.....	21

PINAR DEL RIO.		
	PRESIDENT.	Number of Votes.
Tomás Estrada Palma.....		11
	VICE-PRESIDENT.	
Luis Estévez Romero.....		11
MATANZAS.		
	PRESIDENT.	
Tomás Estrada Palma.....		10
	VICE-PRESIDENT.	
Luis Estévez Romero.....		10
SANTA CLARA.		
	PRESIDENT.	
Tomás Estrada Palma.....		18
	VICE-PRESIDENT.	
Luis Estévez Romero.....		18
PUERTO PRINCIPE.		
	PRESIDENT.	
Tomás Estrada Palma.....		3
	VICE-PRESIDENT.	
Luis Estévez Romero.....		3
SANTIAGO DE CUBA.		
	PRESIDENT.	
Tomás Estrada Palma.....		15
	VICE-PRESIDENT.	
Luis Estévez Romero.....		15
SENATORS.		
HAVANA.		
Adolfo Cabello y Bermúdez.....		43
Nicasio Estrada y Mora.....		43
Carlos Párraga.....		43
Alfredo Zayas.....		43

MATANZAS.

	Number of Votes.
Luis Fortún Govín.....	33
Pedro E. Bétancourt y Dávalos.....	33
Domingo Méndez Capote.....	33
Manuel Sanguily.....	33

PINAR DEL RIO.

Antonio Sánchez Bustamante.....	35
Manuel Lazo Valdés.....	35
Ricardo Dolz Arango.....	33
Antonio González Beltrán.....	21

SANTA CLARA.

Francisco Carrillo.....	42
José de Jesús Monteagudo.....	43
Martín Morúa Delgado.....	42
José Antonio Frías.....	44

PUERTO PRINCIPE.

Salvador Cisneros Betancourt.....	21
Manuel Ramón Silva Zayas.....	21
Augusto Betancourt Pichardo.....	21
Tomás Recio Loináz.....	21

SANTIAGO DE CUBA.

Antonio Bravo Correo.....	37
Eudaldo Tamayo Pavón.....	38
José Fernández Rondán.....	32
Federico Rey Bruchet.....	28

H. L. SCOTT,
Adjutant General.

No. 68.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 9, 1902.

The Military Governor of Cuba directs the publication of the following order:

I. Paragraphs V, VI and VII, Order No. 245, Headquarters Division of Cuba, dated December 19, 1899, are hereby amended to read as follows:

V. First Class:

Civil Officials (also military when on civil duties) whose annual salary is twelve hundred dollars (\$1200) or more, shall be entitled to a per diem allowance of three dollars and fifty cents (\$3.50), in lieu of expenses for subsistence (meals and lodging), for the time necessarily consumed on

the journey, and to reimbursement for other actual and necessary expenses of transportation as follows, viz:

- (a) Actual cost of first class transportation over shortest and usually traveled routes.
- (b) Actual cost of cab fare to and from stations, not to exceed the legal rates of the respective localities nor fifty (50) cents in any case each way.
- (c) Actual cost of transportation of baggage to and from stations not to exceed fifty (50) cents each way.
- (d) Actual cost of transportation of baggage where the same is not allowed free on the ticket, not to exceed one hundred (100) pounds in weight.

VI. Second Class :

Civil officials whose salaries are from eight hundred dollars (\$800) to twelve hundred dollars (\$1200), shall be entitled to a per diem allowance of two dollars and fifty cents (\$2.50), in lieu of expenses for subsistence (meals and lodging), for the time necessarily consumed on the journey, and to reimbursement for other actual and necessary expenses as for first class, except for transportation, which shall be at second class rates.

VII. Third Class :

All other persons traveling under orders of and at the expense of the State shall be entitled to a per diem allowance of two dollars (\$2), in lieu of subsistence (meals and lodging) for the time necessarily consumed on the journey, and to reimbursement for other actual and necessary expenses as for first class, except for, transportation which shall be at third class rates.

II. The provisions of this order shall become operative March 10, 1902, and any payments of travel expenses made on or after that date shall conform hereto.

H. L. SCOTT,
Adjutant General.

No. 69.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 10, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. In all cases arising in the Island of Cuba in which appeals were pending on the first day of January, 1899, before the Tribunal de lo Contencioso Administrativo in Madrid, and wherein no decision on the merits of the appeal was rendered prior to said date, or in which a decision was rendered subsequent thereto, or which may not have been in any manner finally decided by decision of the Supreme Court of this Island, any party to such case may, within thirty (30) days, after the publication of this Order, apply to the Military

Governor for an order granting leave to continue and prosecute such appeal before the Supreme Court of this Island, which court shall, upon the granting of such leave, have jurisdiction to hear and determine the appeals in such cases, upon thirty (30) days notice of hearing to all parties interested.

II. The petition referred to in the foregoing paragraph shall set forth the facts upon which it is based, and shall be accompanied by the record of the proceedings, or else, shall contain an allegation that the same should be obtained through diplomatic channels from the Government of Spain; unless the decision, appeal from which was pending without final decision, before the Tribunal de lo Contencioso Administrativo in Madrid, were one of those comprised in Article 3 of the General Regulation for the Execution of the Law of September 13, 1888, prescribing the procedure, with its incidental issues, to be followed in the prosecution of Contencioso Administrativo matters, in which latter case it shall be sufficient to annex to the said petition, when presented, a copy of the final administrative decision, and a copy of the decision of the Local Contencioso Administrativo Tribunal of the Island; or such petition shall set forth the functionary or authority rendering such decision.

In such cases the Military Governor, upon the petition and the data which may be obtainable from official sources in the Island, will decide the application. In case of granting the permission applied for, he will direct that the petition and the other data obtained shall be remitted to the Supreme Court of this Island for the decision of the pending appeal by said tribunal, or if he should deem it proper, before granting or denying such permission, will request the record of proceedings (*expediente*) in the case from the Government of Spain, in the manner above provided. In any case, the decision of the Military Governor shall be subject to the provisions of Paragraphs VI and VII of Order 111, series 1901.

III. Should application, as prescribed in Paragraph I of this order, not be made in any case therein mentioned, within the thirty (30) days therein prescribed, no further proceedings in such case shall be taken by any party thereto, and such appeal shall be deemed to have been finally abandoned, and the decision appealed from shall be final.

IV. Within twenty (20) days after the publication of this order, the president of the Audiencia of Havana shall furnish to the fiscal of the Supreme Court a list of the cases referred to in Paragraph I of this order, wherein the State, through the fiscal, has appealed to the Tribunal de lo Contencioso Administrativo in Madrid, in order that the said fiscal of the Supreme Court may file the proper petitions or applications hereunder.

V. This order shall be applicable to all cases referred to in Paragraph I hereof, wherein proceedings are now pending before the Military Governor.

H. L. SCOTT,
Adjutant General.

No. 70.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 10, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I.

The appointment of *Cándido Conte*, as Substitute Municipal Judge of Samá, made by Order No. 53, current series, is revoked.

The appointment of *Agustín Elías*, as Municipal Judge of Placetas, made by Order No. 40, current series, is corrected to read in favor of *Augusto González Elías y Pérez*.

II.

Upon the recommendation of the respective Audiencias, and in conformity with the report of the Secretary of Justice, the following appointments are made:

Juan Hernández Barroso, Substitute Municipal Judge of San Antonio del Río Blanco del Norte.

Manuel López Bustamente, Substitute Municipal Judge of Puentes Grandes.

Manuel Villanueva, Substitute Municipal Judge of Minas.

Luis María Díaz Betancourt, Municipal Judge of Holguín.

José García Portelles, Municipal Judge of Banes.

Augusto Blanca Bacallao, Substitute Municipal Judge of Banes.

Juan Bautista Fernández Almaguer, Substitute Municipal Judge of Auras.

H. L. SCOTT,

Adjutant General.

No. 71.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 10, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order:

I. Hereafter all expenses caused by municipal elections shall be paid by the Ayuntamientos.

II. Rules 1 and 2 of the transitory provisions of Order 355a, series of 1900, are hereby revoked.

H. L. SCOTT,

Adjutant General.

No. 72.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 12, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following:

The commission conferred on *Arturo Hevia y Diaz*, to serve as Assistant Fiscal of the Audiencia of Havana, is hereby declared ended, and said officer shall assume the office of Justice of the Civil Chamber of the Audiencia of Havana, to which he was appointed by Order 238, series 1901.

H. L. SCOTT,
Adjutant General.

No. 73.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 12, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. The births and deaths which may occur in places more than five kilometers distant from the towns where offices charged with the keeping of the Civil Register are installed (*Municipal Courts*), shall be recorded in printed registers which shall be kept by the Ward Mayors who may be appointed in conformity with the provisions of Paragraphs XIII and XIV, Order 23, c. s., these Headquarters.

II. The Secretary of Justice shall adopt the necessary measures to furnish the aforesaid officials with the registers referred to in the preceding article, utilizing if possible those which were acquired for the purpose prior to the abolishment of the offices of Ward Mayor and are at present in the possession of the Municipal Judges and Judges of First Instance respectively, and shall, also, decide all questions which may arise in the enforcement of this Order.

H. L. SCOTT,
Adjutant General.

No. 74.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 13, 1902.

The Military Governor of Cuba directs the publication of the following order:

The period granted in Order 47, current series, these Headquarters, for the presentation to the Mayor of Havana of petitions for the installation of water connections in all houses situated in wards of the city where there are at present water mains, and which expired with March 4, 1902, is hereby extended to March 20, 1902, inclusive, which period will not be further extended.

H. L. SCOTT,
Adjutant General.

No. 75.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 13, 1902.

The Military Governor of Cuba directs the publication of the following order:

Paragraph 2, Article III, Order 217, series of 1900, these Headquarters, is hereby amended to read as follows:

"Any agent or officer of the Municipal or Rural Police, or of any incorporated Society for the Prevention of Cruelty to Animals, may lawfully destroy or cause to be destroyed any animal found harbored or abandoned, and not properly cared for, which appears in the judgment of a veterinary, or two reputable citizens, called by such officer to view the same in his presence, to be glandered, diseased, maimed or injured, beyond recovery, for any useful purpose. Whenever the nature of the disease is such as to involve danger, or the incurable injury is such as to entail great suffering, the agent or officer may destroy such animal, without consulting such above mentioned veterinary or citizens, giving account thereof in writing to his proper superior officer, and any person having in his possession or custody any animal in any of the conditions specified in this paragraph, shall forthwith notify an agent or officer of the Municipal or Rural Police of the same."

H. L. SCOTT,
Adjutant General.

No. 76.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 15, 1902.

The Military Governor of Cuba directs the publication of the following order:

Mr. Edward P. Thompson is hereby granted full pardon, and the fine of four hundred dollars assessed against him ordered remitted.

H. L. SCOTT,
Adjutant General.

No. 77.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 15, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order:

Articles IV and VI, Order No. 17, current series, these Headquarters, are hereby amended to read as follows:

"IV. No newspaper company, or any other firm, concern or enterprise, industrial or of any other kind, will be permitted to insert in their papers, advertisements, vignettes and products, tickets, bills or coupons numbered or marked with letters or other devices whereby prizes are offered either in cash, currency, orders for the equivalent thereof, or in articles of value."

"VI. For the insertion of coupons not included in the foregoing paragraph, the interested parties are required to apply for the necessary permit to the Civil Governor of the respective provinces, describing in their petitions the plan intended for the awarding of the prizes to which said coupons give title. If in the opinion of the Civil Governor the plan proposed has the semblance of a lottery or forbidden raffle, the permit will not be granted and the petition shall be forwarded to the Secretary of State and Government for action in accordance with the terms of this order."

H. L. SCOTT,

Adjutant General.

No. 78.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 15, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, and for the purpose of harmonizing the various laws which regulate the expropriation of private lands necessary to facilitate the operation of mines, directs the publication of the following order:

ART. I. Articles 564 and 565 of Section Third, Chapter II, of the Civil Code are hereby declared to be applicable to the owner of mining claims affected by the second paragraph of Art. 56 of the Mining Law of July 6, 1859, reformed by that of March 4, 1868. The width of the right of way shall be limited to twenty (20) meters, which shall be used by the miners in the manner most suitable to their interests, but if a tramway or a railway is to be built, strict compliance with Order No. 34 is required.

ART. II. Such tramway or railroad shall only be used to transport employees, supplies and materials of the mine and to

remove the products thereof. An acceptable bond of the full value of the damage caused the property crossed by said tramway or railroad shall be filed before work on the construction of said railroad is commenced and in case the mine is abandoned or work suspended for a period of two years, except in case of force majeure, that portion of the railroad or tramway and its fixtures, together with that portion of the land upon which it is built, shall revert to the actual owner or owners of the parcel of land from which the right of way was originally obtained, without any appeal by or indemnification to the mining company, its successor or successors.

ART. III. This easement shall only be established when the Secretary of Public Works or his duly authorized agent has declared that the mine has no available outlet except through the particular property on which it is requested to establish said easement or through other private property, and shall only be granted after due hearing of all parties and after it has been thoroughly established that no other practicable outlet exists or can be made except at such cost as shall in the judgment of the administrative or judicial authorities to whom an appeal may properly be made, be prohibitive to the working and development of the mine.

ART. IV. When owners of mines cannot come to an agreement with the owners of adjoining properties, they may present their claims before the proper courts of justice, which courts shall resolve in regard to the establishment of said easement of right of way and its effects and following the same proceedings as established in Order No. 34, current series, these headquarters, for cases of expropriation of property.

H. L. SCOTT,

Adjutant General.

No. 79.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 15, 1902.

The Military Governor of Cuba directs the publication of the following order:

I. Any Commissioner duly appointed by the Spanish Treaty Claims Commission, under and by virtue of the Act of the Congress of the United States, approved March 2, 1901, may upon presentation of his duly authenticated certificate of appointment to any Judge of First Instance, or in case there be no such functionary within the district, or in his absence, to the Municipal Judge, apply for, and there shall be granted by such judge, an order requiring any person or corporation, through its officers or representatives, specifically designated and described therein and duly qualified to testify, to appear before such Judge of First Instance, or Municipal

Judge, for the purpose of being examined by said Commissioner as hereinafter provided, upon all questions pertinent and relevant to the subject-matter of the inquiry authorized to be conducted through such Commissioner, under the said Act of Congress above mentioned.

II. Upon the appearance of any witness for the purpose of testifying, whether voluntarily or under order as hereinbefore expressed, the Judge of First Instance or the Municipal Judge, as the case may be, shall administer an oath, or affirmation, according to law, requiring such witness to make true answers regarding the subject of such inquiry to such questions as may be put to him, and such testimony may be taken through an interpreter, who shall in such case also be duly sworn to well and faithfully discharge his duties; and all testimony taken in pursuance hereof shall be subject to the same rules and sanction as testimony taken in an action or in judicial proceedings pending before a court of competent jurisdiction: and such courts are hereby authorized to make such orders and decrees as may be necessary to compel the attendance of witnesses, and the production of books, papers, documents or writings, or exhibit the same for examination as hereinafter provided, and to cause the arrest, trial and punishment of any person failing or refusing to appear and testify or produce or permit to be examined any books, papers, documents or writing, as prescribed in this order.

Any wilful mis-statement, falsehood or suppression of truth in answer to any pertinent and relevant question shall be punishable under the provisions of the Penal Code in force in Cuba regarding perjury, as the same has been amended by Orders of the Military Government of the United States in the Island of Cuba.

III. The order of such Judge of First Instance, or Municipal Judge, may require the production by any such witness of any books, papers, documents or writings within his possession or control, and the same may be examined insofar as the same are pertinent or material to the subject of the inquiry, under oath of the party producing the same, as to their authenticity, correctness and contents; but the examination of books, papers, documents or writings of registered merchants may at the option of the latter be made at their respective places of business, and such examination shall take place in any case in the presence of the merchant, or of the person whom he may designate for the purpose, and shall be strictly confined to the matters and facts relating to the questions at issue.

IV. Failure to comply with any order duly made as hereinbefore provided, for the production of books, papers, documents or writings, or requiring the examination of the same, shall be deemed to be the disobedience of an order of such Judge of First Instance or Municipal Judge, and shall be punishable as such.

If in the course of any examination, conducted hereunder, the witness should on the ground of irrelevancy or immateriality, object to the answering of any question, or to the production of any books,

documents, paper or writing, or for like reason decline to permit the examination of the same, the matter shall be reported to the judge issuing the order authorizing such examination, for his determination in the premises.

V. Any person who shall induce or procure another to commit the offense of perjury as hereinbefore described, shall be deemed guilty of perjury as above provided.

VI. All acts or proceeding had or done under and by virtue of this order shall have the full force and effect as if the same were taken or had before courts or tribunals of competent jurisdiction within the Island of Cuba.

H. L. SCOTT,
Adjutant General.

No. 80.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Secretary of Justice:

Aurelio C. Llanos, Substitute Justice of the Audiencia of Matanzas, is hereby appointed Justice of the Audiencia of Santiago de Cuba, and will take charge of said office within fifteen days from the publication of this order in the GAZETTE OF HAVANA.

II.

Upon the recommendation of the Administrative Chamber of the Audiencia of Santa Clara, and in accord with the Secretary of Justice, *Francisco Machado Ramos* is hereby removed from the office of Municipal Judge of Camajuani.

III.

Upon the recommendation of the Superintendent, Department of Charities:

Dr. Magín Sagarra is hereby appointed member of the Central Board of Charities for the Province of Santiago de Cuba, vice *Leopoldo Ruiz Tamayo*.

H. L. SCOTT,
Adjutant General.

No. 81.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 18, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Works, directs the publication of the following order:

The following named engineers are hereby authorized to practice their profession and to occupy official positions and perform official commissions in the Island of Cuba:

José R. Villalón, Lehigh University, Penn.
José Primelles, Columbia University, New York.
M. A. Coroailes, Rensselaer Institute, Troy, N. Y.
Esteban Duque Estrada, Stevens Institute, New Jersey.
Salvador Guastella, University of Milan, Italy.
Alejandro Barrientos, Lehigh University, Penn.
Agustín Colizza, University of Rome, Italy.
Ricardo V. Molina, Rensselaer Institute, Troy, N. Y.
José Agramonte, Columbia University, New York.
Agustín Gatti, University of Milan, Italy.
Diego Lombillo Clark, Columbia University, New York.
Agustín Gordillo, Engineer of Agronomy School of Havana.
Manuel D. Díaz, Harvard University, Boston.
Manuel Lombillo Clark, London University, London.
Miguel C. Palmer, Rensselaer Institute, Troy, N. Y.
Pablo Ortega, University of Brussels, Belgium.
José D. Mases, Rensselaer Institute, Troy, N. Y.
Luis F. Ramos, Engineer of Agronomy School of Havana.
Pompeyo Sariol, Rensselaer Institute, Troy, N. Y.
J. M. Portuondo, Columbia University, New York.
Joaquín Chalons, Military Engineer, Spain.

Hereafter engineers graduated from foreign Universities of good standing and entitled to recognition are hereby authorized to practice freely their profession of engineer and to occupy official positions and perform official commissions, upon presentation of their diplomas from said Universities to the Secretary of Public Instruction, which must previously have been duly authenticated and registered by the Secretary of State and Government.

The Secretary of Public Instruction shall decide as to what foreign Universities shall be recognized in connection with this Order.

H. L. SCOTT,
Adjutant General.

No. 82.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 19, 1902.

The Military Governor of Cuba, upon the recommendation of the Railroad Commission, directs the publication of the following order:

The railroad rates fixed for the Guantánamo R. R. Company in Order No. 1, current series, these Headquarters, are hereby amended to read as follows:

Fifteen and one-half ($15\frac{1}{2}$) cents per kilometer per ton of unrefined sugar transported from Guantánamo to Caimanera, and seven and three-fourths ($7\frac{3}{4}$) cents per kilometer per ton of unrefined sugar transported on the section from Jamaica and Soledad to Guantánamo.

These rates shall be operative from February 6, 1902.

H. L. SCOTT,

Adjutant General.

No. 83.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 20, 1902.

The Military Governor of Cuba directs the publication of the following order:

I. Veterinary medicine shall not be practiced except by those in possession of a professional title issued by a school or university of known standing, either foreign or domestic, or by those in possession of a certificate or license issued by competent authority of the Island of Cuba, which certificate or license shall be submitted for examination and approval to the Board hereinafter mentioned.

II. Any person, farrier, shoer, or other party practicing veterinary medicine without title as specified in Art. I, will be liable to a fine of from ten to one hundred dollars, which will be imposed by the Board hereinafter mentioned, and should the offense be repeated shall be handed over to the courts of justice for further action.

III. At those places where there is no veterinary surgeon with legal title as specified in Art. I, the duties of Inspectors of Meats, Markets and Slaughter-houses will be performed by medical doctors.

IV. As there is no veterinary school at present in the Island of Cuba, a board composed of five members will be appointed by the

Military Governor. Said board shall be constituted as follows: By the dean of the medical faculty, two veterinary surgeons, and two medical doctors, to examine into the competence and ability of those desiring to practice veterinary medicine in the Island. This board shall have the power to regulate examinations, both as to subjects and manner of holding same, and it shall also have the power to pass upon and reissue or cancel existing certificates, or licenses now in force. It shall also be the duty of said board to see that the sub-delegates of veterinary medicine do not permit the clandestine practice of same. Said Board shall continue in the performance of its functions until a veterinary school is established.

V. The trade of shoeing horses is hereby declared free and may be practiced by all persons above the age of eighteen years upon compliance with the requirements of the State and cities (municipalities) for the payment of industrial fees and taxes.

VI. All former provisions in conflict with this order are hereby revoked.

H. L. SCOTT,
Adjutant General.

No. 84.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 31, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. Article XXVI of Order No. 213, series of 1900, Headquarters Division of Cuba, is hereby made to read as follows:

"XXVI. When proceedings are being had for the crimes hereinafter specified, the accused will answer if he is guilty or not. In the first case he will be immediately sentenced, and in the second the trial will be proceeded with."

II. The words "with the jury" in Article XLI of said order are suppressed.

III. Articles XXVII to XL inclusive, of the aforementioned Order No. 213, series of 1900, as well as all other provisions thereof in conflict with this order, are revoked. This order will be effective in the City of Havana from the date of its publication in the GAZETTE OF HAVANA and in the remainder of the Island from April 7, 1902.

H. L. SCOTT,
Adjutant General.

No. 85.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 31, 1902.

The Military Governor of Cuba, upon the recommendation of the respective Audiencias and in accord with the report of the Secretary of Justice, directs the publication of the following order:

The appointment of *Manuel Alvarez Sánchez* as Substitute Municipal Judge of Palmillas, made by Order 202, series of 1901, is revoked.

The following appointments are hereby made:

Valentín Navarro Cabrera, Substitute Municipal Judge of Guanajay.

Armando Hernández Alba, Substitute Municipal Judge of Palmillas.

Luis Pérez Fernández, Substitute Municipal Judge of Unión de Reyes.

José María Cancio y Luna, Substitute Municipal Judge of Neiva.

Ricardo Fernández y Martínez, Substitute Municipal Judge of Gueiva.

Dionisio Petit Muñoz, Municipal Judge of Santa Cruz del Sur.

H. L. SCOTT,

Adjutant General.

No. 86.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, March 31, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. Full pardon, effective April 20, 1902, is granted to the following named convicts:

<i>Ladislao Afong</i> ,.....	}	Presidio of Havana.
<i>John (Warren) Jones</i> ,.....		
<i>Carlos Rubiera Sigler</i> ,.....		
<i>Andrés Avelino Jacabo</i> ,.....		
<i>Francisco Miguel Vallejo</i> ,.....		
<i>Esteban Pérez Rodríguez</i> ,.....		
<i>Rafael Sánchez Brito</i> ,.....		
<i>Salomé Cartaya ó Azuliaga</i> ,.....		
<i>José Arboleda Lozano</i>		
<i>Luis Prieto Hernández</i>		

<i>Andrés Molina Hernández</i>	} Jail of Matanzas.
<i>Andrés Himely</i>	
<i>José Carmenate</i> ,	} Jail of Santiago de Cuba.
<i>Venancio Barthelemí, alias Nandú</i>	
<i>Simón Díaz</i> ,	} Jail of Havana.
<i>Luis Córdova Devesa</i> ,	
<i>Oscar Feit Nuñez</i> ,	
<i>Francisco Chaler Domenech</i> ,	
<i>José Agramonte Rubio</i> ,	
<i>Rafael Montenegro Hernández</i> ,	
<i>Salvador Pallarés Morera</i> ,	
<i>Teodora Vilán Encinosa</i> ,	
<i>José Pérez Avalos</i> ,	
<i>Francisco Nieto Mendiola</i> ,	
<i>Baldomero Morales Morejón</i> ,	
<i>José Mosquera Cao</i> ,	
<i>Romualdo Gómez Gómez</i> ,	
<i>Guillermo Betancourt Cecilia</i> ,	
<i>Pedro Betancourt Hernández</i> ,	
<i>Juan Alonso</i> ,	
<i>Fermín Romero</i> ,	
<i>Carlos Forminaya Castilla</i> ,	
<i>Emilio Cordovi Basallo</i> ,	
<i>Francisco Oramas González</i> ,	
<i>Io Oman, known as Mulo Ased</i> ,	
<i>Antonio Díaz Rodríguez</i>	
<i>Manuel Rodríguez Bermúdez</i>	

2. Full pardon, effective March 13, 1902, is granted to *Manuel A. Coello y Maruz*, sentenced on February 21, 1902, by the Correctional Court of Havana.

3. Full pardon, effective March 7, 1902, is granted to *María Casilda González*, alias *Niña*, sentenced by the Audiencia of Havana on February 20, 1901 to 3 years, 4 months and 8 days of imprisonment and a fine of 325 *pesetas*.

4. Full pardon, effective March 21, 1902, is granted to *Aurelia Valdés*, and effective March 28, 1902, to *José Sánchez Rodríguez*.

5. Partial pardon is granted to *Abelardo Gómez Lowande*, reducing to six years the sentence of 24 years and 3 months of imprisonment passed upon him by the Audiencia of Havana on October 31, 1901.

6. Partial pardon is granted to *Esteban Guncet y González*, reducing to two years from the date of his sentence, the penalty of 29 years 4 months and 2 days imprisonment and fine of 500 *pesetas* imposed upon him by the Audiencia of Matanzas on August 3, 1901.

7. Full pardon, effective April 20, 1902, is granted to *Oscar S. Durfee*.

II.

Upon the recommendation of the Secretary of Justice:

1. Full pardon, effective April 20, 1902, is granted to *Manuel Ortega y Polo* of the sentence of 1 year and 1 day of imprisonment passed upon him by the Audiencia of Havana on October 29, 1901.

2. Full pardon, effective March 14, 1902, is granted to *Manuel D'Silva Sarthon*, sentenced by the Audiencia of Santiago to 1 year, 8 months and 21 days of imprisonment for discharging firearms.

3. Full pardon, effective March 19, 1902, is granted to *Guillermo González Robert*, sentenced to 4 months and 21 days of imprisonment by the Audiencia of Matanzas, February 1, 1902, for discharging firearms and causing personal injuries.

4. Full pardon, effective March 15, 1902, is granted to *Desiderio Fernández Soto*, of the sentence passed upon him by the Audiencia of Santa Clara on July 23, 1901.

5. Full pardon, effective March 10, 1902, is granted to *Joaquín Baena*, of the sentence of 4 months and 1 day of imprisonment passed upon him by the Audiencia of Havana, January 6, 1902, for assault.

6. Full pardon, effective April 20, 1902, is granted to *Agustín Entensa y Cardoso*, now in the jail of Santa Clara, of the remainder of the sentence of 1 year, 8 months and 21 days of imprisonment passed upon him by the Audiencia of Santa Clara on December 11, 1901, for discharging firearms.

7. Full pardon, effective April 20, 1902, is granted to *Enrique Díaz y Díaz*, of the remainder of the sentence of 4 months and 1 day of imprisonment passed upon him by the Audiencia of Havana on December 17, 1901, for causing serious personal injuries.

8. Full pardon, effective March 29, 1902, is granted to *Oscar Lunar Fister* of the sentence of 2 months and 1 day of imprisonment passed upon him by the Audiencia of Havana on October 14, 1901, for disrespect to a public officer.

III.

The Secretary of Justice is hereby charged with the execution of this order.

H. L. SCOTT,
Adjutant General.

No. 87.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 1, 1902.

The Military Governor of Cuba directs the publication of the following order:

Brigadier General *Alejandro Rodríguez*, in addition to his duties as Chief of the Rural Guard, will assume command of, and perform the duties of commanding officer of, the "Cuerpo de Artillería," and upon the transfer of the present Government will report to the President of Cuba as Commandant of the Cuban armed forces, for such orders and instructions as may be given him.

H. L. SCOTT,
Adjutant General.

No. 88.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 1, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. All persons belonging to an armed force of any kind who appear as witnesses or defendants before a judge or court, shall do so without arms and uncovered.

II. Commanders of armed forces shall give to the members of their commands the instructions necessary for the enforcement of the preceding article.

III. This order shall take effect ten days after its promulgation in the GAZETTE OF HAVANA and all former provisions in conflict are revoked.

H. L. SCOTT,
Adjutant General.

No. 89.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 1, 1902.

The Military Governor of Cuba directs the publication of the following order:

The following named persons are appointed to form the board provided for in Article IV, Order No. 83, current series, these Headquarters:

Dr. Gabriel Casuso y Roque, Dean of the Medical Faculty.
Juan N. Dávalos y Betancourt, M.D.
Gregorio Pérez y Piquero, M.D.
Dr. Honoré F. Lainé, Veterinary Surgeon.
Hermínio Valdivielso y Chapado, Veterinary Surgeon.

H. L. SCOTT,
Adjutant General.

No. 90.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 3, 1902.

The Military Governor of Cuba directs the publication of the following order:

Under authority granted by the Secretary of War in an endorsement dated Washington, March 21, 1902, sub-division (d) of Article 177 of the Customs Regulations for ports in the Island of Cuba is hereby amended to read as follows:

"(d) Vessels, entitled under paragraph (b) of this article to engage in the coasting trade of Cuba, except registered vessels of the United States, shall carry a distinctive signal, which shall be a blue flag and the union of the flag shall be a white field."

H. L. SCOTT,
Adjutant General.

No. 91.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 5, 1902.

The Military Governor of Cuba directs the publication of the following order:

I. On account of the withdrawal of troops from the Island of Cuba and the abandonment of public buildings occupied by them at the various military posts in the Island, the Commanding General of the Rural Guard of the Island of Cuba is hereby directed to take steps to protect all buildings, sheds, etc., at the following abandoned military posts until the Secretary of Finance is enabled to

make other arrangements for the safe-keeping of such public property:

Columbia Barracks, Quemados,
Hamilton Barracks, Matanzas,
Baracoa,
Bayamo,
Holguín,
Manzanillo, and
Guantánamo.

II. Commanding officers of Rural Guard detachments will immediately take possession of all property vacated on the withdrawal of the troops and will be held responsible for the safety of said property.

III. On taking possession of the property they will immediately render report to the Commanding General of the Rural Guard as to the date and hour thereof, as well as an explicit statement of the number of buildings, sheds, etc., thus taken in charge. A copy of this report will be furnished by the Commanding General of the Rural Guard of the Island of Cuba to the Secretary of Finance to enable that official to arrange for the future care of the property, and who will in due time inform the Commanding General of the Rural Guard of his ability to take care of said property, in order that the Rural Guard may be released from further responsibility in this matter.

H. L. SCOTT,
Adjutant General.

No. 92.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 5, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I.

1. In proceedings instituted for payment of fees for expert services rendered in criminal cases, the experts, claimants thereof, shall state, under oath, whether or not they were receiving a fixed salary from the State or the municipality when the service involved was rendered, and in an affirmative case, for what duty.

2. Said sworn statement shall be sufficient proof of the point referred to and any person stating falsely therein shall be considered as guilty of perjury, defined and punishable under Order No. 116, series of 1900, Headquarters Division of Cuba.

3. This order shall take effect ten days after its publication in the GAZETTE OF HAVANA.

II.

Jorge C. Milanés, Associate Justice of the Audiencia of Santa Clara and *Aurelio C. Llanos*, appointed to like office in the Audiencia of Santiago having requested exchange of offices, same is hereby ordered.

The present salary of Justice *Milanés* shall continue until he takes possession of the new office to which he is assigned. Both officers shall take charge of their respective offices within fifteen days from the publication of this order in the GAZETTE OF HAVANA.

III.

1. The Notarial Association of Havana shall forthwith complete the proceedings instituted therein under No. 183 in the year 1879 for the purpose of deciding upon the use to be made of the properties, or the income thereof, of the dissolved Association of Court Recorders, rendering a report every five days to the Secretary of Justice on the progress of said proceedings.

2. The aforesaid Notarial Association of Havana shall keep in its vaults until the termination of said proceedings, the moneys derived from said properties, paying only the taxes, *censo* assessments and expenses of maintenance of the same, meeting those of its current budget with the moneys which according to Article 3 of the rules of interior order of said association constitute the funds of the same, or reducing them in the measure necessary.

H. L. SCOTT,
Adjutant General.

No. 93.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 5, 1902.

The Military Governor of Cuba, upon the recommendation of the Director General of Posts, directs the publication of the following order, supplemental to Order No. 486, series of 1900 and Order No. 48, series of 1901, these Headquarters:

In those towns or places where there is no notary public or Municipal Judge any official bond which may be required of a Postmaster may be certified to by the Ward Mayor, whose signature and official seal shall constitute valid and sufficient authentication of said bond. For such service said mayor shall be entitled to a fee which shall not in any case exceed fifty (50) cents, U. S. money, a sum equal to that allowed Municipal Judges for like service.

H. L. SCOTT,
Adjutant General.

No. 94.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 8, 1902.

The Military Governor, upon the recommendation of the Secretary of Justice, directs the publication of the following order :

All public works or improvements whose cost is defrayed by the Island of Cuba, or its Government, and made by the Military Government, or its successor, including all works, additions, increase or improvements of defenses, fortifications, batteries, camps, barracks, military posts or establishments, forming a part of the system of defense, and for the general service of the Island of Cuba, are hereby declared of public utility and the right of expropriation as provided for in existing laws may be exercised for the acquisition of the property necessary for the same.

H. L. SCOTT,
Adjutant General.

No. 95.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order :

I. The presentation of the documents which officers of the United States Army deliver to purchasers at the time of sale shall be sufficient for registration in the livestock register of animals acquired from said United States Army in this Island prior to January 31, 1902.

II. As registration in the livestock register of the animals which it possesses in this Island is not incumbent upon the United States Army, Article XI of Order 353, series of 1900 shall not be applicable in the cases referred to by the preceding paragraph of this order.

H. L. SCOTT,
Adjutant General.

No. 96.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 8, 1902.

The Military Governor of Cuba directs the publication of the following order:

Whereas, the Superintendent, Department of Charities, has recommended that the classification of the leper hospital "San Lázaro" of Havana as a general institution of public character, be approved; and

Whereas, said recommendation is based upon the report of the executive committee of the Central Board of Charities that "as the disease of the inmates assumes the character of an exceptional calamity of contagious character, (for the prevention of which the community must enforce strict prophylactic measures comprehensive of the custody of these unfortunate citizens) it appears that institutions of this class should have the direct guidance and protection of the State, as it involves the control of the citizens' liberty, a prerogative too sacred to be left to unstable private corporations," and upon the resolution of said executive committee of February 10, 1902, recommending that this institution be declared a general one of public character;

Therefore, said classification of "San Lázaro" Hospital of Havana is approved and it is declared to be a general institution of public character.

H. L. SCOTT,

Adjutant General.

No. 97.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 10, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. Partial pardon is hereby granted to persons sentenced to the penalties of "cadena perpetua" or "cadena temporal," by deducting one-fourth of their sentences.

II. Partial pardon is hereby granted to persons sentenced to the penalties of "reclusión perpetua" or "reclusión temporal," by deducting one-third of their sentences.

III. Partial pardon is hereby granted to persons sentenced to the penalties of "presidio mayor" or "prisión mayor," by deducting one-half of their sentences.

IV. Partial pardon is hereby granted to persons sentenced to the penalties of "presidio correccional" or "prisión correccional," by deducting two-thirds of their sentences.

V. Full pardon is hereby granted to persons sentenced to the penalties of "arresto mayor" or "arresto menor" and to any other depriving them of their liberty for a period not exceeding six months, whether or not said penalties be principal or subsidiary.

VI. All fines not exceeding two hundred (200) dollars, U. S. money, imposed by the courts of justice and pending payment on the date of the publication of this Order in the GAZETTE OF HAVANA, whether imposed singly or jointly with other penalties, are hereby remitted; and full pardon is granted of the personal subsidiary liabilities to which said fines may have given place.

VII. In order that the benefits stated in this Order be accorded it shall be an indispensable condition that the respective sentences be final on the date of the publication of this Order in the GAZETTE OF HAVANA, or that if said sentences be pending an appeal of cassation filed by the person sentenced, the latter withdraw his appeal within the thirty days next following said publication. In cases where this appeal has been filed by the Public Prosecutor, he shall withdraw same at once and the granting of pardon shall be thereupon had.

VIII. Full pardon is hereby granted of the penalties imposed, and the penal actions therein declared ended, in all prosecution had for electoral infractions or violations, and for offenses committed through the agency of the press prior to the date of the publication of this Order in the GAZETTE OF HAVANA. The Public Prosecutor shall cause his withdrawal to be recorded in the prosecutions included in this paragraph which may not have been closed by a final sentence.

IX. The sentencing courts and judges are hereby charged with the enforcement of this Order. Said courts shall grant a hearing in each case to the Public Prosecutor, and should the condemning sentence have been rendered by the Supreme Court, immediately following that of cassation, the pardon shall be given by the Audiencia which may have pronounced the sentence against which the appeal of cassation was had.

X. In order that with the Cuban Government an era of harmony be established; to render lasting the moral peace of the country and avoid the renewal in time of peace of the hatreds and animosities of the war, the circular of the Secretary of Justice, published in the official gazette of April 27, 1899, explaining the Order of these Headquarters of March 23, 1899, is hereby revoked, and therefore said order is to be interpreted exactly as written, in a most liberal manner; and all punishable acts to which it refers are therein included, without other limitations than those explicitly mentioned in

the order. The courts of justice shall therefore proceed in compliance with the provisions of Article III of said Order.

XI. The administrative authorities and the chiefs of penal institutions and jails shall furnish all data that may be called for by the courts and judges for the enforcement of this Order.

XII. The judges and courts shall with all urgency adopt the measures necessary for the benefits of this Order to be applied to all the cases included therein within thirty days next following its publication in the GAZETTE OF HAVANA. In cases where the persons sentenced withdraw the appeals of cassation taken in order to enjoy the benefits of this Order, said thirty days shall be counted from the day next following that on which the petitioner is declared to have withdrawn said appeal.

XIII. The Secretary of Justice shall decide all doubts and claims which may arise from the enforcement of this Order and no appeal shall lie against such decision.

H. L. SCOTT,
Adjutant General.

No. 98.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 10, 1902.

The Military Governor of Cuba directs the publication of the following:

Joseph F. Darling having been appointed by the Spanish Treaty Claims Commission of the United States, Commissioner to take testimony under Order No. 79, current series, these Headquarters, and having filed his certificate of appointment at these Headquarters, said appointment is hereby announced.

H. L. SCOTT,
Adjutant General.

No. 99.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 12, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, order publication of the following:

I. The officers who are at present serving in the judicial and public prosecution services, and those who in the future may be appointed thereto in accordance with law, shall not be suspended from their positions, dismissed therefrom, nor removed from said

services except for reason of a duly proven crime or other serious cause, and never without a hearing to the interested party.

II. Dismissal from office and final or temporary removal from the services shall, according to law, be caused by:

1. A final sentence so declaring.

2. A final sentence in which correctional punishment (pena correccional) or exemplary punishment (pena afflictiva) is imposed upon the officer; which shall always carry with it the removal.

III. Officers may be removed or dismissed from their offices by the administrative authority for any one of the following causes:

- (a) Physical or mental incapacity preventing their discharge of office.
- (b) For having more than one time been disciplinarily punished for serious acts which without constituting a crime, impair the dignity of their office or make them unworthy in the public opinion.
- (c) For having been twice declared civilly responsible in actions had to exact of them such responsibility.
- (d) When for immoral conduct they are not worthy to continue in the fulfillment of their duties.

IV. In cases comprised in Article II the removal from office shall be carried into effect as soon as the sentence imposing same becomes final. During the prosecution of the case the officer accused shall be suspended in the exercise of his office.

V. In cases comprised in Article III the tribunals imposing the disciplinary punishment or sentencing to the payment of the civil responsibility mentioned herein, shall always render a report to the Government, and should the application of said article be deemed proper by said Government and the accused officer possess inferior rank to that of Associate Justice, the records will be forwarded to the administrative chamber of the tribunal of the district in which his services are rendered, in order that said tribunal may, after hearing the Public Prosecutor and the interested party, render report thereon. When the rank of the interested party should be superior to that of Associate Justice and inferior to that of Associate Justice of the Supreme Court, the report shall be requested from the administrative chamber of said court; and in other cases from said court sitting in full, but with exclusion of the interested party and without prejudice to the hearing which must be given to him.

VI. In the cases described under Paragraphs (a) and (d) of Article III, the chambers to which in accord with the rank of the accused officer and the preceding article it corresponds to render report thereon, shall proceed to a judicial investigation thereof,

either on its proper initiative, prompted by a knowledge of acts so justifying; on petition of the superior officer of the accused officer, (who for the purpose will, in the case of Associate Justices be considered the presidents of the courts; in the case of all officers of the judiciary, the President of the Supreme Court; in the case of all personnel subordinate to the Public Prosecutors, said Public Prosecutors; and in the case of all officers of the prosecution, the Public Prosecutor of the Supreme Court), or by order of the Government. In these cases the chambers shall appoint an officer of equal or superior rank to investigate the case, and, the investigations completed, said officer shall forward the records thereof to the chamber, which chamber shall hear the answers to the charges and receive any evidence presented by the accused officer. It shall also hear the Public Prosecutor and after receipt of his report shall render its own relative to facts, forwarding it to the Government. Immediately upon the commencement of these investigations, the president of the tribunal prosecuting same shall report the fact to the Government.

VII. In the cases comprised in the foregoing articles the tribunal prosecuting the investigation, or the Government, when it may have ordered same, may direct the suspension of the officer when the seriousness of the acts so requires, until a final decision is rendered.

VIII. Upon the Government receiving the report referred to in Articles V and VI it shall decide as to the dismissal or removal of the officer accused. The latter may enter objections according to law against said decision when the removal is decreed without the officer removed being included in any of the cases in which, according to this Order, such removal is proper. Said objections shall be made judicially and by the institution of inter-administrative (*contencioso-administrativo*) proceedings. Insofar as the facts mentioned in Article VI are concerned, those set forth by the reporting court shall obtain. The filing of the inter-administrative appeal shall not prevent the accomplishment of the dismissal from office.

IX. Only for evident reason of public interest shall an officer be transferred without his consent to another position of equal rank outside of the place where his services are rendered at the time.

X. All laws and decrees inconsistent with this Order are hereby revoked. The rights acquired by this shall be respected.

LEONARD WOOD,
Military Governor.

No. 100.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 14, 1902.

Leonard Wood, Military Governor, to the people of Cuba :

Certify: That the following is a true copy of the Constitution of the Republic of Cuba that was presented to me by the Constitutional Convention.

LEONARD WOOD,
Military Governor.

CONSTITUTION OF THE REPUBLIC OF CUBA.

We, the delegates of the people of Cuba, having met in Constitutional Convention for the purpose of preparing and adopting the fundamental law of their organization as an independent and sovereign people, establishing a government capable of fulfilling its international obligations, maintaining public peace, insuring liberty, justice, and promoting the general welfare, do hereby agree upon and adopt the following Constitution, invoking the protection of the Almighty.

TITLE I.

THE NATION, ITS FORM OF GOVERNMENT, AND ITS TERRITORY.

ARTICLE 1. The people of Cuba are hereby constituted a sovereign and independent State and adopt a republican form of government.

ART. 2. The territory of the Republic is composed of the Island of Cuba, as well as the adjacent islands and keys, which, together therewith, were under the sovereignty of Spain until the ratification of the treaty of Paris on December 10, 1898.

ART. 3. The territory of the Republic shall be divided into six provinces, as they exist at present and with the same boundaries, the Provincial Council of each to determine their respective names.

The provinces may be incorporated with each other or divided into new provinces through actions that may be agreed upon by the respective Provincial Councils and approved by Congress.

TITLE II.

THE CUBAN PEOPLE.

ART. 4. Cuban citizens are native-born or naturalized.

ART. 5. Native-born Cubans are:

First.—Those born of Cuban parents within or without the territory of the Republic.

Second.—Those born within the territory of the Republic of foreign parents, provided that on becoming of age they claim the right of inscription as Cubans in the proper register.

Third.—Those born in foreign countries of native-born parents, who have forfeited their Cuban nationality, provided that on becoming of age they claim their inscription as Cubans in the same register.

ART. 6. Naturalized Cubans are:

First.—Foreigners who, having served in the Liberating Army, may claim Cuban nationality within six months following the promulgation of this Constitution.

Second.—Foreigners established in Cuba prior to January 1st, 1899, who may have retained their residence after said date, provided they claim Cuban nationality within the six months next following the promulgation of this Constitution, or, if minors, within a like period after they shall have attained their majority.

Third.—Foreigners who, after five years' residence in the territory of the Republic and not less than two years from the time that they declared their intention of acquiring Cuban citizenship, may obtain their letters of naturalization in conformity with the laws.

Fourth.—Spaniards residing in the territory of Cuba on the 11th day of April, 1899, who may not have been registered as such in the proper registers prior to the same month and day of 1900.

Fifth.—Africans who may have been slaves in Cuba, and those who were emancipated and comprised in Article 13 of the treaty of June 28th, 1835, entered into by Spain and England.

ART. 7. Cuban citizenship is forfeited:

First.—By acquiring foreign citizenship.

Second.—By accepting employment or honors from another government without permission of the Senate.

Third.—By entering the military service of a foreign nation without a like permission.

Fourth.—By a naturalized Cuban residing five years continuously in his native country, except by reason of his being in the employ of or fulfilling a commission of the Government of the Republic.

ART. 8. Cuban citizenship may be reacquired as may be provided for by law.

ART. 9. Every Cuban shall—

First.—Bear arms in defense of his country in such cases and in the manner determined by the laws.

Second.—Contribute to the payment of public expenses in such manner and proportion as the laws may prescribe.

TITLE III.

FOREIGNERS.

ART. 10. Foreigners residing within the territory of the Republic shall have the same rights and obligations as Cubans—

First.—As to protection of their persons and properties.

Second.—As to the enjoyment of the rights guaranteed by Section I of the following title, excepting those exclusively reserved to citizens.

Third.—As to the enjoyment of civil rights under the conditions and limitations prescribed in the law of aliens.

Fourth.—As to the obligation of respecting and obeying the laws, decrees, regulations, and all other enactments that may be in force in the Republic.

Fifth.—As to submission to the jurisdiction and decisions of the courts of justice and all other authorities of the Republic.

Sixth.—As to the obligation of contributing to the public expenses of the State, province, and municipality.

TITLE IV.

RIGHTS GUARANTEED BY THIS CONSTITUTION.

SECTION FIRST.—*Individual Rights.*

ART. 11. All Cubans have equal rights before the law. The Republic does not recognize any personal privileges or special rights.

ART. 12. No law shall have any retroactive effect, other than penal ones favorable to convicted or indicted persons.

ART. 13. Obligations of a civil nature arising from contracts or other acts or omissions, shall not be annulled or altered by either the Legislature or Executive power.

ART. 14. The penalty of death shall in no case be imposed for crimes of a political nature, which shall be defined by law.

ART. 15. No person shall be arrested except in such cases and in the manner prescribed by law.

ART. 16. Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within twenty-four hours immediately following the arrest.

ART. 17. All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of the competent judge or court. Within the same time notice shall be served upon the party interested of any action which may have been taken in the matter.

ART. 18. No person shall be arrested except by warrant of a competent judge or court. The order directing the serving of the warrant of arrest shall be affirmed or reversed, after the accused shall have been heard in his defense, within seventy-two hours next following his imprisonment.

ART. 19. No person shall be indicted or sentenced except by competent judge or court, by virtue of laws in force prior to the commission of the crime, and in such manner as therein prescribed.

ART. 20. Any person arrested or imprisoned without legal formalities, or not in accordance with the provisions of this Constitution and the laws, shall be set at liberty at his own request or that of any citizen. The law will determine the prompt action which shall be taken in the case.

ART. 21. No person whatsoever is bound to give evidence against himself, nor husband or wife against each other, nor relatives within the fourth degree of consanguinity or second of affinity.

ART. 22. All correspondence and other private documents are inviolable, and neither shall be seized or examined except by order of a competent authority and with the formalities prescribed by the laws, and in all cases all points therein not relating to the matter under investigation shall be kept secret.

ART. 23. No person's domicile shall be violated; and therefore no one shall enter that of another at night, except by permission of its occupant, unless it be for the purpose of giving aid and assistance to victims of crime or accident; or in the daytime, except in such cases and manner as prescribed by law.

ART. 24. No person shall be compelled to change his domicile or residence except by virtue of an order issued by a competent authority and in the manner prescribed by law.

ART. 25. Every person may freely, without censorship, express his thoughts either by word of mouth or in writing, through the press, or in any other manner whatsoever, subject to the responsibilities specified by law, whenever thereby attacks are made upon the honor of individuals, upon social order, and upon public peace.

ART. 26. The profession of all religious beliefs, as well as the practice of all forms of worship, are free, without further restriction than that demanded by the respect for Christian morality and public order. The church shall be separated from the state, which shall in no case subsidize any religion.

ART. 27. All persons shall have the right to address petitions to the authorities, to have them duly acted upon, and to be informed of the action taken thereon.

ART. 28. All inhabitants of the Republic have the right to assemble peacefully unarmed, and to associate for all lawful pursuits of life.

ART. 29. All persons shall have the right to enter into and depart from the territory of the Republic, to travel within its boundaries, and to change their residence without requiring any safeguard, passport, or any other similar requisite, except as may be required by the laws governing immigration, and by the authorities, in cases of criminal responsibility, by virtue of the powers vested in them.

ART. 30. No Cuban shall be banished from the territory of the Republic or be prohibited from entering therein.

ART. 31. Primary education is compulsory and shall be gratuitous, as also that of arts and trades. The expenses thereof shall be defrayed by the State during such time as the municipalities and provinces, respectively, may lack sufficient means therefor. Secondary and advanced education will be controlled by the State. However, all persons may, without restriction, study or teach any science, art, or profession, and found and maintain establishments of education and instruction; but it pertains to the State to determine what professions shall require special titles, the conditions necessary for their practice, the necessary requirements to obtain the titles, and the issuing of the same as may be established by law.

ART. 32. No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same. Should the latter requirement not have been complied with, the judges and courts shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.

ART. 33. In no case shall the penalty of confiscation of property be imposed.

ART. 34. No person is obliged to pay any tax or impost not legally established and the collection thereof is not carried out in the manner prescribed by the laws.

ART. 35. Every author or inventor shall enjoy the exclusive ownership of his work or invention for the time and in the manner determined by the law.

ART. 36. The enumeration of the rights expressly guaranteed by this Constitution does not exclude others that may be based upon the principle of the sovereignty of the people and upon the republican form of government.

ART. 37. The laws regulating the exercise of the rights which this Constitution guarantees shall become null and void if they diminish, restrict, or change the said rights.

SECTION SECOND.—*Right of Suffrage.*

ART. 38. All male Cubans over twenty-one years of age have the right of suffrage, with the following exceptions:

First.—Inmates of asylums.

Second.—Persons mentally incapacitated after having been judicially so declared.

Third.—Persons judicially deprived of civil rights on account of crime.

Fourth.—Persons in active service belonging to the land or naval forces.

ART. 39. The laws shall establish rules and procedures to guarantee the intervention of the minority in the preparation of the electoral census, and in other electoral matters, and their representation in the House of Representatives and in Provincial and Municipal Councils.

SECTION THIRD.—*Suspension of Constitutional Guarantees.*

ART. 40. The guarantees established in Articles 15, 16, 17, 19, 22, 23, 24 and 27 of the first section of this title shall not be suspended throughout the entire Republic, or in any part thereof, except temporarily and when the safety of the State may require it, in cases of invasion of the territory or of serious disturbances that may threaten public peace.

ART. 41. The territory within which the guarantees determined in the preceding article may have been suspended shall be governed during the period of suspension by the Law of Public Order previously enacted, but neither in the said law, or in any other, shall the suspension be ordered of any other guarantees than those already mentioned. Nor shall there be made, during the period of suspension, any declaration of new crimes, nor shall there be imposed other penalties than those established by the law in force at the time the suspension was ordered.

The Executive power is prohibited from banishing or exiling citizens to a greater distance than one hundred and twenty kilometers from their domicile, and from holding them under arrest for more than ten days without turning them over to the judicial authorities, and from rearresting them during the period of the suspension of guarantees. Persons arrested shall not be detained except in special departments of public establishments used for the detention of persons indicted for ordinary offenses.

ART. 42. The suspension of the guarantees specified in Article 40 shall only be ordered by means of a law, or, when Congress is not in session, by a decree of the President of the Republic; but the latter shall not order the suspension more than once during the period comprised between two Legislatures, nor for an indefinite period of time, nor for more than thirty days, without convening Congress in the same order of suspension. In every case the President shall report to Congress for such action as Congress may deem proper.

TITLE V.

SOVEREIGNTY AND PUBLIC POWERS.

ART. 43. Sovereignty is vested in the people of Cuba and all public powers are derived therefrom.

TITLE VI.

LEGISLATIVE POWERS.

SECTION FIRST.—*The Legislative Bodies.*

ART. 44. The legislative power is exercised by two elective bodies, which shall be known as the House of Representatives and the Senate, and which conjointly will be called Congress.

SECTION SECOND.—*The Senate; Its Organization and Attributes.*

ART. 45. The Senate shall be composed of four Senators from each province, elected therefrom for a period of eight years by the Provincial Councilmen and by a double number of electors, who, together with the Provincial Councilmen, shall constitute an Electoral Board.

One-half of the electors must be persons who pay the highest amount of taxes and the remainder shall possess the qualifications that may be determined by law. All of the electors must also be of age and residents of municipal districts of the Province.

The electors shall be chosen by the voters of the Province one hundred days prior to the election of Senators.

One-half of the members of the Senate shall be elected every four years.

ART. 46. To become a Senator it is necessary—

First.—To be a native-born Cuban.

Second.—To have attained the age of thirty-five years.

Third.—To be in full possession of all civil and political rights.

ART. 47. The inherent attributes of the Senate are—

First.—To try, sitting as a court of justice, the President of the Republic whenever he be accused by the House of Representatives of crimes against the external security of the State, against the free exercise of legislative or judicial powers, or of violation of the Constitution.

Second.—To try, sitting as a court of justice, Cabinet ministers whenever they be accused by the House of Representatives of crimes against the external security of the State, against the free exercise of legislative or judicial powers, or of violation of the Constitution, or of any other offense of a political nature specified by law.

Third.—To try, sitting as a court of justice, Governors of Provinces, whenever they be accused by the Provincial Councils or by the President of the Republic of any of the offenses specified in the preceding paragraph. Whenever the Senate sits as a court of justice it shall be presided over by the Chief Justice of the Supreme Court, and it shall not impose upon the accused any other penalty than that of removal from office, or removal from office and disqualification to hold any public office, without detriment to any other penalty which the accused may have incurred which may be imposed by the courts declared to be competent by law.

Fourth.—To confirm the appointments made by the President of the Republic of Chief Justice and Associate Justices of the Supreme Court of Justice; of diplomatic representatives and consular agents of the nation, and of all other public officers whose appointment may require the approval of the Senate in accordance with the law.

Fifth.—To authorize Cuban citizens to accept employment or honors from another Government or to serve in the army thereof.

Sixth.—To ratify the treaties entered into by the President of the Republic with other nations.

SECTION THIRD.—*The House of Representatives: Its Organization and Attributes.*

ART. 48. The House of Representatives shall be composed of one Representative for each twenty-five thousand inhabitants or

fraction thereof over twelve thousand five hundred, elected for the period of four years by direct vote and in the manner provided for by law.

One-half of the members of the House of Representatives shall be elected every two years.

ART. 49. The following qualifications are necessary to be a Representative:

First.—To be a native-born or naturalized Cuban citizen who has resided for eight years in the Republic from and after the date of his naturalization.

Second.—To have attained to the age of twenty-five years.

Third.—To be in full possession of all civil and political rights.

ART. 50. It shall be the duty of the House of Representatives to impeach in the Senate the President of the Republic, and the Cabinet Ministers in all cases prescribed in paragraphs first and second of Article 47, whenever two-thirds of the total number of Representatives shall so resolve in secret session.

SECTION FOURTH.—*Provisions Common to Both
Co-legislative Bodies.*

ART. 51. The positions of Senator and Representative are incompatible with the holding of any paid position of Government appointment, with the exception of that of a professorship in a Government institution, obtained by competitive examination prior to election to the first-named positions.

ART. 52. Senators and Representatives shall receive from the State a pecuniary remuneration, alike for both positions, the amount of which may be changed at any time: but the change shall not take effect until after the future election of one-half of the members of the co-legislative bodies.

ART. 53. Senators and Representatives shall not be held liable for the votes and opinions given and expressed in the discharge of their duties. Senators and Representatives shall only be arrested or indicted by authority of the body of which they form part, should Congress be in session at the time, except in case of being actually discovered in *flagrante delicto*. In this case, and in case of their being arrested or indicted at the time when Congress is not in session, report shall be made as soon as practicable to the body to which they belong for proper action.

ART. 54. Both Houses of Congress shall open and close their sessions on the same day; they shall be established at the same place, and neither the Senate nor the House of Representatives shall remove to any other place or adjourn for more than three days, except by joint resolution of both Houses.

Neither shall they open their sessions without two-thirds of the total number of their members being present, nor shall they continue their sessions without an absolute majority of members being present.

ART. 55. Each House shall decide as to the validity of the election of its respective members and as to the resignations presented by them.

No Senator or Representative shall be expelled from the House to which he belongs, except by virtue of a case previously decided against him, and by resolution of at least two-thirds of the total number of its members.

ART. 56. Each House shall frame its respective rules and regulations, and elect from among its members its President, vice-presidents, and secretaries. However, the President of the Senate will only discharge the duties of office when the Vice-President of the Republic is absent or is fulfilling the duties of President of the same.

SECTION FIFTH.—*Congress and Its Powers.*

ART. 57. Congress shall meet by virtue of the inherent rights thereof twice in each year, and shall remain in session during a period of at least forty legal working days during each term.

The first session shall begin on the first Monday in April and the other on the first Monday in November. It will meet in extra sessions in such cases and in such manner as provided for by the rules and regulations of the co-legislative bodies and whenever convened by the President of the Republic in accordance with the provisions of this Constitution.

In such cases it shall only consider the express object or objects for which it meets.

ART. 58. Congress shall meet as a joint body to proclaim, after counting and rectifying the electoral vote, the President and Vice-President of the Republic.

In this case the duties of the President of Congress shall be performed by the President of the Senate, and in his absence by the President of the House of Representatives as vice-president of said Congress.

If upon counting the votes for President it should appear that none of the candidates has an absolute majority of votes, or if there should be a tie, Congress, by a majority of votes, shall elect as President one of the two candidates having obtained the greatest number of votes.

Should two or more candidates be in the same condition, by two

or more of them having obtained a like number of votes, Congress shall elect one of their number.

Should the vote of Congress also result in a tie, the vote shall be again taken; and if the result of the second vote be the same, the President will cast the deciding vote.

The method established in the preceding paragraph shall be employed in the election of Vice-President of the Republic.

The counting of the electoral vote shall take place prior to the expiration of the presidential term.

ART. 59. Powers of Congress.

First.—To prepare the national codes and laws of a general nature; to determine the rules that shall be observed for general, provincial, and municipal elections; to issue orders for the regulation and organization of all matters pertaining to the general administration of public, provincial and municipal affairs, and issue all other laws and decisions which it may deem proper in connection with all other matters whatsoever of public interest.

Second.—To discuss and approve the budgets of Government revenue and expenditure. The said revenue and expenditure, except such as will be mentioned hereinafter, shall be included in annual budgets and shall only remain in force during the year for which they shall have been approved.

The expenses of Congress, those of the administration of justice, those for interest and redemption of loans, and the revenues with which they have to be paid shall be of a permanent nature and shall be included in a fixed budget, which shall remain in force until changed by special laws.

Third.—To contract loans; but at the same time it shall be under the obligation of deciding what permanent revenues shall be necessary for the payment of the interest and redemption thereof. All action relating to loans shall require two-thirds of the vote of the total number of the members of each co-legislative body.

Fourth.—To coin money, specifying the standard, weight, value, and denomination thereof.

Fifth.—To regulate the system of weights and measures.

Sixth.—To establish rules for regulating and developing internal and foreign commerce.

Seventh.—To regulate the postal service; also railroads, public roads, canals, and harbors, establishing those required by public convenience.

Eighth.—To establish the duties and taxes of a national character necessary for the needs of the Government.

Ninth.—To establish rules and procedures for naturalization of citizens.

Tenth.—To grant amnesties.

Eleventh.—To fix the number of the land and naval forces and to determine the organization thereof.

Twelfth.—To declare war and approve treaties of peace made by the President of the Republic.

Thirteenth.—To designate, by means of a special law, who shall be President of the Republic in case of the removal from office, death, resignation, or incapacity of the President and Vice-President thereof.

ART. 60. Congress shall not include in the budget laws provisions that may bring about legislative or administrative changes of any other nature; nor shall it reduce or suppress any revenue of a permanent nature without establishing at the same time others in substitution thereof, except in case of reduction or suppression caused by the reduction or suppression of equivalent permanent expenses; nor shall Congress assign to any service that has to be provided for in the annual budget a greater amount than that recommended in the project of the Government; but it may establish new services and reform or give greater scope to those already existing by enactment of special laws.

SECTION SIXTH.—*The Initiative, Preparation, Sanction, and Promulgation of the Laws.*

ART. 61. The initiative in respect to the laws is in each of the co-legislative bodies without distinction.

ART. 62. Every bill which shall have passed both co-legislative bodies, and every resolution of the said bodies that may have to be executed by the President of the Republic must be presented to him for approval. If he approve them he will sign them at once, otherwise he shall return them with his objections to the co-legislative body in which they shall have originated; which body shall enter the said objections at large upon its minutes and will again discuss the bill or resolution. If, after this second discussion, two-thirds of the total number of members of the co-legislative body should vote in favor of the bill or resolution, it shall be sent, together with the objections of the President, to the other body, where it shall also be discussed, and if the latter should approve same by like majority it shall become a law. In all the above cases the vote shall be taken by name.

If within the following ten working days after having received a bill or resolution the President shall not have returned the same, it shall be considered approved and become law.

If within the last ten days of a legislative session there should be presented to the President of the Republic any bill, and he should decide to take advantage of the entire period, in accordance with the preceding paragraph, granted to him by law for the approval thereof, he shall notify Congress on the same day of his determination, in order that the latter may remain in session, should it so desire, until the expiration of the said period. Should the President not do so, the bill shall be considered approved and become law.

No bill after being defeated in its entirety by either of the legislative bodies shall be again presented for discussion during the same legislative session.

ART. 63. Every law shall be promulgated within ten days next following the date of its approval by either the President or Congress, as the case may be, according to the preceding article.

TITLE VII.

THE EXECUTIVE POWER.

SECTION FIRST.—*The Exercise of Executive Power.*

ART. 64. The Executive power shall be vested in the President of the Republic.

SECOND SECTION.—*The President of the Republic, His Powers and Duties.*

ART. 65. The President of the Republic must possess the following qualifications:

First.—He must be a native-born or naturalized Cuban citizen, and in the latter case must have served in the Cuban Army in its wars of independence for at least ten years.

Second.—He must have attained to the age of forty years.

Third.—He must be in full possession of his civil and political rights.

ART. 66. The President of the Republic shall be elected by presidential electors on one single day and as provided for by law.

The term of office shall be four years, and no person shall be President for three consecutive terms.

ART. 67. The President shall take oath of office, or make affirmation, before the Supreme Court of Justice, upon taking office, faithfully to discharge the duties thereof, to comply with and enforce the Constitution and the laws.

ART. 68. The duties of the President of the Republic are :

First.—He shall sanction and promulgate the laws, execute and enforce them; issue, when Congress may not have done so, the regulations for the better enforcement of the laws, and, in addition thereto, the decrees and orders which, for this purpose and for all that which pertains to the control and administration of the nation, he may deem proper, without in any case violating the provisions established in said laws.

Second.—He shall convene special sessions of Congress, or of the Senate alone, in the cases specified in this Constitution or when in his judgment it may be necessary.

Third.—He shall adjourn Congress whenever therein an agreement in this particular shall not have been arrived at between the co-legislative bodies.

Fourth.—He shall present to Congress at the opening of each legislative session and at such other times as he may deem proper a message relating to the acts of his administration, demonstrating the general condition of the Republic; and he shall furthermore recommend the adoption of such laws and resolutions as he may deem necessary or advantageous.

Fifth.—He shall present to either House of Congress prior to the 15th day of November the project of the annual budgets.

Sixth.—He shall furnish Congress with all the information that it may ask for in reference to all matters that do not demand secrecy.

Seventh.—He shall direct diplomatic negotiations and make treaties with all nations, but he must submit same for the approval of the Senate, without which they shall not be valid or binding upon the Republic.

Eighth.—He shall have the power to freely appoint and remove from office the members of his Cabinet, notifying Congress of such action.

Ninth.—He shall appoint, subject to the approval of the Senate, the Chief Justice and Justices of the Supreme Court and the diplomatic representatives and consular agents of the Republic, with power to make *pro tempore* appointments of such functionaries in cases of vacancy when the Senate is not in session.

Tenth.—He shall appoint such other public officers to all positions specified by law whose appointment does not pertain to any other authority.

Eleventh.—He shall have the right to suspend the exercise of the powers enumerated in Article 40 of this Constitution in such cases and in the manner stated in Articles 41 and 42.

Twelfth.—He shall have the right to suspend the resolutions of Provincial and Municipal Councils in such cases and in the manner determined by this Constitution.

Thirteenth.—He shall have the right to order the suspension from office of Governors of Provinces in case of their exceeding their powers and violating the laws, reporting the fact to the Senate in such manner as may be determined, for proper action.

Fourteenth.—He shall have the right to prefer charges against the Governors of Provinces in the cases stated in paragraph third of Article 47.

Fifteenth.—He shall have the right to pardon criminals in accordance with the provisions of the law, except public officers who may have been convicted of crimes committed in the performance of their duties.

Sixteenth.—He shall receive the diplomatic representatives and recognize the consular agents of other nations.

Seventeenth.—He shall have at his disposal, as Commander-in-Chief, the land and naval forces of the Republic, take proper measures for the defense of its territory, reporting to Congress the action taken for the purpose, and take proper measures for the maintenance of the public peace whenever there shall arise any danger of invasion or any rebellion seriously threatening public safety. At a time when Congress is not in session the President shall convene same without delay for proper action.

ART. 69. The President shall not leave the territory of the Republic without the authority of Congress.

ART. 70. The President shall be responsible before the Supreme Court of Justice for all ordinary crimes committed by him during his term of office; but he shall not be indicted without previous authority of the Senate.

ART. 71. The President shall receive from the State a salary which may be changed at any time; but the change shall not take effect except within the Presidential periods next following that in which it may have been agreed upon.

TITLE VIII.

THE VICE-PRESIDENT OF THE REPUBLIC.

ART. 72. There shall be a Vice-President of the Republic, who shall be elected in the same manner and for a like period of time as the President and conjointly with the latter. To become Vice-President, the same qualifications prescribed for President by this Constitution are necessary.

ART. 73. The Vice-President of the Republic shall be President of the Senate, but shall only be entitled to vote in case of a tie.

ART. 74. In case of temporary or permanent absence of the President of the Republic, the Vice-President shall substitute him in the exercise of the executive power. Should the absence be permanent, the substitution shall continue until the end of the Presidential term.

ART. 75. The Vice-President shall receive a salary from the State which may be changed at any time, but the change shall not take effect except within the Presidential periods next following that in which it may have been agreed upon.

TITLE IX.

ART. 76. For the exercise of his powers the President of the Republic shall have such Cabinet Ministers as may be prescribed by law, and Cuban citizens only in the full enjoyment of their civil and political rights shall be appointed.

ART. 77. All decrees, orders, and decisions of the President of the Republic shall bear the *referendum* of the respective Cabinet Minister, without which they shall not be enforceable and shall not be executed.

ART. 78. The Cabinet Ministers shall be personally responsible for all acts bearing their referendum and jointly and severally responsible for those which they may jointly decree or sanction. This responsibility does not exempt the President from the personal and direct responsibility which he may incur.

ART. 79. The Cabinet Ministers shall be impeached by the House of Representatives, in the Senate, in the cases mentioned in Paragraph two of Article 47.

ART. 80. The Cabinet Ministers shall receive a salary from the State which may be changed at any time, but the change shall not go into effect except within the Presidential periods next following the one in which it may have been agreed upon.

TITLE X.

SECTION FIRST.—*The Exercise of Judicial Powers.*

ART. 81. The judicial power shall be vested in a Supreme Court of Justice and in such other courts as may be established by law. The said law will regulate their respective organization and powers, the manner of exercising the same, and the qualifications that must be possessed by the functionaries composing the said courts.

SECTION SECOND.—*Supreme Court of Justice.*

ART. 82. To be Chief Justice or Justices of the Supreme Court the following conditions are required :

First.—To be a Cuban by birth.

Second.—To have attained to the age of thirty-five years.

Third.—To be in the full enjoyment of civil and political rights, and not to have been condemned to any *pena aflictiva* for ordinary offenses.

Fourth.—To possess, in addition, any of the following qualifications :

To have practiced in Cuba, during ten years at least, the profession of law, or discharged for a like period of time judicial duties, or occupied for the same number of years a chair of law in an official educational establishment.

Other persons may be also appointed to the positions of Chief Justice and Justices of the Supreme Court, provided they possess the qualifications required by conditions 1, 2, and 3 of this article.

(a) Those persons who may have previously held positions in the judiciary of a similar or next inferior grade for the period that may be provided for by law.

(b) Those persons who, prior to the promulgation of this Constitution, may have been Justices of the Supreme Court of the Island of Cuba.

The time during which lawyers shall have exercised judicial functions shall be reckoned as that of the practice of law necessary to qualify them for appointment as Justices of the Supreme Court.

ART. 83. In addition to the powers that may have been conferred previously, or may be in future conferred by the laws, the Supreme Court shall be vested with the following :

First.—To take cognizance of appeals for the cassation of decisions of inferior courts.

Second.—To decide as to the right of jurisdiction of courts immediately below it, or which may not be under the control of a higher court, common to both.

Third.—To have cognizance of all cases in litigation to which the State, Provinces and municipalities are parties *inter se*.

Fourth.—To decide as to the constitutionality of the laws, decrees and regulations, whenever questions relating thereto shall arise between interested parties.

SECTION THIRD.—*General Rules Relating to the Administration of Justice.*

ART. 84. Justice shall be administered gratuitously throughout the territory of the Republic.

ART. 85. The courts of law shall have cognizance of all suits, either civil, criminal, or inter-administrative (contencioso-administrativos).

ART. 86. There shall not be created, under any circumstances or title whatsoever, any judicial commission or special courts.

ART. 87. No judicial functionary shall be suspended or discharged from his office or position except by reason of crime or other serious cause, duly proven, and always after he has been heard.

Neither shall he be removed to another position without his consent unless it be for the manifest benefit of the public service.

ART. 88. All judicial functionaries shall be personally responsible, in the manner which the laws may determine, for all violations of the laws committed by them.

ART. 89. The salaries of judicial functionaries shall only be changed at periods of over five years, the said change to be made by a special law. The law shall not assign different salaries for positions the grade, category, and duties of which are equal.

ART. 90. Military and naval courts shall be regulated by a special organic law.

TITLE XI.

PROVINCIAL GOVERNMENT.

SECTION FIRST.—*General Rules.*

ART. 91. Provinces shall comprise the municipal districts within their limits.

ART. 92. Each Province shall have one Governor and one Provincial Council, elected by the direct vote of the people in the manner prescribed by law. The number of councilmen in each Province shall not be less than eight nor more than twenty.

SECTION SECOND.—*Provincial Councils and Their Powers.*

ART. 93. Provincial Councils shall have the right to—

First.—Decide all matters concerning the Province, and which, under the Constitution, treaties, or laws, are not within the general jurisdiction of the State or the special jurisdiction of the ayuntamientos.

Second.—Prepare their budgets, providing the necessary incomes to meet them, without any other limitations thereto than that consistent with the tax system of the Government.

Third.—Contract loans for public works for the benefit of the Province, but voting at the same time the necessary permanent incomes for the payment of the interest and redemption of said loans.

In order that said loans may be raised, they must be approved by two-thirds of the members of the Municipal Councils of the Province.

Fourth.—To impeach the Governor before the Senate, in the cases specified in Paragraph 3 of Article 47, whenever two-thirds of the total number of Provincial Councilmen shall decide, in secret session, to prefer such charges.

Fifth.—To appoint to and remove from office provincial employees, in accordance with provisions which may be established by law.

ART. 94. Provincial Councils shall not reduce or suppress revenues of a permanent character without establishing, at the same time, others in substitution thereof, except when the reduction or suppression shall arise from the reduction or suppression of equivalent permanent expenses.

ART. 95. The decisions of the Provincial Councils shall be presented to the governor of the Province, and should he approve the same he shall affix his signature thereto. Otherwise, he shall return them, with his objections, to the council, which will again discuss the matter. If, after the second discussion, two-thirds of the total number of councilmen should vote in favor of the measure it shall be executed.

Whenever the Governor does not, within ten days after the presentation of the resolution, return the same it will be considered approved, and shall, in a like manner, be executed.

ART. 96. All resolutions of the Provincial Councils may be suspended by the governor of the Province or by the President of the Republic, whenever, in their judgment, they may be contrary to the Constitution, treaties, laws, or resolutions adopted by the Municipal Councils in the exercise of their inherent rights. But the right of cognizance and decision of all claims arising from the said suspension shall pertain to the courts.

ART. 97. Neither the Provincial Councilmen, nor any section of, or commission from among their members, or of other persons designated by them, shall have any intervention in election matters pertaining to any election whatsoever.

ART. 98. The Provincial Councilmen shall be personally responsible before the courts in the manner prescribed by law for all

acts whatsoever which they may perform in the exercise of their duties.

SECTION THIRD.—*Governors of Provinces and Their Powers.*

ART. 99. The governors of Provinces shall have power to—

First.—Comply with and enforce, in all matters within their jurisdiction, the laws, decrees, and general regulations of the nation.

Second.—Publish the resolutions of the Provincial Councils that may be enforceable, executing the same and causing them to be executed.

Third.—Issue orders, as well as the necessary instructions and regulations for the better execution of the resolutions of the Provincial Councils, when the latter should not have done so.

Fourth.—Call together the Provincial Councils in special session, whenever in their judgment it may be necessary, stating in the order convening the session the object thereof.

Fifth.—Suspend the resolutions of the Provincial and Municipal Councils in the cases determined by this Constitution.

Sixth.—Order the suspension of alcaldes from office in cases where they exceed their powers, violate the Constitution or the laws, infringe the resolutions of Provincial Councils, or fail to comply with their duties; reporting such action to the Provincial Council in such manner as may be provided for by law.

Seventh.—Appoint and remove the employees of his office in such manner as may be provided for by law.

ART. 100. The Governor shall be responsible to the Senate, as specified in this Constitution, and to the courts of justice, in all other cases of crime in such manner as may be provided for by law.

ART. 101. The Governor shall receive from the provincial treasury a salary, which may be changed at any time, but the change shall not take effect until after the election of a new Governor.

ART. 102. In case of absence, either temporary or permanent, of the Governor of the province, he shall be substituted in the discharge of his official duties by the president of the Provincial Council. Should such absence be permanent, such substitution shall continue until the end of the term for which the Governor may have been elected.

TITLE XII.

MUNICIPAL GOVERNMENT.

SECTION FIRST.—*General Rules.*

ART. 103. The municipal districts shall be governed by Municipal Councils composed of the number of councilmen, elected by direct vote, as may be provided for by law.

ART. 104. In each municipal district there shall be an alcalde, elected by direct vote, as may be provided for by law.

SECTION SECOND.—*Municipal Councils and Their Powers.*

ART. 105. The Municipal Councils shall have power to—

First.—Decide all matters that relate exclusively to municipal districts.

Second.—Prepare the budgets, providing the necessary revenues to meet them, without further limitations than making them compatible with the tax system of the State.

Third.—Contract loans, but at the same time voting the permanent revenues necessary for the payment of interest and redemption of same.

In order that said loans may be negotiated, they must be approved by two-thirds of the voters of the municipal districts.

Fourth.—To appoint and remove from office municipal employees, as may be provided for by law.

ART. 106. The Municipal Council shall not reduce or suppress any revenues of a permanent nature without providing others at the same time in substitution thereof, except when the reduction or suppression arises from the reduction or suppression of equivalent permanent expenditures.

ART. 107. The resolutions of Municipal Councils shall be presented to the alcalde. If the latter should approve them he will attach his signature thereto; otherwise he will return them, with his objections, to the Municipal Council, where they will again be discussed. And if, upon this second discussion, two-thirds of the total number of councilmen should vote in favor of any resolution it shall be executed.

Whenever the alcalde should not return any resolution within ten days after it has been presented to him, it shall be considered approved and shall also be executed.

ART. 108. The resolutions of Municipal Councils may be suspended by the alcalde, by the governor of the Province, or by the

President of the Republic, whenever, in their judgment, such resolutions are contrary to the Constitution, to treaties, to the laws, or to the resolutions adopted by the Provincial Council by virtue of its inherent rights, but the courts of justice shall take cognizance of and decide all claims arising therefrom.

ART. 109. Councilmen shall be personally responsible before the courts of justice, as may be provided for by law, for all acts performed by them in the exercise of their duties.

SECTION THIRD.—*Alcaldes; Their Powers and Duties.*

ART. 110. Alcaldes shall be required to—

First.—Publish the resolutions of Municipal Councils that may be binding, execute and cause the same to be executed.

Second.—To take charge of the administration of municipal affairs, issuing orders for the purpose, as well as instructions and regulations for the better execution of the resolutions of Municipal Councils, whenever the latter may fail to do so.

Third.—Appoint and remove the employes of his office, as may be provided for by law.

ART. 111. The alcalde shall be personally responsible before the courts of justice, as may be prescribed by law, for all acts performed in the discharge of his official duties.

ART. 112. The alcalde shall receive a salary, to be paid by the municipal treasury, which may be changed at any time; but such change shall not take effect until after a new election has been held.

ART. 113. In case of either temporary or permanent absence of the alcalde, his official duties shall be discharged by the president of the Municipal Council.

Should such absence be permanent, such substitution shall continue for the term for which the alcalde may have been elected.

TITLE XIII.

THE NATIONAL TREASURE.

ART. 114. All property existing within the territory of the Republic not belonging to provinces or municipalities or to individuals, separately or collectively, is the property of the State.

TITLE XIV.

AMENDMENTS TO THE CONSTITUTION.

ART. 115. The Constitution shall not be amended, in whole or in part, except by a resolution adopted by two-thirds of the total number of members of each co-legislative body.

Six months after an amendment has been agreed upon a constitutional convention shall be convened, the duties whereof shall be limited to either approving or rejecting the amendment voted by the co-legislative bodies, which latter shall continue in the performance of their duties with absolute independence of the convention.

Delegates to the said convention shall be elected by each province in the proportion of one for every fifty thousand inhabitants and in the manner that may be provided by law.

TRANSITORY RULES.

First.—The Republic of Cuba does not recognize any other debts and obligations than those legitimately contracted in behalf of the revolution by the corps commanders of the Liberating Army subsequent to the twenty-fourth day of February, 1895, and prior to the nineteenth day of September of the same year, the date on which the Jimaguayú Constitution was promulgated, and such debts and obligations as the revolutionary government may have contracted subsequently, either by itself or through its legitimate representatives in foreign countries, Congress shall classify said debts and obligations and decide as to the payment of those that may be legitimate.

Second.—Persons born in Cuba, or children of native-born Cubans, who, at the time of the promulgation of this Constitution, might be citizens of any foreign nation shall not enjoy the rights of Cuban nationality without first and expressly renouncing their said foreign citizenship.

Third.—The period of time which foreigners may have served in the wars of independence of Cuba shall be computed as within that required for the naturalization and residence necessary to acquire the right granted to naturalized citizens in Article 49.

Fourth.—The basis of population which is established in relation to the election of representatives and delegates to the constitutional convention in Articles 48 and 115 may be changed by law whenever, in the judgment of Congress, it should become necessary through the increase of the number of inhabitants, as may be shown by the census which may be periodically taken.

Fifth.—Senators, at the time of the first organization of the Senate, shall divide into two groups for the purpose of determining their respective tenures of office.

Those comprising the first group shall cease in their duties at the expiration of the fourth year, and those comprising the second group at the expiration of the eighth year. It shall be decided by lot which of the two Senators from each province shall belong to either group.

The law will provide the procedure for the formation of the two groups into which the House of Representatives shall be divided for the purpose of its partial renewal.

Sixth.—Ninety days after the promulgation of the electoral law, which shall be prepared and adopted by the constitutional convention, the election of public officers provided for by the Constitution shall be proceeded with, for the transfer of the Government of Cuba to those elected, in conformity with the provisions of Order No. 301 of Headquarters Division of Cuba, dated July 25, 1900.

Seventh.—All laws, decrees, regulations, orders, and other rulings which may be in force at the time of the promulgation of this Constitution shall continue to be observed, insofar as they do not conflict with the said Constitution, until such time as they may be legally revoked or amended.

DOMINGO MÉNDEZ CAPOTE.	JOAQUÍN QUILEZ.
JOSÉ M. GOMEZ.	DIEGO TAMAYO.
JOSÉ DE MONTEAGUDO.	MIG. GENER.
M. MORÚA DELGADO.	EMILIO NUÑEZ.
LUIS FORTUN.	LEOPOLDO BARRIEL.
PEDRO G. BETANCOURT.	J. FERZ. DE CASTRO.
ELISEO GIBERGA.	JOSÉ N. FERRER.
GONZALO DE QUESADA.	R. MANDULEY.
J. RIUS RIVERA.	ALEJANDRO RODRÍGUEZ.
JOSÉ B. ALEMAN.	RAFAEL M. PORTUONDO.
EUDALDO TAMAYO.	JOSÉ LACRET MORLOT.
JOSÉ LUIS ROBAU.	ANTONIO BRAVO Y CORREOSO.
MANUEL R. SILVA.	JUAN GUALBERTO GOMEZ.
MANUEL SANGUILY.	

ALFREDO ZAYAS, Secretary.

ENRIQUE VILLUENDAS, Secretary.

Hall of Sessions of the Constitutional Convention.

Havana, February 21, 1901.

The Constitutional Convention, in conformity with the order from the Military Governor of the Island, dated July 25th, 1900, whereby said convention was convened, has determined to add, and hereby does add, to the Constitution of the Republic of Cuba, adopted on the 21st of February ultimo, the following:

APPENDIX.

ARTICLE I. The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any way authorize or permit any foreign power or powers to obtain by colonization or for naval or military purposes, or otherwise, lodgment or control over any portion of said Island.

ART. II. That said Government shall not assume or contract any public debt to pay the interest upon which, and to make reason-

able sinking-fund provision for the ultimate discharge of which the ordinary revenues of the Island of Cuba, after defraying the current expenses of the Government, shall be inadequate.

ART. III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

ART. IV. That all the acts of the United States in Cuba during military occupancy of said Island shall be ratified and held as valid, and all rights legally acquired by virtue of said acts shall be maintained and protected.

ART. V. That the Government of Cuba will execute, and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the Island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

ART. VI. The Island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty.

ART. VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States.

ART. VIII. The Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

THE CONVENTION.

Hall of Sessions of the Constitutional Convention, June 12, 1901.

No. 101.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 14, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following:

I. The Cuban Constitutional Convention, declared adjourned in a communication addressed to the President thereof under date of October 3, 1901, is hereby dissolved.

II. The Cuban Congress, elected on December 31, 1901, and February 24, 1902, under the provisional electoral law published in Order No. 218, October 14, 1901, these Headquarters, is hereby convened in Havana on May 5, 1902, for the purpose of examining into the credentials of its members and counting and rectifying the electoral vote for President and Vice-President, as provided by Article 58 of the Constitution of the Republic of Cuba.

III. The Senate will hold its sessions in the building known as "Palacio del Segundo Cabo," and the House of Representatives in that known as "Comandancia de Marina."

IV. The Central Board of Scrutiny, appointed in a communication addressed to the President thereof under date of October 3, 1901, is dissolved, to date May 6, 1902.

V. The State will assume the expenses of transportation to Havana of the Senators and Representatives-elect, and the Secretary of Finance shall issue the instructions and orders necessary for the accomplishment of the payment thereof.

VI. The twentieth day of May, 1902, is hereby declared a special holiday.

LEONARD WOOD,
Military Governor.

No. 102.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 15, 1902.

I, Leonard Wood, Military Governor of Cuba, direct the publication of the following order:

I. The officers of customs who are now Acting Collectors of Customs at the Ports of Caibarien and Nuevitas, and the Deputy Collector now acting as Collector of Customs at the Port of Guantánamo, are appointed, to take effect this date, Collectors of Customs for those Ports respectively, with their present salaries.

II. Immediately after the receipt of this order by them, by telegraph or mail, those Collectors of Customs, (including those appointed in Par. I above) who have not already done so, and who are responsible for funds, books, records and property pertaining to the Military Government of Cuba, will transfer said funds, books, records and property to the officers of customs at their respective Ports who are hereinafter designated, and will at once proceed to a prompt settlement of their accounts to the date of said transfer.

Each Collector of Customs making the transfer will at once notify the Auditor of the date on which it takes place, and the name of the official who thereafter becomes responsible.

III. The sole purpose of this order is to relieve the present Collectors of Customs from further responsibility for public funds and property, and therefore, until further orders, they will remain on duty in general charge and supervision of the customs affairs of their respective ports and districts, with the title of Supervising Collectors of Customs, (the Supervising Collector at Havana to continue as Chief of the Customs Service) with all their previous rights and powers except in cases relating to the direct responsibility for money or property in which case the power must be vested in the respective Acting Collectors of Customs hereinafter designated.

When questions involving this responsibility arise between the Supervising Collectors and the Acting Collectors which cannot be adjusted between themselves, the former will immediately refer the case to the Chief of the Customs Service for his decision or that of the Military Governor, as the case may require.

IV. The officers of customs to whom the transfer directed in Par. II of this order is made will, from the date of said transfer, be designated as Acting Collectors of Customs, for the ports for which they are respectively appointed. They will thereafter be responsible for all funds, books, records and property pertaining to the Military Government of Cuba, herein directed to be transferred to them or which they may thereafter receive. They will, under the Supervising Collector perform all duties vested in Collectors of Customs and will be responsible for their proper performance in accordance with the laws, orders and regulations governing the customs. Especially in matters relating to responsibility for funds on hand and property and to the collection of and accounting for the customs revenue they will act on their own responsibility, all irreconcilable differences of opinion between themselves and the Supervising Collectors on these subjects being referred for decision as directed in Par. III of this order.

V. The present Collectors of Customs (including those appointed in Par. I of this order) will transfer their funds, books, records and property, at the time and in the manner hereinbefore directed, to the following named Acting Collectors of Customs at their respective ports, who will thereupon enter upon the performance of their duties with, until further orders, the salaries set opposite their respective names:

Port.	Acting Collector.	Salary Per Annum.
Havana.....	J. E. Cartaya.....	\$5,500.00
Santiago.....	Julián Parreño.....	3,600.00
Matanzas.....	Juan Carbó.....	3,000.00
Cárdenas.....	Celestino Guanaud.....	3,000.00
Manzanillo.....	Alberto Palma.....	3,000.00
Gibara.....	Leonardo Ros.....	3,000.00
Sagua la Grande.....	F. P. Machado.....	3,000.00
Guantánamo.....	P. J. Salazar.....	2,000.00
Nuevitas.....	J. A. Agramonte.....	2,500.00
Baracoa.....	Pedro Cañas.....	1,800.00
Trinidad.....	F. de P. Ponce.....	1,800.00
Batabanó.....	A. Agüero.....	1,800.00

VI. Each Acting Collector of Customs will immediately file such bond as the Chief of the Customs Service may direct for the proper protection of the interests of the Government.

VII. The present Acting Collectors of Customs at the following ports will, until further orders, continue as heretofore in the performance of the duties of their office, with the salaries set opposite their respective names:

Port.	Acting Collector.	Salary Per Annum.
Santa Cruz del Sur.....	José Ros.....	\$1,800.00
Tunas de Zaza.....	Andrés Orsini.....	1,800.00

VIII. The Supervising Collectors of Customs will give their special attention to the proper performance of all duties assigned under Circular No. 16, Division of Customs and Insular Affairs, dated War Department, Washington, May 11, 1899, and under Order No. 8, Headquarters Department of Cuba, dated January 8, 1901.

IX. At the ports of Cienfuegos and Caibarién the Collector of Customs for Cuba will designate an Acting Collector of Customs to perform the duties of Collector until such officials are hereafter appointed.

X. The travel enjoined by this order is necessary for the public service.

LEONARD WOOD,

Military Governor.

No. 103.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 15, 1902.

The Military Governor of Cuba, upon the recommendation of the Civil Governor of the Province of Havana, directs the publication of the following order:

Whereas, the fusion of the two firemen's corps at present existing in this city becomes indispensable for the purpose of securing a good and economical administration and to avoid such contentions as have recently occurred among the members of said corps, placing the public order in danger;

Whereas, on the other hand there are no reasons advising their separate maintenance, and especially as when constituted in the manner up to the present prevailing they do not give the necessary unity of action required of a well organized firemen's corps;

It is resolved:

First. That the service of fire extinguishment of Havana shall be charged to a single firemen's corps, which shall be known as the "Havana Firemen's Corps," the two existing corps being fused, with their personnel and material.

Second. Said Corps shall have a civil organization and shall be sup-

ported with the means supplied it by the State, the Municipal Council, the Fire Insurance Companies, and popular subscription.

Third. The State shall contribute the sum of twelve thousand (\$12,000) dollars and the Municipal-Council shall fix the annual subvention which it deems necessary.

Fourth. The direction and management of the Corps shall be charged to a committee consisting of two councilmen designated by the Mayor, one of whom shall be the representative of the firemen; two property owners designated by the Property Owners Association; two representatives of fire insurance firms, and two merchants designated by the contributors giving most to the sustenance of the Corps.

The by-laws and regulations of the organization shall be drafted by the directing committee, the Board of Chiefs and Officers being heard; and shall be approved by the Civil Governor of the Province, after report by the Municipal Mayor.

Fifth. The Municipal Mayor shall be the Chief *ex officio* of the Corps; he shall together with the President of the Committee examine the appointments of Chiefs, and shall exercise the superior inspection in all the operations of the service,—in his absence the Councilman-Representative; the supervision of all that relates to said service corresponding to the Civil Governor.

Sixth. The present contingent of forces of the Firemen's Corps existing in this city shall have the same offices in the new organization. The Corps shall be commanded by a First Chief and as there is at present one in each of the two organizations, both are relieved from office and a new First Chief appointed, to be named within five days by the Directing Committee. Said First Chief shall not have been a member of either fire organization. In the meantime the Directing Committee will name the senior of the present Chiefs to act temporarily until the election of the permanent Chief of the Firemen's Corps has been accomplished.

Seventh. The uniform and equipment of the Corps while on duty shall be as follows:

Blue trousers; blue jacket, with silver-plated buttons; helmet of the same pattern as that now used by the commercial firemen, the inscription on which shall be changed to that of the title of the new Corps; rubber boots; white or black belt, according to rank; and the other insignias which may be adopted by the Committee. The same uniform shall be used as a dress uniform in formations, with the exception that the jacket shall be substituted by the red waist which is now used by the Municipal firemen.

Eighth. This order shall take effect from the date of its publication in the GAZETTE OF HAVANA.

The Directing Committee referred to in this Order shall consist of the following named persons:

FOR THE MUNICIPAL COUNCIL.—*Cándido Hoyos y Huguet, Antonio Fernández Criado.*

FOR THE INSURANCE COMPANIES.—*Juan Argomedo, Manuel Silveira.*

FOR THE COMMERCIAL INTERESTS.—*Prudencio Rabell, Andrés Terry.*

FOR THE PROPERTY OWNERS ASSOCIATION.—*Manuel Gómez Petit, Mariano Casquero.*

H. L. SCOTT,
Adjutant General.

No. 104.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 15, 1902.

Whereas, the period of time specified in Order No. 356, issued September 13, 1900, has been several times extended, there seems to be no good reason for further extension thereof, and

Whereas, the continued use of the State highways by heavy carts and vehicles with narrow tires is very destructive to said State highways and entails a considerable expenditure on the part of the State, for their repair and maintenance.

Therefore, the Military Governor of Cuba directs the publication of the following:

The owners of carts and vehicles which do not conform to the provisions of Order No. 356, of 1900 (inasmuch as said carts and vehicles cause injury to the State highways.) will be fined, unless they have obtained a permit such as hereinafter specified, not less than \$25.00 nor more than \$50.00 United States Currency, for each offense.

Duly authorized permits to use the public roads will be issued to cart owners by the Secretary of Public Works at the rate of \$6.00, United States Currency per month for each cart, for periods of not less than one nor more than three months, and on the termination of this period of three months further permits will not be issued. Said permits will be duly numbered and dated, and the number of the permit will be securely fastened or painted in a conspicuous place upon the vehicle for which it is issued, together with the date of the issue of the permit and the length of its duration, and in addition the driver of the cart will always carry with him the original permit or a certified copy thereof made before a Notary Public.

These fines will be collected directly by representatives of the Department of Public Works or through the Municipal Mayors or Correctional Judges and will be duly accounted for as provided for in Order No. 356 of 1900. The representatives of the Department of Public Works are authorized to call upon the municipal police, the Rural Guard and the judicial authorities, to assist them in collecting the aforementioned fines and enforcing this order, and said authorities will co-operate in the enforcement thereof.

This order does not relieve the owners of vehicles of the obligation to cause their registration in the Municipal Mayors' Offices.

H. L. SCOTT,
Adjutant General.

No. 105.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 15, 1902.

The Military Governor of Cuba directs the publication of the following Order:

I.

Upon the recommendation of the respective Audiencias, and in accord with the report of the Secretary of Justice, the following appointments are announced:

Ricardo Fors y Urquiola, Substitute Municipal Judge of Mantua.

Enrique Benítez Graviel, Municipal Judge of Bahía Honda.

Francisco Palmer, Substitute Municipal Judge of Guayabal.

Inocente Rodríguez Venerio, Substitute Municipal Judge of San Juan y Martínez.

Leonel Gil González, Substitute Municipal Judge of Bolondrón.

José María Barreto Unzueta, Substitute Municipal Judge of Roque.

José María Zayas, Municipal Judge of Casilda.

Lorenzo Jubiel Dávila, Substitute Municipal Judge of Yaguajay.

Pedro Aragón, Municipal Judge of San Francisco.

Juan V. Rodríguez, Municipal Judge of Cabagán.

Antonio Carbajal, Municipal Judge of Cumanayagua.

II.

Upon the recommendation of the Secretary of Agriculture, Commerce and Industries:

I. Cattle owners who have any brand-iron registered in the Department of Agriculture, Commerce and Industries, used for designating their ownership, may request and obtain from said Department another special brand, called "Calimba de Salida," for the purpose of designating the cattle sold by them from those branded with their brand-iron.

II. Such petitions for said special brands shall, until their granting, follow the procedure set forth in Order No. 208, series of 1901, these Headquarters, for the registration of ownership brands of said cattle.

III. The fees for registration of the aforesaid special brands (Calimbas de Salida) are fixed at one dollar, U. S. currency, each,

which amount shall be paid into the Office of Internal Revenues of the Fiscal Zone in which the petitioner resides, who shall accredit the same in the Department of Agriculture, Commerce and Industries by the exhibition of the corresponding receipt, in order that said department may issue the title of ownership to said brands.

III.

Upon the recommendation of the Secretary of Justice :

Articles VI and VII Order No. 97, current series, these Headquarters, are hereby corrected to read as follows :

“ VI. All fines not exceeding five hundred dollars in United States money imposed by courts of justice, which may be pending payment on the date of publication of this Order in the GAZETTE OF HAVANA, whether imposed singly or jointly with other penalties, are remitted; and full pardon is granted of the subsidiary personal responsibilities which may have been occasioned by said fines.

“ VII. In order that the benefits granted in this order may be had it shall be an indispensable condition that the respective sentence has been final on the date of the publication of the Order in the GAZETTE OF HAVANA. Nevertheless, the benefits of this Order shall be applied in the cases which at the time of said publication were pending in appeal of cassation, as the respective sentences become final.”

IV.

The Right Reverend Archbishop of Santiago de Cuba and Apostolic Administrator of the Diocese of Havana having appealed to the Military Governor against the Circular issued by the Department of State and Government under date of April ninth, 1902 and published in the GAZETTE OF HAVANA of April tenth, 1902, in relation to the fees collected for burials in Colon Cementery of Havana, etc., the Military Governor declares said Circular suspended until a thorough investigation can be had.

V.

The words “ prior to ” in Par. I, Order No. 95, current series, these Headquarters, are hereby substituted by the word “ since.”

The following is added to Article IX, Order 99, current series these Headquarters :

“ In no case shall the same officer be transferred more than once within the period of one year.”

H. L. SCOTT,
Adjutant General.

No. 106.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 16, 1902.

The Military Governor of Cuba, in view of the coming change of government, directs the publication of the following order:

I. Collectors of Customs, Collectors of Internal Revenues and all other officers and agents (except postmasters) collecting monies on behalf of the Military Government on or before May 19th, 1902, shall on or before that date deposit all such monies with, or to the credit of, the Treasurer of Cuba, and render immediately thereafter final accounts to the Auditor for Cuba. Accounting for disbursements after May 19th, 1902, will be made to the Auditor for the Cuban Republic.

II. The Military Government will make allotments in the usual manner for the payment of salaries and current expenses up to and including the 19th of May, 1902. Payments of salaries will be made to employes of the Military Government up to and including May 19th, 1902, as heretofore, and by the Cuban Government thereafter.

III. After payments have been made, disbursing officers and agents of the Military Government having funds in their possession shall immediately deposit with, or to the credit of, the Treasurer of Cuba all unincumbered balances; meaning balances against which there are no outstanding liabilities. The Auditor and the Treasurer for Cuba will be immediately advised of the making of such deposits and of the general and sub-heads of the appropriations of the respective amounts under which the deposits are made, and a report shall also be made to them of the outstanding and unpaid checks. For the purpose of expediency, disbursing officers located outside of the City of Havana will use the telegraph, official mail copies of their telegrams to immediately follow, and subsequently, the rendition of final accounts up to and including May 19th, 1902.

IV. Officers and agents accountable for property pertaining to the Military Government will account for same in conformity with the foregoing instructions as to money accounts.

H. L. SCOTT,
Adjutant General.

No. 107.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

The Cuban National Library is hereby transferred, with its present personnel, to the Department of Public Instruction.

II.

Upon the request and recommendation of the Civil Governor of the Province of Santa Clara, General *J. M. Gómez*, and as an act of clemency incident to the transfer of government, full and complete pardon is granted to *Casimiro Naya*, former Mayor of Camajuani, and *Gustavo Casanova*, former Alcalde of Santo Domingo, for offenses committed as Mayors, respectively of Camajuani and Santo Domingo, in all that pertains to misappropriation of public funds, in cases now pending before the courts, and proceedings against them are declared ended.

H. L. SCOTT,
Adjutant General.

No. 108.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Secretary of Justice:

1. The Registries of Property of Santiago de Cuba and Colón, now of the second and third class respectively, are hereby classified as, and given the rank of, first and second class respectively.

2. Ten thousand (\$10,000) dollars for the Registry of Santiago de Cuba and five thousand (\$5,000) dollars for the Registry of Colón is fixed as the bond for the discharge of the duties thereof.

3. The officers at present filling these offices shall, from the publication of this Order, have the rank assigned to said offices.

4. Should the enforcement of these provisions be in conflict with any others existing, the latter are revoked.

5. Article 2, Order No. 80, current series, these Headquarters, is hereby revoked; therefore, *Mr. Francisco Machado Ramos* will re-assume the office of Municipal Judge of Camajuani.

II.

Upon the recommendation of the Secretary of Agriculture, Commerce and Industries:

1. It being impossible to determine at this time the extent of the spawning grounds of fish in the maritime belt existing under the jurisdiction of the Captain of the port of Batabanó, the provisions contained in Article V, Order No. 99, series 1900, these Headquarters, are hereby limited in said zone to the fishing of the "Biajaiba" only.

2. The prohibited period referred to in said Order shall commence on April 20th and end on May 20th of each year, commencing with the current year, during which period fishing of the "Biajaiba" and the transportation and sale thereof, is prohibited.

3. A fine of not less than twenty five dollars (\$25.00) nor more than One hundred dollars (\$100.00) U. S. Currency shall be imposed for any violation of this Order.

Upon the recommendation of the Secretary of Public Instruction:

Dr. Manuel Gómez de la Maza y Jiménez is hereby appointed Professor of Chair G, Institute of Pinar del Río.

H. L. SCOTT,
Adjutant General.

No. 109.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 18, 1902.

The Military Governor of Cuba directs the publication of the following permit, for the information and guidance of all concerned:

HEADQUARTERS MILITARY GOVERNOR ISLAND OF CUBA.

Havana, Cuba, April 14, 1902.

PERMIT.

Subject to the provisions of Civil Orders number two hundred and thirty one, dated October twenty ninth, 1901, viz:

"No. 231."

"HEADQUARTERS DEPARTMENT OF CUBA,"

"Havana, October 29, 1901."

"The Military Governor of Cuba directs the publication the following order:"

"Mr. Tiburcio Castañeda y Triana having presented to the Military Governor for approval an alleged concession obtained by purchase from

"Ovidio Giberga y Gall, granted by the Governor General of the Island "on October 30, 1894, the Military Governor states that the United States "makes no objection to this alleged concession by Spain nor to the terms "nor conditions thereof, viz:"

"The installation of an electrical plant in the city of Havana to furnish electric light to the same, provided said alleged grant was made "pursuant to the law, authority and procedure of the laws of Spain in "force in the territory to which the concession pertains at the time the "granting was made."

"The questions of authority and procedure under Spanish law are to "be determined by the courts of Cuba when involved in cases properly "pending therein."

"This Order is without prejudice to the rights of the municipality "under existing laws and without prejudice to the intervention by "superior authority for the protection of public telephone and telegraph "service and public interest."

"EDWARD CARPENTER,
*1st. Lieut., Artillery Corps,
Acting Aide-de-Camp."*

—the Military Governor of Cuba hereby authorizes Mr. Tiburcio Castañeda y Triana to proceed with the necessary construction work authorized by the alleged concession therein referred to, under the following conditions:

1. *System employed.* The three phase alternating current system of sixty (60) cycles, four thousand (4000) volts, across the outside wires will be used.

2. *Power house.* The power house will be located in the block bounded by Animas, Oquendo, Soledad and Virtudes streets. The general features of the building as shown on drawing marked Exhibit A, one (1) to seven (7) inclusive, will be satisfactory; the building to be constructed with either a stone or concrete front. No chimney projecting more than two meters above the roof is to be allowed, and a system of mechanical draft, practically as shown in Sturtevant's "Mechanical Draft" must be employed. Should this system prove unsuccessful in preventing the escape of smoke, cinders or incombustible material in such quantities as to seriously annoy the adjacent residents, the concessionaire will be required to use anthracite coal and to make the necessary changes in the plant to allow its use. The building must conform, in all other respects, to the Municipal Ordinances of Construction, and the proper detailed drawings must be submitted and the requisite permit from the Municipality obtained before its construction can be begun. The power house must be completed, and the necessary machinery installed for furnishing twenty thousand (20,000) sixteen (16) candle-power lights, or its equivalent, within two years from date of this permit.

Pending the completion of the power house, plant and complete installation within the limitations as to time prescribed in this permit the concessionaire will be allowed to purchase power from the Havana Electric Railway Company at their power house, but all such

power must be distributed exclusively through the ducts of the concessionaire.

3. *No overhead wires to be used.* No overhead wires of any kind shall be installed in or across any of the streets of the Municipality. They shall be placed under ground, in the manner prescribed hereafter in this Permit.

4. *Time for construction.* The concessionaire must begin the work of installation of the system within sixty days from the receipt of this permit, and shall prosecute it at such a rate that within two years from the date of this Permit he shall be prepared to furnish and, then or at any time thereafter, he shall furnish light or power to any block in the Zone marked number One (1) on the accompanying map, marked Exhibit B, bounded by Galiano, Los Angeles, Corrales and Egido Streets, and the Gulf and Harbor, within thirty days after request for said light or power, provided there may be application for not less than sixty (60) lights or equivalent power in said block; and that within four years from the date of this permit he shall be prepared to furnish and, then or at any time thereafter, he shall furnish light and power to any block in the City or suburbs of Vedado, Cerro and Jesus del Monte outside of said Zone number One (1), within thirty days after request for said light or power, provided that there may be application for not less than forty lights or equivalent power in said block, and provided that said block is adjacent to a block already supplied or is not distant more than two hundred (200) meters from the *calzadas* of Jesus del Monte or Cerro, or Ninth Street, Vedado, or from any other street containing high tension current.

5. *Permits for laying ducts.* Permits for the laying of the necessary ducts will be secured from time to time from the Chief of the "Cuerpo de Comunicaciones" or Chief of the Department to which this service pertains, through the Chief Engineer of the City. Such permission is hereby given for the location of the high tension conduits required for immediate installation, as shown on the accompanying map marked "Plan showing location of high tension conduits and manholes," Exhibit C.

6. *Size and number of conduits.* The ducts shall be three (3) inches in diameter or three (3) inches square in size, and the number in each high tension line of conduit shall be not less than nine in mains, six in sub-mains, and three in branches. Two ducts shall be reserved for the use of the State and City in all streets in which high tension ducts may be laid. It is understood that these ducts will be used exclusively for the State or City, and that the use of these ducts for furnishing electric light, power, telephone or telegraph service, to the City, by any corporation, firm or individual, will not be allowed. One duct will be reserved for the City or State in each and every service distribution line whenever so directed.

7. *Style of conduit and method of laying.* Conduits for high tension cables shall be standard multiple duct, vitrified glazed tile, equal in every respect to that manufactured by the American Vitrified Conduit Company. Standard three and six foot lengths shall be employed, of three, six and nine holes, as shown on pages two, twelve and thirteen of catalogue of that company (Exhibit D). Each line of conduit shall be completely encased in concrete three (3) inches thick (See page twenty one (21) of above catalogue), the concrete being intended to hold the joints in perfect alignment, to protect the conduits from picks of workmen and exclude water, and is to be continuous from manhole to manhole. As each joint of conduit is laid and centered up with the one preceding it, by means of dowel pins and mandrils, a piece of burlap saturated with hot asphaltic cement, shall be wrapped around the joint, making it absolutely water proof. This process shall be repeated for every joint until a manhole is reached, when the concrete around the top and sides shall be filled in, leaving the trench open to be filled in by the City Engineer Department.

The conduits shall be laid from manhole to manhole with a minimum grade of three tenths of one percent, and the top of the concrete covering the duct shall, in all cases except where existing constructions require it to be lower, be four (4) feet below the finished grade of the gutters as established by the Chief Engineer of the City, and the conduits shall under no circumstances pass through any existing sewer or drain. They shall in all cases be so located as to avoid the necessity of changing their location when the new sewers and drains are constructed. In streets of a width of seven meters or greater between curbs, this limit of depth may, at the discretion of the Chief Engineer of the City, be reduced to three feet. The concrete used in laying the conduits shall be composed of one part Portland cement, three parts sand and five parts of clean, hard, broken stone, free from dirt, and one and one-half inches in greatest diameter. The cement, sand and stone used shall be equal in quality to that required by the specifications for sewerage system and street paving of this City, the sand being of the second class.

8. *Ventilation.* The underground system shall be ventilated at all manholes by four inch cast iron pipes, which shall extend one meter above the nearest roof with the open end four meters from the nearest door or window opening. These ventilators to be erected in the court (patio), or let into a groove in the outer wall of the house and plastered over. As this method does not insure a positive circulation, the necessary number of fans to secure such circulation must be installed, this number being determined by the Chief Engineer of the City.

9. *Location of manholes.* Manholes shall be placed at all cable junctions, and at intervals on conduit lines of not to exceed four hundred (400) feet. The concessionaire must submit detailed drawings showing exact location, size and construction of each manhole,

and receive written permission from the Chief Engineer before beginning work on same.

10. *Manholes.* Two classes of manholes shall be built, i. e., transformer manholes and drawing-in manholes.

Transformer manholes shall be constructed substantially as shown on the plan entitled "Standard Transformer Manholes," Exhibit E. The internal dimensions shall be eight (8) feet long by four (4) feet wide. The bottom of the manhole shall be not less than six (6) feet below the finished grade of the gutter. In contracted places, the width may be reduced to three (3) feet with the approval of the Chief Engineer of the City. The transformers shall be banked in the ends of these manholes, and ducts must enter at the side in order to facilitate racking the cables, and to allow for laying of new ducts in the future. All manholes shall be constructed with a layer of waterproofing material between the inner and outer courses of brick, as shown on the drawing. This shall consist of four layers of asphalted burlap, or tar paper applied with hot asphaltum. The outer course of brick shall be hard burned brick, free from lime, equal to those called for in the specifications for Sewerage System and Street Paving of this City, laid with One (1) to Three (3) cement mortar, and the inner course of brick shall be standard salt glazed brick, joints to be made with thin neat cement mortar. On top of the brick structure short lengths of iron rails will be laid transversely, completely covering the top of manhole except the space occupied by the cast iron cover. The space between the rails shall be filled with One (1) to Three (3) cement mortar, or concrete 1, 3 and 5, 3-4 inch stone. The concrete for supporting the manhole casting shall then be laid on the rails, the whole brought up to the proper height and leveled off. The manhole casting shall then be set in place and the four layers of waterproofing material shall be brought over the ends of the rails and past the flange of the casting, and covered with a layer of cement concrete 1, 3 and 5, 3-4 inch stone, two (2) inches thick. Iron bars or rails shall be placed in the outer walls wherever necessary to give the required strength.

Manhole covers shall be of the round top, filled type, the design to be approved in writing by the Chief Engineer before any shall be used. A vitrified clay drain pipe of minimum diameter of four (4) inches shall be laid from each manhole, to be connected with the proposed new sewers, and to be opened and closed by a globe valve located in the manhole. If possible, a second drain shall be placed leading to the existing sewer.

Drawing-in manholes shall be large enough only for drawing in the cables and making connections, and will have inside dimensions four (4) feet in length by four (4) feet in width, to be narrowed to three (3) feet wherever the standard width cannot be obtained, the inside surface of the bottom of the manhole to be not less than five (5) feet seven (7) inches below the finished grade of the street

gutter. The waterproof construction will be made the same as for transformer manholes. The construction will be substantially the same as shown on drawing entitled "Drawing-in Manholes," Exhibit E. With the permission of the Chief Engineer of the City, one or two small transformers may be installed in the drawing-in manholes where no low tension feeders exist.

It should be understood that any individual or corporation who may at any time secure proper concession to lay conduits in the streets of the City for electric light and power or telephone purposes, may be allowed to lay said ducts in the same trench, either above or alongside of the conduits laid under this permission, and to use the manholes constructed under this permit, under proper regulations and the payment of proper rental to be fixed by the authority having power to grant such concession. In order to secure proper data for fixing such rental, the present concessionaire will be required to file with the Department of Engineers all the necessary data to determine the cost of the installation of said manholes. Any change or modification of the present system which may be necessary at the time of installation of such new system, shall be made. The work shall be done by the new concessionaire, by the present concessionaire, or by the City Engineer, at the discretion of the latter, the expense in any case being chargeable to the new concessionaire.

11. *Distribution.* All transformer manholes shall be considered as centers of distribution. Large cables shall be run from the secondaries of the transformers in ducts of vitrified glazed tile or cast iron service boxes, as shown on pages forty nine (49) to fifty three (53) of the "American Vitrified Conduit Company," Exhibit D. These distribution ducts shall be laid in a similar manner to the main conduit. The depth below the gutter will be at least twenty four (24) inches. Where especially authorized, distributing cables may be carried in standard lap-welded wrought iron pipes, with cast iron couplings, as shown on page eighteen (18) of catalogue "For underground tubing and materials," of the General Electric Company, Exhibit F.

The location of the distributing ducts must be approved in writing by the Chief Engineer of the City, and permit received from him before their construction.

12. *Center pole distribution.* Whenever the necessary permission can be obtained from the property owners a mast will be erected in the court (patio) or on the roof of a house situated as nearly as possible in the center of the block, from which connections will be made to all other houses in the block. Details of this system are shown on the drawing entitled "Details of Mast for Center Pole Distribution," Exhibit G.

13. *Transformers.* Transformers shall conform to the specifications for standard oil insulated transformers.

14. *Lighting system.* Two single phase static transformers twenty three hundred (2300) to one hundred ten (110) volts, shall be used for lighting, their primaries to be connected from phase number one (1), two (2), or three (3), across to the neutral wire from the armature of the star connected generator. The secondaries to be connected in series to give two hundred twenty (220) volts. This will allow current to be supplied to existing installations at one hundred ten (110) volts, by connecting the lamps in groups on each side of the neutral wire, and at the same time gives the proper voltage for any new two hundred twenty (220) volt lamps to be installed, which can be connected across the outer wires.

15. *Motors.* One three phase or three (3) single phase transformers shall be used for running power motors, which may be three (3) phase induction motors where the starting torque is great, or synchronous motors where the starting torque is small, but the running load practically constant. Synchronous motors will be supplied with ammortisseur windings to get up to synchronism when the current will be turned on the armature. An equal subdivision of these two types of alternating current power motors will be sought, as it is advantageous to counteract the effect of the induction motors which is to produce lagging currents with the leading currents produced by the synchronous motors, thereby keeping normal the phase relations of voltage and current.

A separate cable shall be used for conveying currents for power purpose.

In no event will lamps be run from the same transformer from which large motors take current.

16. *Grounding.* Neutral wires on all secondary systems shall be grounded to eliminate the possibility of getting a shock of more than one hundred ten (110) volts.

17. *Lamps, Cables, Wiring and Fixtures.*

(a) *Lamps, incandescent.* Standard sixteen (16) candle power incandescent lamps, Edison base, two hundred twenty (220) volts and one hundred ten (110) volts, will normally be used. Wherever a customer may desire lamps of a specially high efficiency, the "Lowatt" lamp will be furnished. (See the accompanying catalogue of Bernstein Electric Manufacturing Company." "Lowatt," Exhibit H.) The "Nernst" lamp will also be installed wherever desired by the consumers. These lamps will also be used for out door lights where desired, and where enclosed are lamps are not desirable.

(b) *Arc lamps.* The series alternating current arc lamps of the enclosed type will be used; four (4) or six (6) and six (6) tenths (10ths) amperes,—seventy (70) volts, normally equal in all respects to those shown in the Catalogue of the Manhattan Arc Lamps,—Exhibit I. The constant current transformers for supplying these arc lamps are to be located in the regular transformer manholes.

Ornamental poles or brackets for the support of these arc lamps, or the type satisfactory to the Chief Engineer of the City, must be used.

(c) *Cables.* Cables for high tension circuits shall be three (3) conductor, paper insulated, lead covered cables, each conductor to be made up of eighteen (18) strands of number fourteen (14) copper wire, with a combined sectional area of 73,922 4-10 circular mills when each wire is laid out straight. The paper insulation shall be one eighth ($\frac{1}{8}$) inch thick around each conductor and one eighth ($\frac{1}{8}$) inch around outside insulating jacket. Lead covering shall be 3-32" thick. Total diameter of cable when completed not to exceed 1.52". The open spaces between conductors to be filled with dry jute saturated with an insulating compound to exclude air and moisture. The test pressure between copper conductor and lead covering to be eleven thousand (11,000) volts A. C. for one hour. The insulating resistance of the cables after being laid out, including joints, shall be two hundred (200) megohms per mile. If cables of other sizes are used, they shall be equal in quality to that specified above. Cables for series arc lighting shall be of the duplex lead covered type, with equivalent thickness of insulation and lead covering as that for the high tension cables.

(d) *Wiring and fixtures.* Wiring and fixtures shall conform in all respects to the rules of National Board of Fire Underwriters, (see accompanying copy, Exhibit J).

18. All the details of the work, methods of construction, methods employed for protection of life and property, both during construction and subsequent operation, materials used, amount of street to be opened, rate of progress, etc., must be carried out under the direction and to the satisfaction of the Chief Engineer of the City of Havana; written permission must be obtained from him for the construction work in each block before beginning such.

19. The concessionaire shall deposit with the Paymaster of the Engineer Department each month in advance the necessary amount as determined by the Chief Engineer of the City, to pay the following:

(a) The cost of inspection.

(b) The cost of repairing damages to sewers, drains, water pipes and all public property, and of the necessary changes or additions to same, the work to be done by the Engineer Department.

(c) The cost of refilling all trenches and replacing the paving, the work to be done by the Engineer Department.

The concessionaire shall pay the cost of repairs to or removing gas pipes whenever such repairs or removals are made necessary by his works, and shall pay for all damages to private property.

He shall be obliged to remove and properly replace any work not done to the satisfaction of the Chief Engineer of the City. If such work is not begun within fifteen (15) days from date of notification, it shall be done by the Engineer Department and the cost thereof charged to the concessionaire, and deducted from his bond unless otherwise paid.

20. All materials taken up or uncovered shall be thoroughly soaked with disinfectants to the satisfaction of the Chief Engineer of the City. The disinfectants used shall be a solution of chloride of lime, in the proportion of one pound of chloride of lime to twenty (20) gallons of water.

21. *Duration of concession.* The duration of the concession shall not exceed ninety nine (99) years, at the end of which period it shall be left optional with the Ayuntamiento to renew the concession or purchase the plant and system at an appraised value to be fixed by experts according to existing law; this limitation to be without prejudice to such rights as the Municipality may have under the laws now existing and as are especially set forth in Paragraph Twenty Three (23) of this Permit, titled *Annulment of the concession.*

22. *Amount of bond and guaranty.* The Municipality shall require the owner of the concession to deposit sufficient bond for the faithful and proper execution of the work in accordance with the terms of this Permit. Said bond shall be thirty thousand (\$30,000) dollars.

23. *Annulment of the concession.* This concession shall be forfeited in case the concessionaire fails to complete the construction of the power house and the installation of the machinery within two years as prescribed by Paragraph Two (2); or fails to begin or prosecute the work of installation or to furnish light and power as prescribed in Paragraph Four (4), either for Zone number One (1), or for the rest of the City and suburbs of Vedado, Cerro and Jesus del Monte, outside of Zone number One (1), as prescribed in said paragraph. It shall also be annulled for the causes set forth in Articles Fifty Nine (59) and Sixty (60) of the Law of Public Works; also Articles Twenty Eight (28), Twenty Nine (29), One hundred Ten (110) and One hundred Eleven (111) of the Regulations for the Execution of the Law of Public Works, as immediately hereinafter follow:

"Art. 59. As a general rule, there shall appear in the terms of every concession the following:

"First. The amount which shall be deposited by the concessionaire as a guaranty of the fulfillment of his engagement, which shall be from 3 to 5 percent of the estimate of the works."

"Second. The time in which the work shall begin and end."

"Third. The conditions for the establishment and for the use of the works, which in each case may be deemed convenient, in accordance with the laws."

"Fourth. The cases of forfeiture and the consequences of this forfeiture."

" Art. 60. The asking of subsidy after the said concession has been granted, shall be considered as a case of forfeiture of a concession included in Article 53. When by means of a law a subsidy or an aid with public funds in order to execute the work shall be granted, the subsidy or the aid shall not inure directly to the benefit of the former concessionaire, but only to that of the work itself, which shall be immediately submitted to public auction, in accordance with the provisions of this Law, concerning subsidized works."

"Art. 28. In every concession, besides the technical conditions of the project for the execution of the work and those of the general ones which may be applicable, there shall govern other particular conditions, in which shall be included the special ones which govern contracts of public works which may be considered proper, according to the result of the proceedings; and there must appear among them the following:"

" First. The designation of the guaranty which the concessionaire shall give in security for the fulfillment of his obligations. This guaranty shall be from 3 to 5 per cent of the amount of the estimate, and shall not be returned to the interested party until he has proved the construction of the works and the supply of materials to the value of one-third at least of the total cost of the work, according to appraisal made by the Engineers in charge of the superintendence of the work, applying to those which may have been made the prices of the approved estimate."

"The guaranty in every case shall be made where contracted, within the term of one month from the date of the granting of the concession, on the penalty of the loss by the concessionaire of all right, including that of the deposit, if this shall not have been done."

" Second. The dates on which the concessionaire shall commence and complete the works, as well as the progress with which they shall be constructed in given periods, in order that they may be concluded within the time provided for."

" Third. The schedule of rates which may have been approved for the use and profit of the works, as well as the basis for their application."

" Fourth. The time during which the concessionaire shall have the right to enjoy the proceeds of the rates referred to in the preceding article, which cannot exceed ninety-nine years."

" Fifth. The cases of forfeiture of the concession."

" Besides this, it must be seen that the concession shall be granted without prejudice to the third party and saving private rights."

" Art. 29. Every concession of this kind shall be forfeited if any of the special conditions designated in the preceding article are not complied with, if the preservation of the works during their operation is not properly attended to, and if the operation is not carried on in accordance with the terms agreed upon."

" The case provided in Article 60 of the General Law of Public Works shall also be a case of forfeiture."

" The declaration of forfeiture shall be made by the Colonial Department, after proceedings in which there shall be heard the concessionaire, the Consulting Board of Roads, Canals, and Ports, and the Colonial Department of the Council of State. From this decision the interested party may appeal by means of the administrative jurisdiction of contests."

" Art. 110. When the concession is granted, the concessionaire shall

“deposit from 3 to 5 per cent. of the amount of the approved estimate, and proceed to the execution of the works under the immediate inspection of the technical officials of the Municipality, and the superior inspection of the State Engineers.”

“Art. 111. The concession shall be forfeited in the cases provided in the stipulated provisions, and shall thus be declared in a proper case by the Municipal Council, after proceedings in which the interested party shall be heard, and with a right of appeal to the Governor in the same manner as is provided for in Article 109.”

“After the Governmental proceedings have been exhausted, the concessionaire shall reserve the right to appeal from the declaration of forfeiture of the concession, by administrative litigation.”

“When the forfeiture is finally declared, the consequences shall be the same as those provided for by chapter 2 of these Regulations for similar works in charge of the State, it being understood that the appraisal of the works executed, to which Article 30 refers, shall be made by the expert employees of the Municipal Council, the approval of the Governor being necessary in the same manner as for projects of municipal works.”

24. The concessionaire will be required to furnish, without charge, the light, and power for electric fans required in the municipal building of the Ayuntamiento.

25. The concessionaire will be taxed as required by the State for “Compañías Anónimas.”

26. The concessionaire shall hold the Municipality and State harmless against all claims for such extra work on the part of the contractor for the sewer system and street paving of the city as may be absolutely necessary and proved to be caused by the presence of the subways in the streets.

27. The concessionaire shall hold the Municipality and State harmless for any claims for damages due to the construction of the work or subsequent operation of the system.

28. All the permits or approvals herein required to be secured from the Chief Engineer of the City shall be in writing.

29. The right is reserved to make such alterations or modifications of this permit from time to time as the public necessity may require, or to order such reasonable changes or improvements in any part of the system which, on account of new improvements or discoveries and improved methods may be required to improve the same.—
Leonard Wood, Military Governor of Cuba.

H. L. SCOTT,
Adjutant General.

N. B. The documents referred to in this permit as Exhibits A to J, are on file in the office of the Chief Engineer of the City of Havana.

No. 110.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 19, 1902.

The Military Governor of Cuba directs the publication of the following appointments:

As Commissioner of Public Schools, *Eduardo Yero y Buduén*, now Island Superintendent of Schools.

Mr. *Yero* will take possession of his office at such time on or before May 20, 1902, as may appear advisable in the opinion of the Military Governor. He will immediately report to the present Commissioner of Public Schools, for duty in his office as assistant.

H. L. SCOTT,
Adjutant General.

No. 111.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 21, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Full pardon, effective April 20, 1902, is granted to:—

1. *Sotero García Linares.*
Felipe Almanza y Rodríguez.
Pedro Vigón y Uruiza.
Aniceto and Mariano Fresneda y García.
Valentín Hernández y Hernández.
Mariano Ruiz Abascal.
José María Rodríguez Santa María, ex-Mayor of Macagua.
Herminio Domínguez Zequeira. . .
Alvaro Rodríguez Labrada. } Jail of Puerto Príncipe.
Antonio Rodríguez Labrada. }

2. *Milagros González Pérez and María Luisa Ochoa y Pichardo*, of the sentence of one year and one day of imprisonment passed upon them for assault on public officer.

3. *Juan Antonio Manduley del Río*, of the remainder of the sentence imposed upon him by the Supreme Court on February 13, 1902.

4. *José Rodríguez Torres*, of the penalties imposed upon him by the Audiencia of Puerto Príncipe on November 20, 1901.

5. *Francisco Sotero Valdés*, of the sentence imposed upon him in Case No. 225, 1900, of the Criminal Chamber, Audiencia of Havana.

6. *Pedro Pinto Reinoso*, of his sentence of seventeen years of imprisonment for counterfeiting.

7. *José Valdés Velazco*, of the sentence passed upon him by the Audiencia of Puerto Príncipe of September 25, 1901, declared final by the Supreme Court on January 20, 1902: to be delivered to his father, Antonio Valdés Machado, free of all responsibility.

8. *Emilio Fernández García*, of the remainder of the sentence passed upon him by the Audiencia of Havana on December 6, 1901.

9. *Francisco Ortega*, of the sentence of six months and one day of correctional imprisonment, etc., passed upon him by the Audiencia of Santa Clara.

10. *José Lubián Rodríguez*, of the remainder of the sentence of two years, eleven months and eleven days of correctional imprisonment passed upon him by the Audiencia of Havana on May 17, 1901.

II.

The penal action pending against *Pedro Mazorra Pulido*, in Case No. 450, 1900, Court of Examination of the Northern District of Havana, for falsification, is hereby declared ended.

III.

Full pardon is hereby granted to *William H. Reeves*, witness for the State in the post-office cases, of the sentence and fines imposed upon him by the Audiencia of Havana.

IV.

Upon the recommendation of the Secretary of Justice full pardon is granted to *Justus W. Lyman*, now in the Presidio of Havana of the remainder of the sentence of fourteen years, eight months and one day of imprisonment passed upon him by the Audiencia of Santa Clara on February 26, 1901, for homicide.

This pardon will take effect May 1, 1902.

V.

The Secretary of Justice is charged with the execution of this order.

H. I. SCOTT,
Adjutant General.

No. 112.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 23, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Finance, directs the publication of the following order, for the purpose of systematizing the Accounting of Ayuntamientos of this Island:

MUNICIPAL BUDGETS.

Article 1. The Ayuntamientos shall each year frame a budget comprising all the expenditures which it may be necessary to make, and the receipts assigned to cover same.

The expenditures and receipts must be equally balanced in the budget, and no obligation shall be contracted nor payment made which is not therein included, without express authorization in each case from the Governor General of the Island.

The fiscal year begins with July first of each year and terminates with June thirtieth of the following year.

Art. 2. The budget shall be composed of:

I. A statement showing the expenses of the corporation and the allotments assigned to same; and separately and in detail, the allotments for personnel, office materials, minor repairs, and articles required in the administration, in the following order:

- (a) Sanitation and Charities.
- (b) Police, and fire protection where it exists.
- (c) Management, custody and maintenance of the patrimony of the corporation.
- (d) Treasury and properties.
- (e) Public lighting, maintenance and repair of public highways and municipal works in general.
- (f) Offices of Mayor, Secretary and Accountant of the corporation, where same should exist.
- (g) Miscellaneous expenses, festivities and public calamities.
- (h) Water supply, where same may be the property of the corporation.

The amounts required for the maintenance of public works in charge of the Ayuntamientos must necessarily appear in the municipal budgets, in addition to what the municipal means may allow for

the continuation of works begun and for the undertaking of other new ones. No allotments assigned to public works shall be used except in accordance with a project which has been approved with all the formalities and requirements of the Municipal Law and the Law of Public Works.

In Havana the allotment for Miscellaneous Expenses, Festivities and Public Calamities shall not exceed fifty thousand dollars; nor shall it exceed ten per cent of the budget of expenses when same amounts to or exceeds fifty thousand dollars, nor five per cent when the budget is less than fifty thousand dollars. Neither shall more than ten per cent of said allotment be used for festivities or gifts.

II. Another statement in which shall be specified the obligatory and voluntary receipts authorized by Order 254, series of 1900 as modified, and other laws and regulations.

The receipts shall be enumerated in the order fixed in said Order and recourse shall not be had to voluntary receipts until those obligatory are exhausted; and there shall be taken as the basis of computation the collection had in the preceding fiscal year. In addition to the kind of taxation, the rate or quota of assessment and the total of the income taxable shall be determined when the taxation is on city or rural property.

Receipts derived from water supply and fines imposed by Correctional Courts shall be given their heading and special items.

Art. 3. The value of the real property of the Ayuntamientos and the principal of annuities (censos), when same are not subject to any guarantee and their sale or redemption respectively is authorized, shall not be applied to expenses included in the budget, but shall be used in the acquisition of other properties producing an equal or larger income, or for the extinguishment of incumbrances on other properties of the Ayuntamiento.

Art. 4. The budgets shall be prepared and drafted by the Municipal Treasurer, who shall take into account the actual receipts and expenditures of the preceding fiscal year, the progress of collections during the current year, and the data furnished him in the first fifteen days of the month of March of each year by the persons in charge of the various municipal services. These details shall be itemized in a report preceding the statements referred to by the foregoing article.

Art. 5. The draft of budget shall be presented to the Mayor within the second fifteen days of the month of March of each year. The Mayor shall announce same immediately and forward it to the Syndic for examination and report. Within the period of ten days, and over his signature, the Syndic shall state whether or not in his judgment same contains excesses, specifying same if he is of the opinion that they do exist.

During said ten days the draft shall be exhibited to the public, in the office of the Secretary of the Ayuntamiento, and the statements of expenses and receipts referred to in Article 2nd and the detailed report required by Article 4th shall be published in two numbers of the local periodical in which it is customary to publish announcements.

Art. 6. With the report of the Syndic and any remarks which may have been made in writing by the residents, the draft shall be submitted, within the second fifteen days of the month of April, to the Municipal Board.

It shall be the duty of the Mavor to duly convene the Municipal Board for the purpose of examining and deliberating upon the budget, and to furnish it the data necessary and which it may request of him to enable it to fulfill its mission.

The Municipal Board may by a majority of votes of the members present,—and one half and one additional of its members shall constitute a quorum,—in writing recommend the amendments, additions or changes deemed advisable; and shall report whether or not it concurs in the report of the Syndic as to whether or not under the law the draft contains any excesses.

The Municipal Board shall be allowed the period of fifteen days for deliberating upon and deciding the points referred to in the preceding paragraph.

The Board may designate a *ponencia* for the examination of the draft and hold the meetings deemed proper, within the period fixed for deliberation and decision.

Art. 7. The Municipal Board having examined the draft it shall render full report thereon to the Ayuntamiento in the first session held in the month of May and forward it to the Committee on Finance in order that same may examine it and render opinion upon the budget within the period of ten days.

The draft, the report of the Municipal Board, the opinion rendered by the Committee on Finance, and the remarks which may have been made by the residents shall be fully reported to the Ayuntamiento, which shall deliberate and decide thereupon within the period of ten days, holding daily sessions for the purpose and double sessions should it be necessary.

In said sessions no deliberations nor decisions shall be had without the absolute majority of the members of the Ayuntamiento present.

The votes shall be taken by names.

Art. 8. The reasons shall be stated for all discrepancies of the Municipal Board and the Ayuntamiento in the calculating of receipts and expenses in the draft presented by the Treasurer, and the grounds of the disagreement explained.

Art. 9. A certified copy of the budget shall be immediately forwarded to the Department of Finance, which within the period of one month from the date of receipt thereof, may suspend the execution of that part of the same containing an infraction of this order or other provisions in force and resolve the modifications necessary for the observance of legal precepts.

Art. 10. On the budget being revised by the Department of Finance its printing in book form shall be had; with the reports of all the functionaries, the Municipal Board, and the resolution of Ayuntamiento with the vote by names; and at least one thousand copies distributed in Havana; five hundred in the locality should the corporation have more than twenty thousand inhabitants; and two hundred if less than twenty thousand.

This distribution shall be made in the first month of the fiscal year, and there shall be forwarded in the same month to the Department of Finance six of the printed copies.

Art. 11. If for any reason the budget should not be approved before the first of July by the Ayuntamiento, the latter shall only collect for account of the new fiscal year the receipts classified as obligatory under the preceding budget, and the voluntary receipts and the new quotas fixed in the draft only from the date of approval. The Treasurers, Mayors and Councilmen shall be liable for the injuries caused to the municipal administration on account of their negligence or carelessness in not presenting or requiring the budget to be presented, or in not approving it within the periods prescribed.

Art. 12. A special budget shall be prepared only when a new obligation arises after the approval of the regular budget, or one which could not reasonably have been foreseen in the budget in force and immediate provision for which is peremptory and unavoidable.

In the preparation of this budget the same requirements shall be fulfilled as with the regular one, except that the periods fixed in the preceding articles for procedure thereupon shall be reduced one half.

On framing said special budget the Treasurer shall present to the Municipal Mayor a report showing its necessity and setting forth the origin of the expense, which must be authorized by a law or proven resolution of the Ayuntamiento in which are set forth the lawful resources for meeting it.

No sum whatsoever allotted from the receipts calculated for meeting expenses fixed in the regular budgets, shall be used for the special budgets.

ENFORCEMENT OF THE BUDGET.

Art. 13. The enforcement of the budgets pertains:

(a) To the Mayors, who as heads of the municipal administration should see to the healthy management of the collections, taking

care that same should be effected in the form and periods provided in regulations; and who are charged with arranging the order of payments in accordance with the appropriations, with the budgets and the allotments of funds.

(b) To the Municipal Treasurers, to whom pertains the collection of all the income corresponding to the Ayuntamiento and the making of all payments.

(c) To the Accountants and Accountant-Secretaries, who are charged with the auditing and bookkeeping.

Only those Ayuntamientos the budgets of which carry receipts exceeding one hundred thousand dollars shall have a special Accountant.

(d) To the Councilman-Inspector, who shall be appointed each month by the Ayuntamiento and charged with the supervision of the Offices of the Treasurer and Accountant, as hereinafter stated.

Art. 14. No Treasurer shall take possession of office until he has given the bond fixed by the Ayuntamiento, for which purpose he shall be granted a period of one month. In no case can said officer be relieved of this obligation.

Art. 15. The bonds shall be furnished in cash, in bonds of surety companies which have complied with the legal requirements for doing business in this Island; and in mortgages on city or rural property, provided the assessed selling value of same represents at least forty per cent more than the amount of the bond.

When the bond is furnished in cash, it shall be deposited in a bank of known solvency or in the office of the Administrator of Internal Revenue of the fiscal zone and shall be subject to the disposition of the Ayuntamiento, which can only dispose of same by returning it to the interested party after the final approval of his accounts or to make good the balances which are found against him.

Bonds furnished in mortgages must fulfill all the requirements exacted by the laws.

No personal instruments of guarantee shall be accepted.

The bonds of Municipal Treasurers shall be fixed by the Ayuntamientos in ratio with the amount of the budgets; and no such bond shall be less than that determined by the following scale:

		Bond.
When the budget exceeds \$1,000,000.....		\$60,000
" " " " 500,000 and is less than \$1,000,000...		50,000
" " " " 300,000 " " " "		50,000... 30,000
" " " " 50,000 " " " "		300,000... 10,000
" " " " 25,000 " " " "		50,000... 5,000
" " " " 10,000 " " " "		25,000... 2,000

When the budget is less than \$10,000:—20% of the amount of the budget.

Within the ten days following the approval by the Ayuntamiento of the contract of bond the Mayor shall forward a certified copy of the same to the Department of Finance.

Art. 16. When a Treasurer leaves office he shall make the transfer in due form, and an instrument shall be drawn to this effect in which are recorded all the values in charge of the office of the Treasurer. An auditing of his accounts shall be had and the corresponding debits made against his successor.

The pending balances of the outgoing Treasurer must balance with the debits against the incoming; unless there should be a difference against him, in which case immediate reimbursement shall be demanded, proceedings for recovery being instituted.

As long as the Treasurer holds office he shall be responsible for all the transactions of the Treasury.

COLLECTION OF MUNICIPAL FUNDS.

Art. 17. The collection of all monies which for any reason pertain to the treasure of the corporations shall be effected directly by the Treasurers, and the Ayuntamientos shall not sell at auction, nor encharge any person with, the collection of the obligatory or voluntary revenues.

Under no circumstance shall the Ayuntamientos grant authorizations or orders for the collection of sums belonging to the corporation, inasmuch as said collections are to be made by the Treasurers by means of Warrants for Receipt and Treasurer's Receipts containing the requisites established by this Order. Failure to comply with this provision shall be punished by compulsory reimbursement of the sum involved and a fine triple the amount thereof.

Art. 18. As provided in paragraph second of Article Second of this Order receipts derived from water supply and fines imposed by Correctional Courts shall be given their special mention in the accounting of the office of the Treasurer.

Art. 19. Receipts derived from supplying water to the towns shall be deposited, for their exclusive application to the following purposes:

(a) For the payment of working and maintenance expenses of the water supply.

(b) For the payment of accrued interest, sinking fund and expenses of administration of any loan guaranteed by mortgage or other incumbrance on the works.

(c) For the improvement and extension of the service.

Art. 20. The amount of the fines and other assessments fixed by Municipal or Primary Instruction Ordinances shall be paid into the Municipal Treasury in their entirety and shall be applied to services included in the budgets, unless they should have a special use fixed by law or ordinance.

Art. 21. The Treasury shall be in the Ayuntamiento and open to the public five hours daily.

Domicile collections are absolutely prohibited.

Art. 22. The Municipal Treasurers shall be personally liable for the losses incurred by the corporation through inexcusable negligence or ignorance in the discharge of their duties.

For this reason, they shall recommend to the Ayuntamientos the employees necessary for the proper discharge of the duties with which they are charged, and the persons who should be employed, limiting themselves by the allotment assigned in the budget for this purpose. The Ayuntamiento shall not assign any employe to the Treasurer who is not acceptable to him.

When the municipal districts include more than one town the Municipal Treasurers may designate one collecting agent for them, paid by the corporation, but this shall not lessen the direct liability of the Treasurer.

Art. 23. All obligations acknowledged in favor of the Ayuntamiento shall be duly taken up and charged to the Treasurer.

The debits shall be made in duplicate by the Accountant's Office and countersigned by the Mayor. One copy of said debits shall be returned to the Accountant's Office, approved by the Treasurer, for filing.

Art. 24. Debits of periodical obligations, such as taxes and levies, shall be made:

Those of city properties and industrial tax, quarterly.

Those of rural properties, semi-annually.

Those of obligatory or voluntary taxes, whether proceeding from additions or from an acknowledged obligation,—when the same occurs or the obligation of the debtor becomes due, and wherefor the obligation should be claimed by the Ayuntamiento.

Art. 25. The additions and decreases for city and rural property shall be governed by Order 335, series of 1900, and those in the industrial tax by the regulations for said tax.

Art. 26. Tax receipts shall be printed in stub form and shall contain the details prescribed by Order 254, series of 1900, which says that: "In each tax receipt shall be shown the nature thereof and the individual quota of the tax-payer."

In case the receipt is for taxes on city or rural properties, the leviable income of the property shall be shown. At the juncture

of the receipt and the general stub shall be placed the seal of the corporation and their correlative numbering shall agree with the tax list; those for fixed quotas shall have the amount printed, and the amount shall be debited to the Treasurer. They shall be signed by the Mayor, the Accountant and the Treasurer, and without this requisite they shall not be valid.

In no case shall there be included in one stub receipts for different items of taxation, nor for different fiscal years.

Violations of the foregoing provisions shall be punished by the return of the receipts which lack the requirements mentioned and by a fine amounting to double the amount of the same.

Art. 27. Under no circumstance whatsoever shall the numbering of the receipts be altered during the course of the fiscal year. The additional receipts shall be given the correlative numbering from the last number of the tax list.

Art. 28. A certified copy of the tax list shall be attached to the debit for city properties and the Industrial Tax of the first quarter and to that of the first half-year for rural properties, in each fiscal year. To the debit for other quarters or half-years, according to the nature of the tax,—for city properties, Industrial Tax,—or rural properties,—shall be added statements of the increases and decreases (*altas y bajas*) which may have occurred in the preceding quarter or half-year.

Art. 29. The receipts shall be prepared by the Accountant's Office and delivered to the Treasurer, in stub book form, sewed through a second stub. The Treasurer shall not separate any receipt from these books except for its delivery, after payment, to the taxpayer; or for reason of decrease (*baja*) or duly proven declaration of insolvency. The blank printed receipts stricken out in former quarters or half years shall be cancelled in the stub-forms in possession of the Accountant's Office and shall be preserved with the respective stub, on which shall be noted the cause of such cancellation.

Art. 30. The increase occurring in the quarter shall be the cause of additional debits, and no receipt stricken out shall be withdrawn from collection unless there is delivered to the Treasurer a statement of proof showing the reasons thereof.

Art. 31. When the correction of a receipt is necessary, the Treasurer shall be debited with the new receipt, simultaneously with the return by him, cancelled, of the corrected receipt, and a note shall be made showing the decision causing the alteration.

To the corrected receipt the same number as the one cancelled shall not be given, but the number following the last number of the tax list.

The receipt cancelled for such reason shall be attached to its stub.

Art. 32. The additional charges which the Treasurer must demand of delinquent taxpayers in accordance with Order 501, series 1900, shall also be debits against him.

These debits shall be based upon the lists which in accordance with said Order must be prepared for the institution and prosecution of compulsory proceedings.

Art. 33. The Treasurer shall record in the tax lists the date on which the receipts are collected or that on which they may have been declared out or the parties insolvent.

Art. 34. The records of cancellations and insolvencies shall be kept by the Treasurer, in his possession, as a voucher in his favor, attaching to them the cancelled receipts to which they refer. The Accountant shall take record of them in the stub and in the principal of the list for deduction from succeeding debits.

Art. 35. The Treasurer shall not place on collection receipts with which he has not been previously debited. Neither shall he withdraw any receipt on account of voidance without the corresponding voucher having been issued to him by the Accountant's Office, with the countersign of the Mayor; unless occasioned by compulsory proceedings to which due course have been given and approved by the Ayuntamiento, in which case action shall be had in accordance with the provisions of the preceding article.

Art. 36. All entries of insolvency shall be duly proven in the records of compulsory proceedings. The Treasurer recommending, the Mayor and Councilmen deciding, and the Secretary and Accountant adopting, shall be liable for all insolvency entries agreed upon without complying with the requirements and proceedings provided.

Art. 37. It shall be the duty of the Treasurer to preserve the statements of delinquent taxpayers which in accordance with Order 501, series of 1900 he should prepare, and he shall be liable for the additional charges not paid in after the expiration of the periods for the collection of the voluntary tax, in conformity with the aforementioned order. These periods shall not be extendible.

Art. 38. When the time arrives at which it is the duty of the Treasurer to place the receipts on collection, he shall request them of the Accountant's Office and if they are not delivered to him he shall make a written protest to the Ayuntamiento, through the Councilman-Inspector, in order to protect himself from liability, in which case the liability shall be with the Mayor and Councilmen.

Art. 39. The collections shall be effected in the form provided by Orders 254, 270 and 501, series of 1900: those on city property, by quarters; on rural property, semi-annually, and the industrial tax quotas by quarters, exception being made of licenses, which shall be collected in their entirety for the entire year.

Art. 40. Should the Treasurer on making the debits against himself note the absence of any receipt whose voidance had not been duly decided upon, and when he should not have evidence thereof as hereinbefore set forth, he shall petition same, and in case the omission or error is not amended he shall communicate the fact to the Mayor and the Councilman-Inspector, in order that immediate procedure may be had for compliance with these provisions.

Art. 41. All payments into the Treasury shall be effected by means of Warrants for Receipt drawn by the Accountant's Office. Each Warrant for Receipt shall cause the issuance by the Treasurer of the corresponding Treasurer's Receipt to the person making the payment and shall contain the same details and requisites as the Warrant for Receipt.

The Warrant for Receipt and Treasurer's Receipt shall be made in stub form and contain the acknowledgment of receipt of the Treasurer, the check of the Accountant or Accounting Secretary and the countersign of the Mayor. They shall be stamped and entered in the Journal and in the Cash Book. They shall be given the correlative numbering during the fiscal year and in them shall be recorded the name of the person making the payment, the nature thereof and a simple explanation of its source. The page of the Journal and of the Cash Book in which they are recorded shall be stated.

Art. 42. A statement by names, showing in detail the receipts on which the payment-in is made, shall be made for the Warrants for Receipt and Treasurer's Receipts arising from taxes or levies; and such statement shall be delivered daily in duplicate by the Treasurer for checking by the Accountant's Office and issuance of the corresponding Warrant for Receipt.

The monies received shall be formally recorded each day and under no circumstances shall transactions be left unrecorded.

Art. 43. Moneys shall not be received for different items, different quarters or fiscal years on one Warrant for Receipt; therefore the proper separation must be observed.

Art. 44. No Warrant for Receipt shall be cancelled without the same being done to the Treasurer's Receipt. The cancelled Warrants for Receipt and Treasurer's Receipts shall be joined to the stub from which they came and the cause of their cancellation explained.

Art. 45. In every Ayuntamiento there shall be a combination safe or a modern lock safe and it shall only be opened in the presence of the Mayor, the Treasurer, Accountant or Accounting Secretary.

In those Ayuntamientos whose budgets exceed \$100,000 there shall be besides said safe, an additional one, in which the receipts of the day and the sum necessary for the disbursements of the day shall be kept by the Treasurer.

On the termination of the business of the day the monies shall be placed in the regular safe.

Deposit in a bank of a locality of acknowledged solvency can be agreed upon, if the management thereof is guaranteed by a bond equal to the largest amount which can be deposited. The deposits must never be greater than the amount of the bond. The bond shall be in values which can be immediately realized upon. In this case the deposits shall be made to the credit of the Treasurer, who shall be the only one empowered to draw against the monies deposited, for expenses of the Ayuntamiento previously agreed upon and accredited, issuing the checks in the name of the interested parties for the amount of their respective Orders for Payment.

In these cases the Treasurer shall keep an account current of deposits in the bank, which may at any time be examined by the Mayor, the Accountant and the Ayuntamiento.

Under no circumstance shall the Treasurer draw checks in his own name, nor for any sum the Order for Payment for which has not been previously presented to him with all the requirements fixed by this Order.

APPLICATION OF MUNICIPAL FUNDS.

Art. 46. The order of payment of the obligations acknowledged by the Ayuntamiento, for which allotment has been made in the budget and which are included in the appropriation of funds, corresponds to the Mayor.

Art. 47. The Orders for Payment shall be in stub form and shall be numbered in the correlative order of issuance during the fiscal year; they shall be drawn by the Accountant or Accounting Secretary, who shall retain in his possession the stub, and they shall contain the signatures of the Mayor as the one ordering the payment, that of the Auditor, the acknowledgment of receipt of the interested parties and the Treasurer's endorsement of payment. The page of the Journal and of the Cash Book on which they have been entered shall be stated in them.

Art. 48. All Orders for Payment shall be accompanied by the document justifying the legitimacy of the expenditure, the document showing the approval thereof by the Ayuntamiento, and in addition the following rules shall be complied with:

(a) The Orders for Payment of personnel shall be accredited by the payrolls prepared by the heads of departments of the Ayuntamiento, bearing the countersign of the Mayor, and these shall be signed by all the employes included therein.

Copies of appointment and certificates as to possession or termination of employment shall be attached to the payrolls, in order to duly prove the changes, etc., referred to by the entries shown therein.

(b) Those for payment for labor shall be also justified by payrolls of the laborers; showing the daily wages assigned to each, the work on which they have been engaged, the number of days they have worked, the certificate of the Secretary of the Ayuntamiento of the legitimacy of the expenditure and of the work having been approved by the Ayuntamiento. Should any of the laborers included in the payroll not know how to sign it shall be so stated, and it shall be signed by a witness in his presence and that of the Mayor.

(c) Those for purchase of material, tools or other things of like nature shall be justified by the bill presented by the establishments supplying same, certified by its proprietors or the managers of the firm, and giving in detail the price of each article and the total value of the articles acquired.

(d) On payments for account of allotments assigned to public works being commenced, there shall be attached to the Orders for Payment a certified copy of the project and estimate, approved in the form fixed by Article second, and when the same are effected by contract said Orders shall be accompanied by a true copy of the contract; a certificate of the instrument awarding the works, of the instrument of acceptance of same and the other requirements fixed by paragraph first of this article. The works shall be contracted with the formalities fixed by the Regulations of January 4, 1883, declared in force by Order No. 123, series of 1900, these Headquarters.

(e) Payrolls and bills shall be required in duplicate, and to them shall be attached a copy of the Order for Payment, and another shall be filed in the Accountant's Office as a voucher for the respective stub of said department.

Art. 49. Payments in advance and transfers of allotment, except as ordered by the Military Governor of the Island in special cases, are absolutely prohibited, under the penalty of immediate reimbursement of payments thus made.

Art. 50. The delivery of monies to municipal employes for the purpose of effecting payments for account of the corporation is likewise prohibited.

Neither Councilmen nor employes shall directly or indirectly furnish any supplies, accept commissions or take part as bidders in the public biddings had for municipal services.

Art. 51. All municipal services shall be managed by the administration, in accordance with allotments in the budget.

Art. 52. No payment shall be made excepting to the interested party or the person legally representing him, who shall deliver for preservation in the files, the authority or order accrediting his representation.

The amount of the salaries, wages or personal services shall be delivered directly to the interested parties or their heirs, who shall sign with their hand and in their writing or in the authorized form.

Art. 53. Municipal Treasurers shall not under any circumstance make any payment not authorized in a budget or by express order of the Military Governor of the Island, without ascertaining that there is an available balance of the appropriation made in the budget for the case; nor shall they cash Orders for Payment lacking the specified requirements and the proper vouchers.

Art. 54. When for any reason the receipts of the corporation during the course of the fiscal year do not suffice for the payment of the obligations fixed in the budget, the cash on hand in the Treasury shall be applied to the payment of municipal expenses, in the order set forth in paragraph first of Article second. In consequence thereof no payment shall be made while there are obligations of the same nature pending payment. Should the creditor delay or fail to appear this fact shall be accredited, with certificate of the Accountant's Office and countersign of the Mayor directing payment. In this case and unless his account should under the laws in force have expired by limitation, the creditor shall be entitled to receive the amount of his account in other expenditures of the same kind, in the first distribution of funds.

Art. 55. The receipts which under the operation of the law and in accordance with the precepts of this order have a special application and separate accounting, are excepted from the provisions of the foregoing article; but notwithstanding, no payment for account of the same shall be made if there are acknowledged obligations of the same nature pending from the fiscal year.

Art. 56. The allotment for Miscellaneous Expenses and Public Calamities shall be subject to the order of the Ayuntamiento; which on authorizing the expenditure thereof shall specify the application to be given to the amounts agreed upon according to subdivision (g), paragraph one, Article two of this order. Evidence of such application shall be given in the manner provided in Article 48.

Art. 57. No Order for Payment shall be issued for the purpose of diminishing receipts. Whenever it may be necessary to return any undue payment received, it shall be after evidence of its origin and charged to Miscellaneous Expenses. A copy of the proceedings in which are recorded the cause of the repayment and the resolution of the Ayuntamiento directing same shall be attached to the Order for Payment.

Art. 58. The monthly distribution of funds shall be made by the Mayor, Treasurer and Accountant or Secretary Accountant, taking into account the condition of the funds and obligations which must be met; and same shall be recorded in the record of Distributions,

under the signature of said functionaries, and a copy of same delivered to the Treasurer.

Report of the distribution shall be rendered to the Ayuntamiento.

DEPOSITS AND BONDS.

Art. 59. Monies received for deposits and bonds shall cause the making of a Warrant for Receipt and a Treasurer's Receipt, fulfilling the requirements of Article 41 of this order, and like other monies received by the Ayuntamiento shall be the cause of the corresponding entry in the books of the Treasury and Accountant's Office, but the amount thereof shall not in any case nor under any pretext be applied to any municipal obligation.

Art. 60. The return of deposits or bonds on hand in the vaults of the Ayuntamiento shall be made upon a Order for Payment fulfilling the requirements specified in Article 47, duly supported by the order and other documents accrediting the legitimacy of the payment; and in addition there shall be attached to the Warrant for Receipt the cancelled Treasurer's Receipt for the payment-received thereupon, and the amount thereof shall be recorded.

The refundment must be made to the same person who made the payment, or to his heirs should he have died, and in this case their personality must be proven by a legally executed instrument and delivery had of the Treasurer's Receipt issued on the making of the deposit.

Art. 61. Should the deposit have been made by a judicial order or by the order of an administrative authority, the refundment shall not be made without an express order of the Court or administrative authority which directed the payment-in, and a certified copy of such order must be attached to the Order for Payment and the original kept in the office of the Secretary of the Ayuntamiento.

When it is necessary to definitively enter deposits made by taxpayers for the purpose of filing objections to decisions prejudicial to them, or for taking appeals against compulsory proceedings, such deposits shall be refunded and a copy of the decision rendered in the matter attached to the Order for Payment; and the definitive payment-in shall be effected by a new Warrant for Receipt and according to the item of the budget. The Treasurer's Receipt corresponding to this Warrant for Receipt shall also be attached as a voucher of the Order for Payment of the deposit refunded when the interested party does not sign the receipt on the Order for Payment of the refund, and likewise the receipts if the collection is for taxes and the interested party does not present himself to obtain same. At anytime afterward in which he presents himself and returns the Treasurer's Receipt and signs the Order for Payment the aforesaid

receipts may be delivered to him. The Treasurer's Receipt returned shall be attached to the Order for Payment.

Art. 62. Should the interested party refuse to present the Treasurer's Receipt issued to him on making the deposit, or should allege its loss, the invalidation thereof shall be had and published by posters and in the OFFICIAL GAZETTE.

In no case shall a duplicate Treasurer's Receipt be issued, but a certificate, by the Secretary of the Ayuntamiento, and with the countersign of the Mayor; and this shall contain all the details of the lost Treasurer's Receipt, taken from the Warrant for Receipt forwarded by the Treasurer as a voucher of his account. In the respective stub the data of the issuance of said certificate shall be recorded.

ACCOUNTANTS OR SECRETARY ACCOUNTANTS.

Art. 63. The following, in addition to those hereinbefore set forth, shall be duties of the Accountants or Secretary Accountants:

- (a) To witness regular and special inspections of the Treasury.
- (b) Approve or disapprove, with their signature, the order arranged for payments and receipts and their enforcement.
- (c) To pass upon all the acts of the municipal offices relative to the declaration and acknowledgement of obligations and liabilities,—seeing that all transactions are effected with correctness and without negligence, error or violation of legal precepts. This shall not affect the authority granted by the Municipal Law and this Order to the Mayors, Ayuntamientos and Municipal Boards.

COUNCILMEN INSPECTORS.

Art. 64. The Councilman-Inspector designated each month by the Ayuntamiento shall have, in addition to those set forth in other articles of this Order, the following duties:

- (a) To see that the Collections and the Treasurer's Office are conducted in proper order.
- (b) To see that the books of the Accountant's and Treasurer's Offices are up to date and well kept.
- (c) To see that there is deposited in the vault each day the amount of the receipts collected by the Treasurer.
- (d) To endeavor to cause the timely collection of the revenues and taxes of the Ayuntamiento.
- (e) To cause the Office of the Treasurer to be open to the public during the hours fixed by this Order.

To inform the Mayor and the Ayuntamiento, in writing, of any infraction noticed, in order that they may adopt the proper measures.

BOOK KEEPING.

Art. 65. In the Ayuntamientos having an Accountant, the accounting shall be by double entry; in other Avuntamientos, by single entry.

Art. 66. The Treasurer must keep:

The Cash Book; the Cash-Count Record Book; and the Record Book—Collection of Taxes.

He may keep in addition the sub-record books which he deems necessary and advisable.

Art. 67. The receipts and payments made shall be recorded daily in the Cash Book, in the correlative order in which the Warrants for Receipt and Orders for Payment are issued; whether they are caused by current obligations or by obligations acknowledged and contracted in former years, and in this case the fiscal year to which they correspond shall be recorded.

The accounts shall be closed monthly and the balance shall be carried forward as on hand in safe for the following month.

The balance on hand on June thirtieth of each year shall be the first entry on the account for the new fiscal year.

Art. 68. In the Cash-Count Record Book the regular and special counts made shall be recorded and signed by the Mayor, the Treasurer and the Accountant or Secretary-Accountant.

The regular counts shall be made on the fifteenth and last day of each month. The special counts shall be made on the assumption of office by the Mayors, Treasurers and Accountants or Secretary Accountants, and, when directed by the Mayor, when requested by the Accountant or Secretary-Accountant, or when ordered by the Military Governor or the Secretary of Finance himself or through his representatives.

Art. 69. In the Record of Collections, shall be kept the account of the same, showing the debits which the Treasurer may receive and the receipts collected, and an account shall be opened for each heading, quarter or half-year, separated according to the fiscal year; and adjusted to the nomenclature of the budgets.

Art. 70. The following records must be kept in the Accountant's Office:

Journal, Ledger, Inventory. Distribution of Funds.

Art. 71. The receipts and payments, shall be recorded daily in the Journal, in the order in which they are effected, and the total

made monthly. The amounts recorded in this book by single entry must be in conformity with those of the Cash Book of the Treasury and comparison of their entries must be had daily.

Art. 72. In the Ledger shall be kept the respective accounts for the different items of receipts and expenditures of the budget and for deposits and bonds.

Art. 73. All the properties of the corporation, real and chattels, shall be recorded in the Inventory, together with their selling value and income when it can be estimated.

Art. 74. In the Distribution of Funds Record shall be recorded the distributions agreed upon by the Mayor, Treasurer and Accountant or Secretary-Accountant, in accordance with Art. 58, and the date shall also be recorded on which report of the same is rendered to the Ayuntamiento.

Art. 75. All the books shall be numbered, and the object to which they are applied and the pages which they contain shall be certified to by the Secretary, on the first leaf, with the countersign of the Mayor.

No amendments nor erasures shall be made in them and errors or omissions shall be corrected by the proper counter-entries.

Art. 76. The Treasurer shall:

1. Forward daily to the Mayor a report of the receipts and disbursements.

2. Present to the Ayuntamiento a quarterly statement of the progress of the collection of taxes encharged to him.

3. Render each month to the Ayuntamiento a statement of funds, in the form hereinafter expressed; and the special accounts of the services mentioned in Art. 17.

4. Render an annual statement of cash, comprising all the transactions of the fiscal year.

5. Forward semi-annually to the Department of Finance of the Island a report showing clearly the calculated and actual receipts and expenses with due mention of the receipts and expense items of the current budget, the amounts pending collection and payment on each item; the amounts collected and paid on obligations pending from former years, and the balance on hand at the beginning and ending of the half-year to which the report corresponds.

Art. 77. It shall be the duty of the Accountant or Secretary-Accountant to make the annual liquidation of the budget which shall necessarily be presented to the Ayuntamiento. A copy of this liquidation shall be forwarded to the Department of Finance and also published in the OFFICIAL GAZETTE.

Art. 78. On the quarterly statement of collections which the Treasurer must present being examined by the Accountant, full report shall be rendered thereon to the Ayuntamiento and it then published.

ACCOUNTS.

Art. 79. The monthly account of the Treasury shall be rendered by the Treasurer, within the first ten days of the following month; it shall contain as the first entry the balance on hand at the end of the preceding month, the receipts and payments effected during the month of the account, with separation of the items, and the balance of cash for the following month.

The following shall be vouchers of this account:

1. Copy of the record of cash count of the last day of the preceding month.
2. Itemized statements of receipts, accompanied by the Warrants for Receipt.
3. Itemized statements of payments, accompanied by the Orders for Payment.

Art. 80. This account shall be delivered by the Treasurer, with a duplicate index of the documents involved, one of which indexes shall be returned to him with the acknowledgment of the Secretary's office and the countersign of the Mavor.

Art. 81. Said account shall be examined by the Accountant or Secretary-Accountant within the non-extendible period of five days. Should he find it correct he will sign it, reporting same to the Ayuntamiento and recording on same the date of the meeting.

Should the Accountant make any objection, he shall forward the corresponding note to the Treasurer for his answer, and report same to the Ayuntamiento for the proper decision, in accordance with the following paragraph.

In case of disagreement between the Treasurer and the Accountant, the Ayuntamiento shall appoint a Commission to examine the account and render a report; the corporation thereupon deciding what may be proper for the correction of any omissions that may exist and in order that the account may be approved.

On the account being approved it shall be filed in the Accountant's office.

Art. 82. The annual account shall be presented by the Treasurer within the first fifteen days of the month of August of each year; it shall be the subject of the same proceedings as the foregoing, except that with regard to this account, the Syndic shall render a report and this within the period of ten days.

During said period the Municipal Board shall be convened, and it shall be informed of the annual account, which shall be accompanied by the statements rendered monthly by the Treasurer, by the report of the Syndic, and by the decision of the Ayuntamiento.

Art. 83. The Municipal Board shall meet during the last fifteen days of the month of August, in the Municipal Building, and under the presidency of the Mayor, the Secretary of the Ayuntamiento performing the duties of Secretary; and it shall appoint a commission from its midst to examine the accounts, which commission shall render its opinion within a period not exceeding fifteen days.

During said fifteen days the accounts shall be exhibited to the public in the office of the Secretary of the Ayuntamiento, for examination by the residents, who may in writing present to the Examining Committee the remarks they deem proper.

Art. 84. The sessions of the Board shall be devoted to the discussion of the opinion of the Examining Committee and shall be presided over by the member which said Board may elect by secret vote.

Art. 85. The accounts having been examined and discussed, and the inquiries and investigations deemed necessary by the Board having been had, it shall meet for the purpose of voting upon and adopting by an actual majority the final report, and the account must be approved or disapproved before the expiration of the month of September.

Art. 86. The objections which the Board may make shall cause the proper corrections by the Treasurer, inasmuch as while his accounts are not approved in their entirety his bond will not be returned.

Should the Municipal Board not approve the account, its President shall immediately inform the Department of Finance.

Art. 87. When a change of Treasurers occurs before the end of a month or the end of the fiscal year, each of them shall render a partial account for the corresponding days of said month in which they respectively held the office, and also the general account for the corresponding period of the fiscal year, its examination being proceeded with in the same manner as is specified in the preceding articles and without alteration of the period; however, the Municipal Board shall be convened for the purpose of examining and approving the account of the retiring Treasurer within a period not to exceed three months after the formal transfer.

When the periods in which the Municipal Treasurer's accounts should be passed upon expires without this having been accomplished, he shall be entitled to appeal in complaint to the Ayuntamiento and if not then heard, to the Department of Finance.

The resolutions of the Ayuntamiento and of the Municipal Board approving the accounts, shall be recorded in minutes, specifying the

result of the voting by names. The Treasurer shall be informed of said resolutions. If any responsibility on the part of said officer, or the Mayor and other officers of the municipal administration are shown by the examination of the accounts, the proper proceeding shall be immediately begun, in which for the non-extendible period of twenty days the interested party shall be heard.

The charges shall be examined and decision shall be rendered within the period of fifteen days. The decision rendered may be appealed against within the period of five days, before the Department of Finance, and the resolution of the latter shall be final, there remaining to the interested parties only the *contencioso-administrativo* appeal.

With the decision of the Department of Finance shall be initiated the proceedings for recovery, which, if the appeal is actually established, shall not be suspended unless the amount claimed is deposited.

Compulsory proceedings shall be had in the manner hereinafter stated.

RESPONSIBILITIES.

Art. 88. Mayors, Treasurers, Councilmen-Inspectors, Accountants and Secretary-Accountants and members of the Municipal Board shall incur responsibility for omissions, carelessness or negligence in the duties pertaining to them or for giving to the funds or effects managed by them, an application different from that to which they may be assigned by the laws and other provisions in force.

Said responsibilities shall be those defined and punished under Chapter X, Title VII, Book 2nd of the Penal Code.

The following punishments are added :

The Municipal functionary who authorizes or makes payments not included in budgets, whether by exceeding the allotments fixed in the same or by means of documents not fulfilling the requirements fixed herein, shall incur in the loss of his office or position and in a fine triple the amount of the payments made.

Any functionary who in the management of the municipal income, delivers or receives documents of debit without complying with the formalities of Accounting, or for a less sum than the proper one, shall incur a like penalty.

Anyone not a Treasurer who makes any collection or payment pertaining to the Ayuntamiento or who without legal authority for the same interferes in the transactions of the Treasury shall suffer the loss of his position; shall make reimbursement, and shall incur a fine of triple the amount unduly collected or paid.

Any Treasurer making collections without delivering to the interested party the legal voucher shall incur like penalties.

Any one amending or altering documents of debit, data, receipts, values, accounts and records, to the prejudice of private parties or the Ayuntamientos, shall be punished in conformity with Article 310 of the Penal Code in force.

Art. 89. Councilmen and members of the Municipal Board shall likewise incur responsibility for the decisions in which the provisions in force relative to collection and application of funds and examination of accounts may be manifestly infringed.

Art. 90. Treasurers, Accountants and Secretary-Accountants are also responsible for the amendments, erasures and other omissions which are found in the records and accounts.

Art. 91. Responsibilities shall be demandable by the administration or before the Courts of Justice, according to the nature of the action or omission prompting the same.

Art. 92. The Secretary of Finance, personally or through his representative, may examine municipal accounts when he deems it proper, and shall have authority to declare any payment illegal, to determine the officers responsible for the same, and demand of them or their sureties the amount illegally paid.

Should any officer be deemed incompetent by the Secretary of Finance, for incapacity or lack of morality, he shall so inform the Mayor, in order that he may proceed in conformity with law.

Art. 93. In records of proceedings relating to inspections of the Ayuntamientos, the Secretary of Finance shall, apart from the examination of their accounts, properly decide in all that relates to the Municipal finance.

Art. 94. The responsibility of Municipal Treasurers fixed by Articles V and XXII of Order 501, series 1900, shall remain in force.

**COMPULSORY PROCEEDINGS AGAINST PERSONS DIRECTLY AND
INDIRECTLY RESPONSIBLE.**

Art. 95. The following are directly responsible for the receipts not paid into the Municipal Treasury or for the amounts unduly paid:

1. Municipal Treasurers for the amount of revenues, taxes and fees encharged to them for collection, which they fail to collect in the periods and manner set forth in this Order and Order No. 501, series of 1900, and for the quotas fixed for the two years in conformity with said order.

For the amount of the surcharges and costs belonging to the Ayuntamiento.

For the payments unduly made, whether for the non-existence of an allotment therefor, or for reason of the Orders for Payment lacking the proper vouchers.

2. Mayors and Accountants or Secretary-Accountants for the liquidation of municipal taxes or revenue in which the Municipal Treasurer may be prejudiced; for sanctioning acts likewise causing loss to the Municipal treasure, or for failure to make, within the periods prescribed, proper debits against the Treasurer of obligations acknowledged in favor of the Ayuntamiento.

For the payments which they improperly order or take part in and for the settlements of the same which are found to be erroneous or which are not legally acknowledged and therefore occasion loss to the Municipal Treasury.

Art. 96. The following are responsible in a subsidiary manner:

1. Sureties of the Municipal Treasurers, for the amount of bond furnished.
2. Those who may accept and approve the bonds of said officers when they have been unduly approved.
3. Councilmen who may approve balances, accounts or settlements of Treasurers; who may sanction payments resulting in loss to the Ayuntamiento, or those who approve declarations of reductions and insolvency which are found to be unduly warranted.

Art. 97. In addition to the amounts which as principal should be claimed of the persons directly or in a subsidiary manner responsible, interest shall be demanded of them at the rate of six per cent, from the date on which the delivery should have been made, or from the date on which the improper payment may have been made to that on which the reimbursement is effected, and without prejudice to the costs of compulsory proceedings.

Art. 98. As soon as the Mayor, Accountant or Secretary—Accountant, Councilman—Inspector, or other member of the Ayuntamiento reports a defalcation in the Treasury, or from the examination of the balance, accounts, or record of proceedings of inspections directed by the Department of Finance any pecuniary responsibility is found against the Treasurer or any other person responsible, the corresponding compulsory proceedings shall be begun.

The record of said proceedings shall be headed by certifying the debit and the debtor shall be immediately ordered to meet his debit, within the period of twenty four hours.

The notice shall be presented to the interested party in person, or to a member of his family or one of his servants if he has any and should reside in the district; otherwise through notices published for three days in the Gazette of Havana and in the local periodical. If his domicile is known, the demand shall be made upon him by a

communication addressed to the Municipal Mayor of the place in which he resides, for the execution of the proceeding.

Art. 99. Should the debtor resident in the district not pay his shortage in the period fixed, or should he not reside therein, his properties shall be attached in the following order, and without prejudice to informing the Courts of Justice of the act:

(a) The bond which may have been furnished, with notice to the person or Company which may have furnished same and detailed account of the cause of the shortage; its amount, the authority which may have caused same, and other data which may appear in the certificate at the heading of the record of proceedings.

If the surety resides in the district, the notice shall be made upon him in person; otherwise it shall be sent to him by registered mail and the receipt attached to the aforesaid record.

(b) Any other properties: chattels or real, which the debtor may possess, the attachments being prepared in conformity with the laws.

Art. 100. If the bond has been furnished in cash, it shall be taken from deposit and the part necessary applied to the reimbursement of the principal, interests and costs; and the balance returned to the interested party or to his surety and the record of proceedings considered closed.

Art. 101. When it is necessary to proceed against real property or chattels, the procedure fixed by Order 501, series of 1900 shall be followed for their attachment, appraisalment and sale.

Art. 102. When it is necessary to proceed against a Treasurer, Accountant or Secretary-Accountant, the Mayor, assisted by an executory commissioner whom he shall designate under his responsibility, shall direct the proceedings; however, when the proceedings are directed against the Mayor or against a Councilman, same shall be initiated by the officer appointed by the Department of Finance. The commissioner and this representative shall be employees of the corporation.

Art. 103. The costs of the proceedings, in conformity with Order 501, series of 1900, and the fees of the executory commissioner shall be charged to the debtors.

Art. 104. The fees of the executory commissioner shall in no case exceed ten per cent of the total amount of the shortage, which he shall receive on the payment of same being effected.

Should the value of the real properties and chattels attached not cover the total of the indebtedness, the proportional part corresponding to the commissioner as fees shall be delivered to him from the amount obtained at auction and the proceedings shall be continued against other properties of the debtor if he possesses any.

Art. 105. When the bond and the properties of persons directly responsible are not sufficient to cover the indebtedness, proceeding shall be had against those persons responsible in a subsidiary manner, i. e., the Mayors and Councilmen.

Art. 106. The proceeding shall be suspended in no case unless the amount claimed is deposited.

Interventions of preferred rights or of ownership shall be instituted before the ordinary Courts, in the form prescribed by the Law of Civil Procedure.

Art. 107. The persons charged with directing the proceedings who by omission, carelessness negligence make it possible for the interests of the Municipal treasure to be prejudiced shall incur the same liability as debtors.

LOANS.

Art. 108. Ayuntamientos may contract loans, in the manner set forth in Royal Order of June 3, 1880: exception made of the reports of the Provincial Deputation and the Council of Administration required by said order as a necessary proceeding for authorizing such contracts, for the reason that said bodies do not now exist.

When the contracting of loans for the execution of public works is involved, it shall be indispensable that prior thereto projects of the same be prepared, with the accompanying approved plans and estimates, in accordance with the provisions of the Law of Public Works in force; and that the public necessity of such works shall have been previously declared, in the form and under the proceedings set forth in said law.

No levies on proposed public works which are not in conformity with the provisions of Order 254, series of 1900, and therefore with the general taxation system of the Island, shall be authorized.

For the payment of principals of and interests on loans, the properties, goods and revenues of the Corporation, and also the public works to be constructed and their revenue, may be pledged; the management and collections to remain with the Ayuntamiento, but under no circumstance shall payment of other obligations be had while those of the redemption of and interests on the loans secured by the aforesaid properties, goods and revenues are still pending.

The amount annually allotted for the redemption of and payment of interests on the loans contracted must be shown in the budget under the heading—"Treasury and Finance."

The monies allotted for the redemption of and interests on the loans shall not be applied to other expenses, and shall be kept on deposit at the disposal of the holders of the respective bonds or obligations of the loans contracted.

ADDITIONAL PROVISIONS.

I. If in a suit against the Ayuntamiento a final judgment or decision should be rendered condemning it to the payment of an unincumbered sum, the Mayor shall be notified of the same and in the first meeting held by the Corporation he shall report same for compliance therewith on the formation of the next budget.

If such unincumbered sum exceeds twenty per cent of the budget, its payment may be distributed in at least five annual payments: if the amount is less than twenty per cent it shall be paid according to the means of the Corporation, but it must be included in a budget.

If miscellaneous judgments are rendered they shall be obeyed in the order of their dates.

If there are various creditors in the same status as the one who has secured decision in his favor, a liquidation of said responsibilities shall be made for their payment in the form stated.

II. Municipal Accounting shall be adjusted to the provisions of this order from the first of July next, without any pretext or excuse whatsoever, and the municipal budgets for the coming fiscal year of the Ayuntamientos which have not yet completed them shall be drafted and approved in conformity with same.

III. All former laws and regulations relative to Municipal Accounting, and those relating to Municipal budgets which are contrary to this order, are hereby revoked.

IV. The Department of Finance is charged with the enforcement of this order, in view of the authority given it by Article II, Order 145, series of 1901, which is hereby ratified.

H. L. SCOTT,
Adjutant General.

No. 113.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 24, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs me to announce the following appointments:

As Island Superintendent of Schools, *Arturo R. Díaz*, now Acting Superintendent of Schools in the Province of Santa Clara.

As Superintendent of Public Schools for the Province of Santa Clara, *Rafael Odio*, now Superintendent of Instruction, City District of Puerto Príncipe.

H. L. SCOTT,
Adjutant General.

No. 114.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 24, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

So much of Civil Order No. 53, current series, these Headquarters, as refers to the appointment of José J. Fonseca, as Substitute Municipal Judge of Camajuaní, is hereby amended to read as follows:

"To be Substitute Municipal Judge of Camajuaní, *Francisco J. Fonseca.*"

H. L. SCOTT,
Adjutant General.

No. 115.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 26, 1902.

The Military Governor of Cuba, upon the recommendation of the Administrative Chamber of the Audiencia of Matanzas, and in accord with the Secretary of Justice, directs the publication of the following order:

Adolfo Baró y Cuni is appointed Substitute Associate Justice of the Audiencia of Matanzas, to fill the position vacated by the transfer of *Aurelio C. Llanos* to another office, said appointment to be for the remainder of the current year.

H. L. SCOTT,
Adjutant General.

HEADQUARTERS DEPARTMENT OF CUBA.

ADJUTANT GENERAL'S OFFICE.

HAVANA, APRIL 28, 1902.

The Military Governor of the Island of Cuba directs that the following Manual for Courts Martial and Procedure under Military Law, for use of the Armed Forces of the Island of Cuba, be published for the government of all concerned, and that they be strictly observed. Nothing contrary to the tenor of this Manual will be enjoined in any part of the armed forces of the Island of Cuba by any commander whomsoever.

(Signed) H. L. SCOTT,
Adjutant General.

No. 116.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 28, 1902.

The Military Governor of Cuba directs the publication of the following order:

MANUAL FOR COURTS MARTIAL AND PROCEDURE
UNDER MILITARY LAW, FOR USE OF THE ARMED
FORCES OF THE ISLAND OF CUBA.

Military Tribunals are of two kinds:

1st. Courts-Martial, for the trial of offenders against the Regulations of the Armed Forces of the Island of Cuba and existing orders pertaining to the same;

2nd. Courts of Inquiry, for examining transactions of, or accusations or imputations against, officers or enlisted men.

ARTICLE 1. A court-martial, has exclusive jurisdiction over all officers and enlisted men of the Armed Forces of the Island of Cuba only, and shall be the court before which all officers and enlisted men charged with offenses against the Regulations and Orders that have been or hereafter may be enacted of the Armed Forces of the Island of Cuba, will be brought to trial.

ARTICLE 2. A court-martial for the trial of an officer will be ordered, only, by order of the Commandant of the Armed Forces of the Island of Cuba, as provided in Article 119, of the Regulations.

ARTICLE 3. A court-martial before which an enlisted man will be brought for trial shall be ordered generally by the Chiefs of the Provinces, or Commandant of a Corps, but such court may be ordered by the Commandant of the Armed Forces, should he so deem necessary, as provided in Article 120, of the Regulations.

ARTICLE 4. Courts-martial shall be composed of from three to five members and a judge-advocate, all of whom shall be commissioned officers.

ARTICLE 5. All officers of the Armed Forces of the Island of Cuba are eligible for details for trial of offenders belonging to the same.

ARTICLE 6. No officer will be detailed on a court-martial before which an officer superior to him in rank is to be tried, if such can be avoided.

ARTICLE 7. No officer preferring charges, or being the prosecutor against another officer, or enlisted man, will be eligible to order a court to try such officer or enlisted man, but will refer the charges and all evidence and documents referring thereto to higher authority for necessary action. .

ARTICLE 8. The officer who appoints or convenes a court-martial may dissolve it and control its existence. He gives the court any assistance which may be called for, and acts or passes upon the proceedings of the court when these proceedings are duly transmitted to him for his action, but he can in no way interfere in the matter of the deliberations of the court.

ARTICLE 9. In order that the necessities of the service may not be interfered with by reason of officers serving as members of courts-martial, the work of these courts shall be expedited and completed as quickly as possible. With this in view, judge-advocates will prepare the case, have the necessary witnesses and depositions ready at the place where the court is to meet, so that at the meeting of the court, the work can immediately be taken up, and carried on to completion without delay. It is enjoined upon all officers of the Armed Forces of the Island of Cuba to carry out faithfully the provisions of this article. When a trial is commenced, it should be completed as quickly as possible, the records showing fully the reasons for all delays. An officer detailed for court-martial duty will not be separated from this duty until the work is completed, except by order of convening authority, or Commandant of the Armed Forces of the Island of Cuba, or on certificate of two reputable physicians that the officer's health would be endangered unless temporarily relieved from this duty. Should an officer be taken sick under these conditions, the fact will at once be reported, by telegraph, to the convening authority, by the president of the court, giving full details of the case.

JURISDICTION.

ARTICLE 10. When a member of the Armed Forces of the Island of Cuba, violates any law of the land, he shall at once be turned over to the civil authorities for trial and punishment. Should the offense so committed be also a violation of the Rules, Regulations or Orders of the Armed Forces of the Island of Cuba, he shall also be amenable to further trial and punishment by Military Courts-martial.

Courts-martial derive their existence solely from the Regulations of the Armed Forces of the Island of Cuba and such orders as may be issued from time to time by the Military Governor or the executive branch of the Government which may follow the present government and their jurisdiction is limited to the purpose of maintenance of military discipline of the Armed Forces. Their decisions, within their jurisdiction, are not reviewable by any courts whatsoever.

ARTICLE 11. Courts-martial have exclusive jurisdiction to try for acts constituting military offenses only, and also jurisdiction to try for acts which besides constituting military offenses are civil crimes, but when an officer or enlisted man has been arraigned before a duly constituted court-martial for an offense triable by it, the jurisdiction thus attached cannot be set aside by the process of a civil court.

As to whether an act which is a civil crime is also a military offense no rule can be laid down which will cover all cases, for the reason that what may be a military offense under certain circumstances may lose that character under others. For instance, larceny by a soldier from a civilian is not always a military crime, but it may become such in consequence of the particular features, surroundings, or locality of the act. What these may be, cannot be anticipated with a sweeping rule, comprehensive enough to provide for every possible conjunction of circumstances. Each case must be considered on its own facts. But if the act be committed on a military reservation, or other ground occupied by the Armed Forces of the Island of Cuba, or in its neighborhood, so as to be in the constructive presence of the Armed Forces of the Island of Cuba; or if committed while on duty, particularly if the injury be to a member of the community whom it is the offender's duty to protect; or if committed in the presence of other guards, or while in uniform; or if the offender use his military position, or that of another, for the purpose of intimidation or other unlawful influence or object; such facts would be sufficient to make it prejudicial to military discipline within the meaning of Article 105 of the Regulations.

ARTICLE 12. Courts-martial have jurisdiction at all times and all places over officers and enlisted men in the service of the Armed Forces of the Island of Cuba, and over persons who fraudulently enlist in said service and receive pay and allowances from the State; and over offenders in general to whom, owing to the commission of a crime, military jurisdiction has legally attached, i. e., commenced, as by the arrest or confinement before their discharge from the service. A fraudulent enlistment is an enlistment procured by means of a willful misrepresentation in regard to a qualification or disqualification for enlistment, or by intentional concealment of a disqualification, which has the effect of causing the enlistment of a man not qualified as such, and who but for such false representation or concealment would have been rejected. This jurisdiction over persons in the service of the Armed Forces of the Island of Cuba covers all offenses against said Armed Forces or the Regulations thereof committed by them, whether within or beyond the territorial limits of the Island of Cuba.

Courts-martial are lawful tribunals, with authority to determine finally any case over which they have jurisdiction, and their proceedings, when confirmed as provided, are not open to review by the civil tribunals, except for the purpose of ascertaining whether the military court had jurisdiction over the person and subject matter, and

whether, though having such jurisdiction, it had exceeded its powers in the sentence pronounced, but the salutary rule will hold that the sentences of courts-martial, when affirmed by the Military Tribunal of last resort, cannot be revised by the civil courts *save only when void because of an absolute want of power, and not merely voidable because of the defective exercise of power possessed.*

ARTICLE 13. Generally this jurisdiction ends when an enlisted man or officer is discharged from the service of the Armed Forces of the Island of Cuba. The exception to this rule is discharged officers and soldiers guilty of frauds against the Island of Cuba or the Armed Forces of the Island of Cuba, committed while in the service of the same.

ARTICLE 14. A court-martial having once assumed jurisdiction of an offense and person, cannot, by any wrongful act of the accused, be deprived or deposed of its authority or discharged from its duty to proceed fully to try and determine the case according to the oath taken by members of the court. Thus, the fact that, pending trial, the accused has escaped or absconded, will furnish no grounds for not proceeding to a complete trial and finding, and, in the case of conviction, to a sentence in the case, and the court should find a verdict and sentence as in any other case.

ARTICLE 15. When an officer is dismissed from the service of the Armed Forces of the Island of Cuba for cowardice or fraud, the sentence shall further direct that the crime, punishment, name and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in and about the locality from which the offender came, or where he usually resides; and after such publication, it shall be scandalous for an officer of the Armed Forces of the Island of Cuba to associate with him.

ARTICLE 16. When a court-martial suspends an officer from rank and command, it may also suspend his pay and emoluments for the time being, according to the nature of the offense.

ARTICLE 17. No person shall be liable for trial and punishment by a court-martial for an offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or some other manifest impediment, he shall not have been amenable to justice within that period.

No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of the enemy, committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the Island of Cuba, in which case the time of his absence shall be excluded in computing the period of the limitation. Provided, that said limitation shall not begin until the end of the term for which said person was enlisted into the service.

ARTICLE 18. Every party tried by a court-martial shall, upon demand thereof made by himself or by any other person in his behalf, be entitled to the right to examine the proceedings and sentence of such court, after the promulgation of the orders in the case by the proper authority.

CHARGES AND SPECIFICATIONS.

ARTICLE 19. A military charge corresponds to a civil indictment. All charges preferred should consist of two parts, a technical "Charge," which designates the alleged offense in general terms, and a "Specification," which sets forth the facts constituting the same. The requisite of a "Charge" is, that it be laid under the proper article of the Regulations; of the "Specification", that it shall set forth facts sufficient to constitute the particular offense. Under the general term, "Charges", any number of technical charges and specifications may be included.

ARTICLE 20. When a charge is to be preferred, the Regulations should be closely examined to see if the alleged offense (charge) is especially provided for in any article; if so, the charge should be laid under that article. In drawing up the technical charge, a brief description of the offense, such as "divulging secrets", "taking part in politics", should be made and the phrase "In violation of Article of the Regulations", added thereto. If the offense is not specified in any of the articles of the Regulations of the Armed Forces of the Island of Cuba, the charge should be laid under Article 105, and followed by the phrase "Detrimental to the good administration and military discipline of the Armed Forces of the Island of Cuba."

ARTICLE 21. Two persons will not be joined in the same charge, nor tried on joint charges. Every person charged will be entitled to a clear, fair and distinct trial.

ARTICLE 22. The specifications need not possess the technical words or nicety of an indictment, as in Common Law. A plain statement of the facts is sufficient, provided the offense is distinctly and accurately described.

ARTICLE 23. In order that the accused may thoroughly understand the offense (charge) which is made against him, and which he is called upon to plead, the date and place of the alleged offense should be stated as clearly as possible. When any doubt exists as to the exact date, hour or locality, it may be stated that the act named was committed "on or about" a certain time, or "at or near" a given place. In preparing several specifications under the same charge, the time and place of each alleged offense should be given.

ARTICLE 24. Many of the Regulations of the Armed Forces of the Island of Cuba include two or more offenses. When a charge is to

be laid under such an article, the particular offense committed should be stated.

ARTICLE 25. All charges against officers and enlisted men (Article 120) will, after a thorough investigation of the charges by the Chief of the Province or Commandant of a Corps, be forwarded, through the proper channels, to the Commandant of the Armed Forces of the Island of Cuba, stating thereon, by endorsement, whether or not, in his opinion, the charges can be sustained, and if the case should be brought to trial by a court-martial. The Commandant of the Armed Forces of the Island of Cuba will decide whether or not trial by court-martial should take place. Enlisted men against whom charges have been forwarded, unless the offense has been of such a serious character as to make it inadvisable to retain the accused on the Roster for duty, will continue to do their duty, pending the orders of the Commandant of the Armed Forces of the Island of Cuba, as to whether or not trial should take place.

ARTICLE 26. Enlisted men will not be tried by courts-martial except for serious offenses, as laid down in Article 109, of the Regulations of the Armed Forces of the Island of Cuba, as amended by Civil Order No. 24, Headquarters Department of Cuba, Havana, January 25th, 1902.

ARTICLE 27. All charges preferred against officers and enlisted men of the Armed Forces of the Island of Cuba must be accompanied by a statement showing date of present enlistment and all previous service and convictions of the accused, occurring within a period of six months preceding trial.

ARTICLE 28. After the charges have been referred to the court for trial, the court is not authorized, in its discretion and upon its own motion, to strike out a charge or specification, or to direct or permit the judge-advocate to drop or withdraw such charge or specification. For such action the authority of the convening officer is required.

ADDITIONAL CHARGES.

ARTICLE 29. After the accused has been arraigned upon certain charges, has made his plea thereto, and the trial upon the same has been entered upon, new and additional charges, which the accused has had no notice to defend cannot be introduced or the accused required to plead thereto. Such charges should be made the subject of a separate trial, upon which the accused may be able to properly exercise the right of challenge to the members of the court and effectively plead and defend his case.

ORGANIZATION.

ARTICLE 30. The officer convening the court will designate the place of holding the same, the hour and date of meeting, the members of the court, in order of rank, and the judge advocate.

ARTICLE 31. Courts-martial will be ordered assembled at places where the trial can be attended with the least possible expense.

ARTICLE 32. Courts-martial will assemble at their first session in accordance with the order convening it; thereafter according to adjournment.

ARTICLE 33. Members of courts-martial in session will appear in the regular service uniform and under arms; the judge advocate will appear in undress uniform without side-arms. Witnesses belonging to the Armed Forces of the Island of Cuba, appear with machetes. The prisoner never attends the court with side-arms. The accused should not be brought before the court in irons, unless there be good reasons to believe that he will attempt to escape or conduct himself in a violent manner.

ARTICLE 34. When the court is ready to proceed to business, the members take their seats at a table provided for them; the president at the head of the table, and the other members at his right and left alternately, according to their rank. The judge advocate sits at the foot of the table; the accused and his counsel (if he has any) at a table apart provided for them in a convenient position. Witnesses when testifying are seated near the judge advocate.

MEMBERS.

ARTICLE 35. During the reading of the order convening the court, and the charges, the judge advocate and the accused stand; while the court and the judge advocate are being sworn, all stand; and when the judge advocate, the accused, or his counsel address the court, he should rise.

ARTICLE 36. Members of a court-martial will be named in the order appointing it, in accordance with their rank, and will sit according to rank as announced, and will behave in a correct manner and with calmness. A court-martial has no power to punish its members, but a member is liable for improper conduct, the same as for any other offense against the Regulations of the Armed Forces of the Island of Cuba. Improper words used by a member should be taken down in writing, and disorderly conduct reported to the convening authority.

ARTICLE 37. The organization of a court-martial is complete on the swearing in of the members and the judge advocate.

ARTICLE 38. Members of a court-martial are not only the judges in the case, but are also the jurv. The character of the duty of a member of a court-martial is sacred, they being under oath to well try the accused to the end. Their findings and conclusions must be solely on the evidence brought before the court, and always after due deliberation. Personal feeling will not enter into the case in any way whatsoever.

ARTICLE 39. Members of courts-martial in giving their votes should begin with the junior member present.

ARTICLE 40. Should a member be prevented from attending a session of the court by reason of sickness, he will notify the judge-advocate, and at the same time furnish the judge-advocate with physician's certificates, stating the cause, in order that the facts may be entered on the records and proceedings of the case. Should a member be prevented from attendance by reason of proper orders which he may receive for other duty, he will furnish the judge-advocate with duplicate copies of the orders he has received, the same to be entered on the records and proceedings of the case.

ARTICLE 41. A member of the court regularly on duty at the place where the court-martial is in session will perform duty with his command when the court is *not* in session.

THE PRESIDENT OF THE COURT.

ARTICLE 42. A president of the court is the person whose name heads the list of members in the order convening the court, or the officer highest in rank present. In the absence of the president, the next highest officer in rank substitutes the president. Besides his duties as president, and privileges as a member, the president is the chief of the court, and will maintain order and conduct its business. He speaks and acts for the court in every instance, where a rule or action has been prescribed by the Regulations, or its own resolution. He administers the oath to the judge advocate, and approves, by his signature, all acts and proceedings of the court. He must not, however, unduly interfere with the introduction of evidence by the judge-advocate, permitting the latter, full discretion as to the manner in which the case shall be conducted for and against the prisoner, the other four members of the court having equal rights with the president concerning the putting of questions to the witnesses and clearing up any doubts which may arise in their minds, the functions of the members of a court being that of members of a jury, as well as Judges, who determine first the guilt or innocence of a prisoner on trial before them, and if found guilty, to pass sentence as Judges.

THE JUDGE ADVOCATE OF THE COURT.

ARTICLE 43. The judge-advocate shall prosecute for the Armed Forces of the Island of Cuba and act as "Fiscal" in all cases before the court.

ARTICLE 44. Before the court assembles, the judge advocate should see that there are no irregularities in the order convening the court, and if any are found, should report the same, and also see that the charges against the accused are correctly drawn up. He may ordi-

narily correct obvious mistakes of form, such as slight errors in names, dates, amounts, etc., but he cannot, without the approval of the convening authority, make substantial amendments in charges, and can in no wise withdraw or reject a charge or specification.

ARTICLE 45. The judge advocate when he makes any form of correction in the charges or proceedings of the court, shall make a note of the fact on the charges or proceedings, by placing his initials in the margin of the same, so that the convening authority may be able to ascertain by whom the correction was made.

ARTICLE 46. The judge advocate should inform the accused of the charges against him, inform him that he has a right to secure counsel (civil), and if requested, furnish the accused with a copy of the same charges. He should in no wise try to induce the accused to plead guilty, or leave him to think that by so pleading his chances of punishment will be lighter. He should advise the accused also of his right to offer evidence in defense of the charges, and if any such evidence should exist, he should assist the accused in securing and presenting it.

ARTICLE 47. The judge advocate should also, before the court assembles, obtain a suitable room for the sitting of the court, see that it is neatly arranged and procure the necessary stationery, summon the necessary witnesses, make a preliminary examination of the latter, and, as far as practicable, systematize his plans for conducting the case.

ARTICLE 48. The judge advocate executes all orders of the court; reads the order convening the court to the accused; swears the members of the court (the judge advocate not being a member of the court, but simply a representative of the Armed Forces of the Island of Cuba, and, to a certain extent, the representative of the accused to try the case), interpreter and all witnesses; examines all witnesses, and keeps a complete record of the proceedings of the court, and at the end of the trial, transmits the records of the same to the convening authority *direct*.

ARTICLE 49. When the court is in session, the judge advocate should call the attention of the court to any illegalities in its action or irregularities in its proceedings, and should act as the legal adviser of the court in so far as to give his opinion upon any point of the Regulations of the Armed Forces of the Island of Cuba arising during the trial, when asked by the court, but *not* otherwise.

ARTICLE 50. When the court is in closed (secret) session, the judge advocate will withdraw, and when his advice or assistance is required, it will be given in open session.

ARTICLE 51. Throughout the trial the judge advocate should do his utmost to lay all the facts, both for and against the accused, impartially and with a full sense of honor, before the members

of the court, who are the judges, and should oppose every attempt made to suppress the facts (truth).

ARTICLE 52. Should the accused have no counsel, the judge advocate should take care that he does not suffer upon the trial from any ignorance or misconception of his legal rights.

ARTICLE 53. Whenever the court adjourns to meet at the call of the president thereof, the judge advocate will notify the members of the time designated by the president for reassembling.

ARTICLE 54. The judge advocate will sign the adjourned proceedings of the court if the case is not completed.

COUNSEL.

ARTICLE 55. All officers or enlisted men accused of offenses against the Armed Forces of the Island of Cuba are allowed the right to secure civil counsel, but the expenses incurred in the retention of the same will, in all cases, be paid by the accused.

ARTICLE 56. All lawyers who plead cases before Courts-Martial must present to the Court the necessary proof of their legal right to practice law.

INTERPRETER.

ARTICLE 57. In all cases where the services of an interpreter are required, the interpreter will be appointed by the judge advocate of the court, and will be allowed a fee of two dollars per diem, American money, said payments to be made by the Chief Paymaster of the Armed Forces of the Island of Cuba upon certified vouchers from the judge advocate of the court, approved by the president, and signed by the said interpreter.

CHALLENGES.

ARTICLE 58. Members of a court-martial may be challenged by the accused, but only for causes stated to the court. The court shall determine the relevancy and validity of said challenge, and shall not receive a challenge to more than one member at a time.

ARTICLE 59. A positive declaration on the part of the challenged member that he is not prejudiced against the accused, nor in any way interested in the case, will, ordinarily, satisfy the court, and the absence of evidence in support of the objection, will justify the court in overruling it. But if the evidence is unsatisfactory, or the challenged member makes no response thereto, the court should rule the member as disqualified to sit on the case.

ARTICLE 60. Courts-martial should be very liberal and careful in

passing on challenges, but they will not permit an objection that is not material to the case, nor one upon the mere assertion of the accused, unless it be admitted by the challenged member. A challenge on the grounds that the member is the author of the charges and a material witness in the case is sufficient evidence to justify the court in sustaining it.

ARTICLE 61. The court itself cannot excuse a member in the absence of a challenge. But a member, not challenged, who thinks himself disqualified, can only be relieved by application to the convening authority.

ARTICLE 62. The judge advocate is not challengeable; but in cases of personal interest he should apply to the convening authority, stating reasons therefor, and ask to be relieved.

OATHS.

ARTICLE 63. Oaths of the members shall be administered by the judge advocate, before proceeding upon the trial, and shall be as follows:

“ You, A. B., do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the Government of the Island of Cuba and the prisoner to be tried, and that you will duly administer justice, without partiality, favor or affection, according to the provisions of the rules, regulations and existing orders for the government of the Armed Forces of the Island of Cuba, and if any doubt should arise, not explained by said rules, regulations and existing orders, then according to your conscience, the best of your understanding, and the military law in like cases; and you do, further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law. So help you God”.

ARTICLE 64. When the oath has been administered to the members of the court the president shall administer to the judge-advocate, the following oath:

“ You, A. B., do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law, nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God”.

ARTICLE 65. All persons who testify before a court-martial shall not be examined until they have taken the following oath:

“ You, Paul, do swear and affirm that the evidence “ that you shall give in the case now before the court, shall be the “ truth, the whole truth, and nothing but the truth. So help you “ God ”.

ARTICLE 66. If there should be an interpreter in attendance on the court, he should take the following oath :

“ You swear that you will truly interpret, to the best of your “ ability, in the case now before the court. So help you God”.

POSTPONEMENT.

ARTICLE 67. If postponement is necessary, application therefor should properly be made to the convening authority before the accused is arraigned. The court may for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just: *Provided*, That the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

ARTICLE 68. Upon application by the accused for postponement of trial because of the absence of a witness, it should distinctly appear, on his oath, that the witness is material, and why, and that the accused has used due diligence to procure his attendance, and has reasonable ground to believe, and does believe that he will be able to procure such attendance within a reasonable time stated.

ARTICLE 69. Application for extended delay will, when practicable, be made to the authority convening the court. When made to the court, and if in the opinion of the court, it is well founded, it will be referred to the authority convening the court to decide whether the court shall be adjourned or dissolved.

ARRAIGNMENT.

ARTICLE 70. The court being organized, and both parties ready to proceed, the judge-advocate will read the order convening the court and the charges and specifications, separately and in order, to the accused, and ask him how he pleads to each—“ guilty ” or “ not guilty ”. The order pursued, in case of several charges or specifications will be to arraign on the first, second, etc., specifications to the first charge, then on the first charge, and so on with the rest.

PLEAS.

ARTICLE 71. Ordinarily the plea of the accused is “ guilty ” or “ not guilty ” to each charge and specification ; or guilty of a specification excepting certain words, and of the excepted words not guilty ; or, as when charged with an offense which includes a lesser one of

kindred degree, guilty to the specification except certain words, substituting therefor certain others, and to the charge not guilty, but guilty of the lesser or kindred offense.

ARTICLE 72. A plea of guilty does not necessarily exclude evidence. In cases of discretionary punishment a full knowledge of the circumstances attending the offense is essential to the court in measuring the punishment and to the convening authority in acting on the sentence. It is, therefore, proper for the court to take evidence after a plea of guilty, except when the specification is so descriptive as to disclose all the circumstances of mitigation or aggravation.

ARTICLE 73. In all cases after a plea of "guilty", the accused will be permitted to offer evidence in mitigation of the offense charged.

ARTICLE 74. When testimony is heard after a plea of "guilty" the accused may cross-examine the witnesses, produce evidence to rebut their testimony, offer evidence as to character, and address the court in extenuation of the offense or in mitigation of punishment.

ARTICLE 75. When the accused pleads "guilty," and without any evidence being introduced, makes a statement inconsistent with his plea, the statement and plea will be considered together, and if guilt is not conclusively admitted, the court will direct the entry of a plea of "not guilty", and proceed to try the case on the general issue thus made.

ARTICLE 76. If the prisoner, from obstinacy or deliberate design, stands mute, or answers foreign to the purpose, the court will proceed to trial and judgment as if the prisoner had pleaded "not guilty".

ARTICLE 77. Instead of pleading to the general issue, the accused may plead in bar of trial, either to the jurisdiction, by denying the legal right of the court to try him, or he may make a special plea to any specification, presenting reasons why he should not be tried on it. The burden of substantiating such pleas rests on the accused. Both sides should be heard, and the proceedings under the plea recorded. If the plea in bar of trial is found valid, the court will report its decisions to the convening authority and await further instructions; if, by the special plea, an issue is made, the court is empowered to sustain or overrule the plea; when a special plea is made and overruled, the accused will be required to plead to the general issue.

ARTICLE 78. A second enlistment in the service of the Island of Cuba, when the first has not been fulfilled, is not void, but voidable at the option of the Government of the Island of Cuba only; so that a man who, while serving under such a second enlistment, commits an offense, cannot successfully plead the fraudulent character of his second enlistment in bar of trial.

ARTICLE 79. The *statute of limitation* (Article 17, Jurisdiction),

is not prohibitory as to jurisdiction, but is properly a matter of *defense*, which, to be effective, must be pleaded and proved, or, in some express manner, taken advantage of on the *evidence*.

ATTENDANCE OF WITNESSES.

ARTICLE 80. The judge advocate will summon the necessary witnesses for the trial, but he will not summon witnesses at the expense of the Island Government without first obtaining the authority from the Adjutant General of the Armed Forces of the Island of Cuba.

ARTICLE 81. A summons is a command to appear, and is only issued to those individuals over whom the military authorities have control, and to whom orders may be given. The failure or neglect to obey a summons from a military court will render the person so disobeying liable to punishment by the military authorities. An officer or enlisted man who receives a summons to attend a court-martial as a witness will immediately notify his commanding officer of the fact, so that the necessary orders pertaining to his travel and relief may be issued. Judge advocates of courts-martial will, whenever it is possible send summons, as well as subpoenas, through military channels.

ARTICLE 82. A summons is a notice to appear in case the desired witness is a civilian not under military authority (see blank forms for summons and subpoenas.)

ARTICLE 83. The accused is, in general, entitled to have all the material witnesses for his defense summoned; except when their testimony would be merely cumulative, and evidently add nothing to the strength of his case. As far as possible, he should be allowed a full and free defense, as the least denial to him of any proper facility, opportunity, or latitude for it may serve to defeat the ends of justice.

ARTICLE 84. To procure the attendance of a witness stationed or residing within the Provincial command in which the court is ordered to sit, the judge-advocate will proceed as follows:

First: Separate summons, made out in the proper form, will be sent, as above stated, through military channels, for each of the witnesses whose testimony is desired by the court.

Second: If the desired witness is a *civilian*, living near the post where the court is convened, duplicate subpoenas, in proper form, will be prepared, one of which will be served upon the witness by the judge-advocate, or by any person instructed by him; if the residence of the witness wanted is not near the post, but still within the Provincial command, the judge-advocate will send the duplicate subpoenas to the authority convening the court, requesting service of the same.

Third: Service is made, under court-martial practice, by a personal delivery of the subpoena to the witness; and *proof* of service by returning the duplicate original to the judge-advocate, endorsed as explained in the form. Any person instructed by the judge-advocate or post commander may serve the subpoena, but the service *must be personal*.

Fourth: Should a witness fail to appear after due and reasonable notice, the judge-advocate is hereby given power to issue the like process to compel him to appear and testify, which courts of criminal jurisdiction within the Island of Cuba may lawfully issue. This power also includes the power to execute such process through an officer, who shall be specially charged with its execution.

Fifth: Whenever it becomes necessary to enforce the attendance of a witness, the judge-advocate will issue a warrant of attachment (see form), directing and delivering it for execution to an officer designated by the Chief of the Province or Commandant of a Corps or the Commandant of the Armed Forces of the Island of Cuba for the purpose. He will transmit to this officer the subpoena, indorsed with affidavit of service (to be returned when the warrant is executed), and a certified copy of the order appointing the court-martial.

Sixth: In executing such process it is lawful to use only such force as may be necessary to bring the witness before the court. Whenever force is actually required, the post commander nearest witness's residence will furnish a military detail sufficient to execute the process.

Seventh: The Habeas Corpus Law as promulgated in Civil Orders No. 427, Headquarters Division of Cuba, Havana, October 15th, 1900, is hereby authorized for the use of Courts-Martial in the Armed Forces of the Island of Cuba, and the Audiencias of the Island of Cuba have authority to issue writs of Habeas Corpus within their respective territorial jurisdiction, which members of the Armed Forces of the Island of Cuba shall obey in cases arising out of the acts of a legally constituted Court-Martial.

ARTICLE 85. To procure the testimony of a witness stationed or residing without the Provincial command in which the court is ordered to sit, the following practice will be observed:

First: A warrant or writ of attachment does not ordinarily run beyond the limits of the Provincial command in which the court sits. The testimony of a witness, military or civilian, stationed or residing outside of such Provincial Command, will ordinarily be taken by deposition (see form), if such is done on reasonable notice to the opposite party, and duly authenticated (see form). A deposition thus taken may be read in evidence before such court in cases not capital.

In cases where it is absolutely necessary that the witness be confronted with the accused, the witness should be duly summoned or

subpœnaed, which summons or subpœna should always be sent through military channels.

Second: The method of procedure to obtain a deposition is as follows:

The party, prosecutor or defendant, desiring the deposition submits to the court a list of interrogatories to be propounded to the absent witness; the opposite party then prepares and submits a list of cross-interrogatories, (a reasonable time being allowed for this purpose); re-direct and re-cross interrogatories are added if desired; finally the court, having assented to the interrogatories thus submitted, adds, such as, in its judgment, may be necessary to elucidate the whole of the witness' testimony.

The interrogatories having been accepted by the court, the judge-advocate will prepare duplicate subpœnas or summons requiring the witness to appear in person, at a time and place to be fixed by the officer, military or civil, who is to take the deposition. If the name of the officer is unknown, the space for it will be left blank.

The judge-advocate will then send the interrogatories and subpœnas to the convening authority, with a request that the deposition be secured.

Depositions may also be taken before the assembling of the court-martial, in interrogatories and cross-interrogatories or reasonable notice, subject to exceptions when read in court.

Third: Judge-advocates of courts-martial are authorized to administer oaths, and take depositions in all matters that pertain to the military service. Any officer of the Armed Forces of the Island of Cuba may be designated to see that the deposition is properly taken, but the oath in such case, (that is, where the services of a judge-advocate of a court-martial are not available for the purpose), must be administered and the deposition authenticated by a civil officer, empowered by the law to administer oaths for general purposes.

A military officer so designated will, before serving the summons or subpœna, complete it, if necessary, by inserting the name and official designation of the notary, or other official having authority to administer oaths, before whom it is to be taken, and the date on which, and the place where, it is proposed to take it.

If the deposition has been duly taken according to law, the officer will certify to the fact, and transmit it direct to the judge-advocate, through the President of the Court.

Fourth: Upon the return of the interrogatories and deposition they will be submitted to the court by the judge-advocate. The papers will then be properly marked, appended to the record, and referred to in the proceedings, where all action upon the subject

necessary for the information of the reviewing authorities will be recorded.

Fifth. Upon receipt of the deposition, the judge-advocate will also prepare and sign the ordinary "accounts for a civilian witness", substituting for the usual statement in regard to attendance before the court, a statement that he duly attended as a witness at a certain time and place, and duly gave his deposition before a certain official, named, and then transmit them to the witness with duplicate copies of the order convening the court. The *period of attendance* can be ascertained from the deposition.

Sixth: In capital cases (i. e., those in which the offense is punishable by death), or in cases where the judge-advocate can certify "that the interests of justice demand that the witness shall testify in the presence of the court", the regular subpoenas or summons will be made out by the judge-advocate certified to as above, if necessary, and transmitted to the Commandant of the Armed Forces of the Island of Cuba, with a request that they be duly forwarded to the witness, if an officer, or to the nearest post commander for service, if the witness is an enlisted man or a civilian.

In time of peace, desertion is not a capital offense.

Seventh: An officer or enlisted man who receives a summons to attend as a witness before any military court, board, civil court, or other tribunal competent to issue summons or subpoena which is sitting beyond the limits of the Provincial command where he is serving, will, before starting to obey the summons, forward it, through the proper channels, to the Chief of the Province, that the necessary orders or authority to obey a civil process may be given. In urgent cases, or when the public interest would be liable to suffer by delay, a subordinate commander may authorize immediate departure, reporting his action and reasons therefor to higher authority.

Eighth. Officers and enlisted men reporting as witnesses before a civil court should receive from the Chief Paymaster of the Armed Forces of the Island of Cuba the necessary expenses incurred in travel and attendance, unless otherwise ordered by competent authority. If, however, it is absolutely necessary to furnish them transportation in kind to enable them to appear as witnesses for the Government before a civil court of the land, an account of such expenditures, together with the evidence that they were properly summoned or subpoenaed and did attend the court will be forwarded, through the military channels, to the Commandant of the Armed Forces of the Island of Cuba, for necessary action. Officers providing such transportation to witnesses, prisoners or guards will notify the court of this fact, that said transportation was furnished to enable the witnesses, prisoners or guards to perform the requisite journeys in obedience to the summons.

COMPETENCY OF WITNESSES.

ARTICLE 86. The question of the competency of witnesses to give evidence before the court is a question to be decided by said court. Generally all persons are competent witnesses, but lunatics, idiots or persons under the influence of intoxicants, and wives of accused parties are not allowed to testify as witnesses.

FEES OF WITNESSES.

ARTICLE 87. A civilian witness before a court-martial is entitled, upon his discharge, to receive from the judge-advocate a certificate setting forth the fact of his having been subpoenaed as a witness in the case, and the number of days of his attendance in that capacity before the court. It is necessary that he should produce a formal subpoena, addressed to and complied with by him.

ARTICLE 88. Civilians in the employ of the Government when travelling upon a summons as witnesses before a military court are entitled to transportation in kind from their place of residence to the place where the court is in session and return. If no transportation be furnished, they are entitled to reimbursement of the cost of travel actually performed by the shortest usually traveled route, including transfer to and from railway stations, at rates not to exceed 50 cents for each transfer. They are also entitled to reimbursement of the actual cost of meals and rooms at a rate not exceeding \$3.00 per day for each day actually and unavoidably consumed in travel or in attendance upon the court under the order or subpoena. No allowance will be made to them when attendance upon court does not require them to leave their station.

ARTICLE 89. A civilian not in the Government employ duly subpoenaed to appear as a witness before a military court will \$1.50 for each day actually and unavoidably consumed in travel or attendance upon the court under the order or subpoena and five cents a mile for travel from his place of residence to the place of trial or hearing, and five cents a mile for returning. Charges for return journeys of witnesses will be made upon the basis of the actual charges for the travel to the court and the entire account thus completed will be paid by the proper disbursing officer of the State upon the completion of return travel.

ARTICLE 90. The items of expenditure authorized as above will be set forth in detail and made a part of each voucher for reimbursement. No other items will be allowed. The correctness of the items will be attested by an affidavit of the witness, to be made before a civil officer empowered by law to administer oaths for general purposes, and the vouchers will be accompanied by the original order or subpoena, or a duly certified copy thereof. The certificate of the judge-advocate will be evidence of the fact and period of attendance, and will be made upon the voucher.

ARTICLE 91. Compensation to civilians in or out of Government employ for attendance upon civil courts is payable by the proper disbursing officer of the civil authorities.

EXAMINATION OF WITNESSES.

ARTICLE 92. Courts-martial should in general follow, as far as possible, the rules of evidence to be found in common law. They are not, however, bound by any statute in this particular, and it is thus open to them, in the interest of justice, to apply those rules with more indulgence than the civil courts; e. g., to allow more latitude in the introduction of testimony and in the examination and cross-examination of witnesses than is commonly permitted by civil tribunals. The reason for this is that persons on trial by courts-martial are not, ordinarily, versed in legal science, and a liberal course should therefore be pursued and excessive technicality avoided.

ARTICLE 93. The manner in which witnesses are to be examined lies chiefly within the discretion of the court. The great object is to elicit the truth from the witness: but the character, intelligence, moral courage, bias, memory, etc., of witnesses are so varied as to require an almost equal variety in the manner of interrogation necessary to attain that end. The witness should be under the protection of the Court, and no person, whomsoever, should be permitted to harass or intimidate him by threats or abusive language, while testifying.

ARTICLE 94. Before the examination of any particular witness is begun, it is customary for the court to require the others to retire. If a witness remains in court after such a request, by mistake or otherwise, the court will decide whether or not he shall be examined; but whether or not it is essential to the discovery of truth that the witnesses shall be thus examined out of hearing of each other, is a matter within the discretion of the court.

ARTICLE 95. After a military witness has been sworn, the first question put to him will ordinarily be for the purpose of determining his identification of the accused; the second, when practicable, should be in such form that the answer may show that the witness was so placed as to personally know something about the matter set forth in the specification: while the third and subsequent interrogatories should be such as to elicit all the facts, whether they consist of words or actions, that may have come within the witness' personal knowledge.

DIRECT EXAMINATION.

ARTICLE 96. Upon direct examination, leading questions are not allowed. This rule, however, is to be understood in a reasonable sense: for, otherwise, the examinations might be most inconveniently protracted. To abridge the proceedings, the witness may be

led at once to points on which he is to testify and the acknowledged facts in the case already established be recapitulated to him. The rule is, therefore, not applicable to that part of the examination which is merely introductory.

ARTICLE 97. Leading questions are those which plainly suggest the answer desired, or those which, embodying a material fact, admit of a simple *yes* or *no*. The exceptions to the above rule against their admission are: 1st, when the witness appears to be hostile to the party introducing him or is unwilling to give evidence; 2nd, when an omission in his testimony is evidently caused by want of recollection, which a suggestion may assist; 3rd, when a witness is called to contradict another, in which case the particular expression may be used instead of asking witness what was said.

ARTICLE 98. When and under what circumstances a leading question may be put, is a matter for the court to decide, but it should ordinarily be controlled by the common law rules on the subject.

ARTICLE 99. On the direct examination the question should be material and relevant, and irrelevant questions should be excluded; yet great caution should be exercised in excluding questions on this ground, as many questions which appear irrelevant may "constitute a link in the chain of proof", without bearing directly or immediately upon the charge.

ARTICLE 100. As a rule, also, the testimony should be confined to facts within the witness' personal knowledge, and matters of opinion excluded; but in matters of common observation, such as drunkenness, or manner, whether insolent, insubordinate or otherwise, etc., he may state his opinion or belief as to the state of sobriety, or as to the manner of the accused at the time specified. There are, moreover, two other excepted classes of cases in which a witness may give his opinion. 1st, when it is the result of his observation of complex facts which from their nature cannot be brought before the court, as in case of the identity of a person or proof of handwriting; 2nd, when the case involves a question of science or a knowledge of a specialty, in which case the testimony of experts is admissible. For a witness to be competent in the latter case, it must be shown by the party producing him that he *is an expert*.

ARTICLE 101. To refresh his memory, the witness may use a memorandum made at the time of the fact or action to which it refers, such a writing should be exhibited to the court to show its nature.

CROSS-EXAMINATION.

ARTICLE 102. The cross-examination should ordinarily be confined to the matter of the direct examination: yet this rule does not apply to question outside of the main issue, asked for the purpose of testing the motives, prejudices, or credit of the witness.

ARTICLE 103. In view of its purpose and significance, a much greater latitude is allowed upon the cross-examination than upon the direct examination, e. g., leading questions being freely allowed, and matters otherwise irrelevant and collateral permitted when the object is to test the knowledge, memory, or animus of the witness, and thus discredit his testimony. Collateral or irrelevant matter cannot, however, be entered into for the purpose of contradicting the witness by other testimony and thus discrediting him; though the question whether the witness has not, at some previous time, told a different story (particularizing it as to substance, time and place), may be asked with the view of contradicting him in case he answers in the negative. He may also be asked whether he has not previously expressed hostility to the accused.

ARTICLE 104. The members of the court have the right to question a witness, but should ordinarily wait, until he has been examined by the judge-advocate and the accused. If for any reason a member of the court sees some material fact omitted, and wishes to put the question before that time, he should suggest it either to the judge-advocate or the accused.

ARTICLE 105. Questions by the court should be merely to clear up some obscure point or fault in the testimony. With this in view the court may desire evidence which has not been presented by either the judge-advocate or the accused and should call upon the judge-advocate to produce the same.

RE-EXAMINATION.

ARTICLE 106. Where a witness, in the cross-examination, has made statements at variance with those made upon his direct examination, the party calling him may *re-examine* him to elicit an *explanation* of those statements, or his *motive* in making them. This is strictly the full scope of a re-examination, but the court may, in its discretion, make exceptions in the interests of justice. When, however, upon cross-examination new matters have been introduced the witness may be examined upon these.

REBUTTAL.

ARTICLE 107. Witnesses in rebuttal may be called by the judge-advocate to support the character for veracity of his witnesses impeached by the accused; to impeach the character of witnesses for the defense; and to rebut any and all *new matter* introduced by the accused and not touched upon by the prosecution.

ARTICLE 108. The accused may cross-examine such new witnesses, called in rebuttal, and may himself call other witnesses to fortify the character of his previous witnesses, but for this purpose only when these have been impeached by the judge-advocate.

EXAMINATION BY THE COURT.

ARTICLE 109. The court should, ordinarily, defer questioning a witness until his examination by the judge-advocate and the accused has been completed; if a member, for any reason, as when he sees something material omitted, wishes to put a question before this time, he may suggest it to either the judge-advocate or the accused.

ARTICLE 110. The questions of the court should be for the purpose of clearing up doubt upon obscure points, or of reconciling discrepancies in the testimony. With this in view, if the court desires to hear evidence not introduced by either party, it may properly call upon the judge-advocate to procure the same if practicable. Any testimony thus introduced would, of course, be subject to cross-examination and rebuttal by the party to whom it is adverse.

ARTICLE 111. Though the above is the proper order and sequence of examination, the court may, in the interests of truth and justice, call or recall witnesses at any stage of the proceedings, both parties being present; it may permit material testimony to be introduced by either party, quite out of its regular order and place; or permit a case, once closed by either or both parties, to be reopened for the introduction of testimony, previously omitted, even though this may have been done through negligence, if convinced that this testimony is so material that its omission would leave the investigation incomplete.

CREDIBILITY OF WITNESSES.

ARTICLE 112. A witness' credibility may be attacked; 1st, by disproving his testimony; 2nd, by evidence impeaching his general reputation for truth—particular instances of untruthfulness not being proper subjects of inquiry; 3rd, by proof of statements out of court, contradictory to his testimony. This is not permitted unless, if the statement was oral, he was asked on cross-examination whether at a time and place specified, he had not made such a statement to a person named, or, if the statement was in writing, without showing him the writing or proving its loss.

ARTICLE 113. A party cannot discredit his own witnesses; but if he is imposed upon, or the witness unexpectedly testifies adversely, he may contradict him by others.

ARTICLE 114. Unless the accused calls witnesses as to his own character, this cannot be attacked by the prosecution. The accused having put his character in issue, the prosecution may impeach it.

PROOF OF INTENT.

ARTICLE 115. Where an act, *in itself indifferent*, becomes criminal if done with a particular intent, then the intent must be proved

and found, but where the act is *in itself unlawful*, the proof of justification or excuse lies on the defendant; and in failure thereof, the law implies a criminal intent.

REMARKS ON EVIDENCE.

ARTICLE 116. Courts-martial, in the absence of any specified statutory rules, are in general governed by the rules of evidence to be found in the laws in force.

ARTICLE 117. The best evidence obtainable should, of course always be submitted. The *weight* of evidence, however, does not, necessarily, depend upon the *number*, of witnesses. A single witness whose statements, manner, and appearance on the stand are such as to commend him to credit and confidence, will sometimes properly outweigh several less acceptable and satisfactory witnesses.

ARTICLE 118. Hearsay evidence is not admissible under any circumstances in giving evidence before courts-martial.

ARTICLE 119. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, that the circumstances are such that oral testimony cannot be obtained.

ARTICLE 120. Affidavits not taken as depositions are in no case admissible as evidence on a trial by court-martial, if objected to.

ARTICLE 121. Documentary evidence is admissible only when its authenticity has been established by sworn testimony, or by the seal of a court of record, or any other public institution or department, of the Government, having an official seal.

ARTICLE 122. When transcripts from the records of any of the Departments of the Government are used, they should be authenticated under the seals of such Departments.

ARTICLE 123. When a document contains primary evidence of a fact, oral testimony of its contents is not admissible, unless the non-production of the document can be satisfactorily explained.

ARTICLE 124. When original documents are introduced and they are of such character that they cannot be retained, certified copies will be appended to the record.

FINDINGS OF THE COURT.

ARTICLE 125. The findings of a court will be governed by the evidence introduced in the case, and, as stated in Article 38, personal feeling will not enter into the case in any way whatsoever. The finding upon the charge should be consistent with that upon the specification.

ARTICLE 126. The accused may be found guilty of parts of a specification, but not guilty of others; but if the part of the specification on which he is found guilty supports the charge, he will be found guilty of the charge.

ARTICLE 127. If the evidence proves the commission of an offense less in degree than that specified, yet kindred to it, the court may except words of the specification, substituting others instead, pronounce the guilt and innocence of the substituted and excepted words, respectively, and then find the accused not guilty of the charge, but guilty of the lesser kindred offense. On the form of verdict, the most familiar is the finding of guilty of absence without leave under a charge of desertion. In such a case, in its finding of guilty upon the specification, the court should in terms *except* the words "did desert", and substitute therefor the words "did absent himself without authority", and of the substituted words "guilty". Finding upon the charge should regularly be "not guilty", but "guilty of absence without leave".

ARTICLE 128. Another legal form of finding is where an accused is charged with a *specific* offense, made punishable by a special article of the Regulations other than Article 105, and the court is of the opinion that, while the material allegations in the specifications are proved, they do not fully sustain the charges laid down, but do clearly establish a breach of military discipline; in this case the accused may properly be found guilty of "*conduct detrimental to the good administration and military discipline of the Armed Forces of the Island of Cuba*". It should be remembered, however, that the court cannot in its findings substitute Article 105 of the Regulations for any other, unless the proof under the specification as laid down fails to substantiate the original charge. The *reverse* of the above form of finding has never been sanctioned and is illegal. Thus where a charge is laid down under a general article (105), a finding under any other article, or where the charge is laid down under a specific article, a finding under any other specific article would be wholly irregular. It is beyond the power of the officer who approves the proceedings of the court to change a finding by his own action. Thus where, in a case of desertion, this authority approved "so much only of the finding of guilty of desertion as convicted the accused of absence without leave", it was held that he thus substitute a finding of his own for that of the court, and that his action was unauthorized.

ARTICLE 129. A person charged with a lesser offense will in no case be found guilty of a greater one.

ARTICLE 130. In a case of virtual acquittal, to use the term "guilty" is improper; the correct expression is, "Find the facts as charged, but attach no criminality thereto." "Guilty" should be employed only when the accused has been convicted of a crime deserving punishment.

ARTICLE 131. The accused may be found guilty of the facts in the case (the specification), but the court may attach no criminality thereto, and the court will, in this instance, find the accused "not guilty of the charge," but "guilty of the specification with no criminality attached thereto."

PREVIOUS CONVICTIONS.

ARTICLE 132. By a previous conviction is meant a trial by court-martial on a charge and its specification, and a finding of guilty by the court, and the approval of the same by the convening authority.

ARTICLE 133. In every case where evidence of previous convictions is admissible, and the accused is convicted of the offense, the court, after determining its findings and before awarding sentence, will be opened for the purpose of ascertaining whether there be such evidence; and if so, hearing it.

ARTICLE 134. Copies of previous convictions, if there should be any, should always accompany the charges against the accused, and should be certified to as a true copy of the record of previous convictions, which should be kept by each Troop Commander.

ARTICLE 135. Previous convictions will only be considered by the court after all evidence in the case has been taken and just before a sentence is to be reached.

ARTICLE 136. Previous convictions presented at a trial should have no weight on the evidence before the court. They are simply forwarded for the purpose of showing the past record of the accused.

ARTICLE 137. Previous convictions are not limited to those for similar cases for which the accused is on trial, but of all convictions, effected during the present enlistment and within six months of date of trial.

ARTICLE 138. The introduction of evidence of convictions by civil courts is not authorized.

ARTICLE 139. Evidence of fines and suspensions other than court-martial should be introduced as previous convictions. A man may have five or six fines for misdemeanors, although he has not been court-martialed, and should receive less consideration than one who has had no previous convictions of any sort.

PUNISHMENT.

ARTICLE 140. Punishment, under the Regulations, is either fixed or is left to the discretion of a court-martial. If the punishment is prescribed in the article violated, any greater or other punishment than that prescribed is illegal. Before pronouncing sentence the

court should, therefore, in case of any uncertainty, examine the article violated to see what punishment may be legally awarded, and in awarding punishment, it should be remembered that the proper amount of punishment is the only means by which discipline can be efficiently maintained.

ARTICLE 141. No person in the military service will be punished by whipping, extra guard duty, diet of bread and water, or by branding, marking or tattooing of any kind on the body.

ARTICLE 142. A court-martial cannot assign the pay of a soldier to any other person; nor can a soldier be required to receipt for money paid without his consent.

ARTICLE 143. A court-martial before which an enlisted man is being tried is charged with a knowledge of the time of expiration of his term of enlistment, and a sentence imposing imprisonment for a period in effect extending to or beyond the expiration of his term of enlistment is held to be an express sentence of confinement until or beyond the expiration of such term, and is illegal.

ARTICLE 144. A soldier who is brought to trial under a charge of desertion and convicted will be charged on pay-roll to the extent of the pay due him, for the necessary expenses incurred in his capture, either by the offering of a reward or otherwise. If he be brought to trial under a charge of desertion and acquitted, or the sentence be disapproved by proper authority, any amount paid for reward for his arrest, or other expenses, shall be paid by the State.

ARTICLE 145. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the common law of the land, subject such convict to such punishment. A court-martial shall not inflict a punishment by imprisonment in a penitentiary greater than that which the civil courts could inflict for the same offense.

ARTICLE 146. The most common offenses punishable by confinement in a penitentiary are:

First: Making or causing to be made any claim against the State, or any officer thereof, knowing such claim to be false or fraudulent; or,

Second: Presenting or causing to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the State or any officer thereof, knowing such claim to be false or fraudulent; or,

Third: Entering into an agreement or conspiracy to defraud the State by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or,

Fourth: For the purpose of obtaining, or aiding others to obtain,

the approval, allowance, or payment of any claim against the State, or against any officer thereof, making or using, or procuring or advising to be made or used, any writing or other paper, knowing the same to contain any false or fraudulent statement; or,

Fifth: For the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the State or any officer thereof, making or procuring or advising to be made, any oath to any fact or to any writing or other paper, knowing such oath to be false; or,

Sixth: For the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the State or any officer thereof, forging or counterfeiting, or procuring or advising the forging or the counterfeiting of, any signature, upon any writing or other paper, or using or procuring or advising the use of, any such signature, knowing the same to be forged or counterfeited; or,

Seventh: While having charge, possession, custody or control of any money or other property of the State, furnished or intended for the military service thereof, knowingly delivering, or causing to be delivered, to any person having authority to receive the same, any amount thereof, less than that for which he receives a certificate or receipt; or,

Eighth: While being authorized to make or deliver any paper certifying the receipt of any property of the State, furnished or intended for the military service thereof, making or delivering to any person such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the State; or,

Ninth: Stealing, embezzling, knowingly and willfully misappropriating, applying to personal use or benefit, or wrongfully or knowingly selling or disposing of any ordnance, arms, equipment, ammunition, clothing, subsistence stores, money or other property of the State, furnished or intended for the military service thereof; or,

Tenth: Knowingly purchasing, or receiving in pledge for any obligation or indebtedness, from any soldier, officer or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores or other property of the State, such soldier, officer, or other person not having lawful right to sell or pledge the same:

Eleventh: Also robbery, grand larceny, embezzlement, forgery, burglary, arson, mayhem, manslaughter, assault with intent to kill, rape, or assault with intent to commit rape. Any of these offenses, when committed to the prejudice of good order and military discipline, either in time of peace or war, are punishable, as provided for in the Regulations of the Armed Forces of the Island of Cuba.

ARTICLE 147. Any officer or enlisted man of the Armed Forces of the Island of Cuba who takes money, or other thing, by way of gratification, on making contract, or purchasing material or supplies of any sort whatsoever for the service of the Armed Forces of the Island of Cuba, shall be dishonorably dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the Island of Cuba.

ARTICLE 148. Any officer who knowingly enlists or musters into the military service any minor (that is, under 21 years of age), or any insane or intoxicated person, or any deserter from the military or naval service of the State, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

ARTICLE 149. Any officer who knowingly musters for pay as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and dishonorably dismissed from the service; and the fact of such dismissal shall, in addition, be published in the principal newspapers of Havana, and of the locality from which the officer comes.

ARTICLE 150. Every officer who knowingly makes a false return to his superiors, authorized to call for such returns, for the state of the corps, regiment, troop, company, or post under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof, before a court-martial, be dishonorably dismissed from the service.

ARTICLE 151. Every officer commanding a troop, or company, is charged with the arms, accoutrements, ammunition, or other military stores belonging to his command, and is accountable to his superior officers in event of their being lost or damaged otherwise than by unavoidable accident, or in actual service.

ARTICLE 152. Any officer who signs a false certificate, relating to the absence or pay of an officer or enlisted man, shall be dismissed from the service.

ARTICLE 153. Any officer or enlisted man who, willfully or through neglect, suffers to be lost, spoiled or damaged, any military stores belonging to the Government of the Island of Cuba, shall make good the loss or damage, and be punished as a court-martial may direct.

ARTICLE 154. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

ARTICLE 155. Any officer or non-commissioned officer commanding any post, station, fort or barracks of the Government who, for his private advantage, lays any duty or imposition upon, or is inter-

ested in, the sale of any victuals, liquors, or other necessaries of life brought into such place for the sole use of the soldiers, shall be dismissed from the service.

ARTICLE 156. Any officer who uses contemptuous or disrespectful words against the Government of the Island of Cuba, or the individuals composing the same, shall be dismissed from the service, or otherwise punished as a court-martial may direct. Any enlisted man also who so offends shall be punished as a court-martial may direct.

ARTICLE 157. Any officer or enlisted man who behaves himself with disrespect towards his superior officer shall be punished as a court-martial may direct.

ARTICLE 158. Any officer or enlisted man who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall be punished as a court-martial may direct.

ARTICLE 159. Any officer or enlisted man who begins, incites, causes or joins in any mutiny or sedition in any corps, regiment, troop, company, post, party, detachment or guard, shall suffer death, or such other punishment as a court-martial may direct.

ARTICLE 160. Any officer or enlisted man who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not without delay, give information thereof to his commanding officer, shall suffer such punishment as a court-martial may direct.

ARTICLE 161. All officers or non-commissioned officers have power to part and quell all quarrels, frays and disorders, whether among persons belonging to his own or another corps, regiment, troop, company or detachment and to order officers into arrest, and non-commissioned officers and soldiers into confinement, who take part in the same, until their proper superior officers shall be acquainted therewith. And whosoever being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

ARTICLE 162. No officer or enlisted man shall send a challenge to another officer or enlisted man to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service and any enlisted man who so offends shall suffer such punishment as a court-martial may direct.

ARTICLE 163. Any officer or non-commissioned officer who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger: and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals and punished accordingly.

ARTICLE 164. Any officer who enters into or abets a duel, either as principal or second, or in a surgical capacity, or as witness, will be dishonorably discharged the service, forfeiting all pay and allowances due him.

Any enlisted man who enters into or abets a duel, either as principal or second, or in a surgical capacity or as a witness during a duel, will be dishonorably discharged the service, forfeiting all pay and allowances due him and any further punishment that a court-martial may direct.

ARTICLE 165. Any officer or enlisted man who upbraids another officer or enlisted man for refusing a challenge shall himself be punished as a challenger; and all officers and enlisted men are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ARTICLE 166. Any officer or enlisted man who thinks himself wronged by his superiors, and, upon due application to his Captain or Chief of the Province, or Commandant of the Corps, is refused redress, may make written complaint to the Commandant of the Armed Forces of the Island of Cuba, who shall examine into said complaint, through the medium of a Court of Inquiry, if necessary, and if the facts are found as stated therein, shall take proper measures towards redressing the wrong complained of. Should the appeal or complaint appear to be groundless or vexatious, the party appealing shall be punished at the discretion of a court-martial.

ARTICLE 167. No enlisted man shall hire another to do his duty for him, or be excused from duty, except in case of sickness, disability or authorized absence. Every such enlisted man found guilty of hiring his duty, and the person so hired to perform another's duty, shall be punished as provided for in Article 105, of the Regulations. Every non-commissioned officer who connives to such hiring of duty shall be reduced to the grade of a guard. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

ARTICLE 168. Any officer or enlisted man who is found drunk shall be dismissed from the service. It shall be the duty of every member of the Armed Forces of the Island of Cuba who has knowledge of such offense on the part of another member to report it to his superior, to the end that the honor and good reputation of the Armed Forces of the Island of Cuba may be maintained and no one permitted to disgrace it.

ARTICLE 169. In time of war any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death or such other punishment as a court-martial may direct. In time of peace, such an offense will be punished as a court-martial may direct.

ARTICLE 170. Any officer or enlisted man who quits his guard, detachment or post, without leave from his superior officer, except in cases of urgent necessity, shall be punished as provided for in Article 108 of the Regulations.

ARTICLE 171. Any officer or enlisted man who, by any means whatsoever, occasions false alarms in camps or quarters, in time of war, shall suffer death. In time of peace he shall suffer such punishment except death, as a court-martial may direct.

ARTICLE 172. Any officer or enlisted man who misbehaves himself before the enemy, runs away, or shamefully abandons any post, fort, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

ARTICLE 173. If any commander of any garrison, fortress or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

ARTICLE 174. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy shall suffer death, or such other punishment as a court-martial may direct.

ARTICLE 175. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

ARTICLE 176. Any officer or enlisted man who, having received pay, or having been duly enlisted in the service of the Island of Cuba, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct, and in time of peace any punishment, except death, which a court-martial may direct.

ARTICLE 177. Every enlisted man who deserts the service of the Armed Forces of the Island of Cuba shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the term of his enlistment may have expired previous to his being apprehended and tried.

ARTICLE 178. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

ARTICLE 179. No non-commissioned officer or enlisted man shall enlist in any other regiment, troop or company, without a regular

discharge from the regiment, troop or company in which he last served, on penalty of being declared a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or enlisted man, or shall not, after his being discovered to be deserter, immediately confine him and give notice thereof to the arm of the service in which he last served, the said officer shall, be dismissed the service by sentence of court-martial.

ARTICLE 180. Any officer or enlisted man who advises or persuades any other officer or enlisted man to desert the service of the Armed Forces of the Island of Cuba, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, that a court-martial may direct.

ARTICLE 181. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or enlisted man under his command; and if, upon complaint made to him of officers and enlisted men beating or otherwise ill-treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens or inhabitants of the Island of Cuba, or any other country through which the Armed Forces of the Island of Cuba may be marching under official orders, he refuses or omits to administer justice to the offender, and see reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

ARTICLE 182. All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whosoever commits any waste or spoil, either in walks or parks, warrens, fish ponds, houses, gardens, grain fields, inclosures or meadows, or maliciously destroys any property whatsoever belonging to the inhabitants of the Island of Cuba or other country through which the Armed Forces of the Island of Cuba may be marching under official orders, (unless by order of a general officer commanding a separate army in the field) shall besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ARTICLE 183. Any officer or enlisted man who does violence to any person bringing provisions or other necessaries to the camp, post, or quarters of the Armed Forces of the Island of Cuba shall be punished as a court-martial may direct.

ARTICLE 184. When any officer or enlisted man is accused of a capital crime, or of any offense against the person or property of any inhabitant of the Island of Cuba, which is punishable by the laws of the land, the commanding officer of the detachment, troop or company, to which the person so accused belongs, shall, upon appli-

cation duly made by or in behalf of the party injured, use his utmost endeavors to deliver the accused over to the civil authorities, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such due and proper application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ARTICLE 185. Any officer who is convicted of conduct unbecoming an officer and gentleman shall be dismissed from the service.

ARTICLE 186. Any enlisted man who is guilty of fraudulent enlistment shall be dismissed from the service.

ARTICLE 187. Any member of the Armed Forces of the Island of Cuba who presumes, without proper authority, to release any prisoner committed to his charge or suffers any prisoner, so committed, to escape, shall be punished as a court-martial may direct.

ARTICLE 188. When an officer is put in arrest for trial, the officer by whose order he is arrested shall see that a copy of the charges and specifications on which he is to be tried is served upon him as soon as possible. An officer so arrested will be brought to trial as soon as the necessities of the service will permit, but said trial must take place within thirty (30) days after the commission of the alleged offense. If a copy of the charges and specifications be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest under the provisions of this article, may be tried, whenever the exigencies of the service shall permit within six months after such release from arrest.

ARTICLE 189. Should the Commandant of the Armed Forces of the Island of Cuba be the accuser or prosecutor of any officer under his command, the court will be appointed by the Military Governor, or the executive branch of the government which may follow the present government.

ARTICLE 190. No person whosoever shall use any menacing words, signs, or gestures in the presence of the court, or disturb its proceedings by any rioting or disorder. Members of the military establishment who so offend shall be punished as a court-martial may direct; others who so offend shall be turned over to the proper civil authorities with the charges against them.

ARTICLE 191. All members of a court-martial will behave with decency and calmness.

ARTICLE 192. The judge-advocate shall prosecute in the name of the Government of the Island of Cuba, but when the prisoner has made his plea, he shall so far consider himself counsel for the accused as to object to any leading question put to any of the wit-

nesses and to any question put to the prisoner, the answer to which might tend to incriminate said prisoner.

ARTICLE 193. A court-martial shall, for reasonable cause grant a continuance to either party, for such time, and as often as may appear to be just: *Provided*, That if the prisoner be in close confinements the trial shall not be delayed for a period longer than thirty days.

ARTICLE 194. Members of a court-martial in giving their votes shall begin with the youngest in commission, that is, the junior in rank.

ARTICLE 195. No person shall be sentenced to suffer death, except by the unanimous vote of the members, and in the cases herein expressly mentioned.

ARTICLE 196. Judge-advocates of courts-martial, are hereby authorized to administer oaths for the purposes of military justice, and for other purposes of military administration.

ARTICLE 197. No person in the service of the Armed Forces of the Island of Cuba shall be tried twice for the same offense, unless the commission of an act constitute two offenses, viz; violation of the civil law of the land, and also violation of the rules, regulations and existing orders of the Armed Forces of the Island of Cuba, for which double offense a member can be tried and punished for each part thereof before both civil and military courts, as, for example, the striking of a superior officer is a violation of the civil law, and also of military law, and is liable to be punished in both cases.

ARTICLE 198. Every officer who is authorized to order a court-martial shall have power to pardon or mitigate any punishment adjudged by it, or approve or disapprove the proceedings, findings or sentence, or any part thereof, and generally to comment on the entire matter in any way whatsoever he may deem best for the interests of the service.

ARTICLE 199. All persons, who, in time of war, or of rebellion against the supreme authority of the land, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the Armed Forces of the Island of Cuba, shall be triable by a court-martial, and shall, on conviction thereon, suffer death, or such other punishment as the court-martial may direct.

ARTICLE 200. All persons in the service of the Armed Forces of the Island of Cuba are prohibited from buying or selling, trading or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control to give

notice thereof immediately to his commanding officer and to turn the property over to him without delay. Any one who shall violate any of the provisions of this article shall, upon conviction, be punished by confinement in a penitentiary, or such other punishment as a court-martial may direct.

ARTICLE 201. Enlisted men sentenced by court-martial to dishonorable discharge and confinement shall, until discharge from such confinement, remain subject to the provisions of these articles and other laws relating to the administration of military justice.

ARTICLE 202. It shall be lawful for any civil officer having authority under the laws of the land, to arrest offenders, to summarily arrest a deserter from the military service of the Island of Cuba, and to deliver him into the custody of the military authority of the Government.

ARTICLE 203. When a sentence of confinement or forfeiture is in excess of the legal limit, the part within the limit is legal and proper, and may be executed.

ARTICLE 204. The time at which a dishonorable discharge is to take effect, as fixed by the sentence, cannot be postponed by the reviewing authority.

ARTICLE 205. A sentence to confinement, with or without forfeiture of pay, cannot take effect before the date of the action of the reviewing authority of the proceedings. If it be proper to take into consideration the length of confinement to which the prisoner has been subjected previous to such confirmation of the reviewing authority, it may be done by mitigation of sentence.

ARTICLE 206. An order remitting a forfeiture of pay operates only on the pay to become due subsequent to the date of the order publishing the action of the reviewing authority.

ARTICLE 207. The order promulgating the proceedings of the court and the action of the reviewing authority will, when practicable, be of the same date. When this is not practicable, the order will give the date of the action of the reviewing authority as the date of the beginning of the sentence. This, however does not apply to sentences of forfeiture of all pay and allowances due. A soldier awaiting result of trial will not be paid before the action of the reviewing authority is known.

ARTICLE 208. When the date for the commencement of a term of confinement imposed by sentence of a court-martial is not expressly fixed by the sentence, the term of confinement begins on the date of the order announcing the action of the reviewing authority. The sentence is continuous until the term expires, except when the person sentenced is absent without authority. The word "days" in a sentence of confinement, means periods of twenty-four hours.

ARTICLE 209. When enlisted men awaiting trial or undergoing sentence commit offenses for which they are tried, the second sentence will be executed upon the expiration of the first.

ARTICLE 210. Where an enlisted man while undergoing sentence of confinement imposed without dishonorable discharge was again tried for a further offense and sentenced to dishonorable discharge and confinement, the period of confinement under his first sentence will terminate upon the date of his dishonorable discharge, leaving to be executed only the confinement imposed by the second sentence.

ARTICLE 211. An enlisted man who commits an offense while awaiting publication of the sentence of a court-martial may, if the sentence includes dishonorable discharge, be amenable to trial and punishment for such offense, and the status of such a soldier is hereby fixed as continuing under military jurisdiction until all confinement imposed by sentence of court-martial has been executed, *Provided*: that such offense shall have been committed between the date of the charges for which dishonorable discharge is imposed and the date of dishonorable discharge as fixed by the reviewing authority.

ARTICLE 212. Should a court-martial sentence the accused to a forfeiture of his pay, the same shall be understood as to mean any pay which may be due said accused or that may become due until the forfeiture has been duly forfeited.

ARTICLE 213. In time of peace Courts-Martial have no power to inflict capital punishment.

LIMITS OF PUNISHMENT.

ARTICLE 214. When the punishment of an offense is left to the discretion of the court-martial, it should, before proceeding to award the punishment, see that a limit has not been fixed by the articles of these Regulations. The members who desire to propose to the court a sentence, should write the same on a piece of paper and hand it to the president. The president reads the proposed sentence to the court, and the members vote on them in order, beginning with the lightest sentence proposed, until they agree upon a sentence. In the case where the sentence is fixed, the members vote upon the sentence awarding the punishment.

ARTICLE 215. When an officer of the Armed Forces of the Island of Cuba is dismissed from the service of the same, the court shall direct in the sentence that the crime, punishment, name and residence be published in the leading papers of the Island; and after such publication it shall be scandalous for an officer of the Armed Forces of the Island of Cuba to associate with him.

ARTICLE 216. In the case of a sentence of dismissal of an officer

or the imposition of the death penalty, is decided upon, the same must be unanimous.

RECORD OF PROCEEDINGS.

ARTICLE 217. Every court-martial shall keep a complete and correct record of all its proceedings, the record in each case being complete in every detail, and will contain a copy of the order convening the court, and all other orders that make any material change in the same. The record of proceedings will be certified to as correct by the president and the judge-advocate *only*. The record must show that the court was organized as per these regulations, that the prisoner was asked if he desired to object to any member of the court, all his answers to such questions, and that the members of the court and the judge-advocate were duly sworn.

ARTICLE 218. The record of proceedings shall also contain all orders and ruling of the court; all motions, propositions, objections, arguments and statements of the judge-advocate, the accused or the members; and the testimony of each witness as near as possible word for word; and every feature or the case material to a COMPLETE HISTORY of the same and a correct understanding by the convening authority.

ARTICLE 219. A recommendation by the court for clemency for the accused will not be put in the record of the proceedings but will be attached thereto solely for the information of the convening authority and only those members who approve the recommendation will sign it. No recommendation for clemency which is not signed by at least three of the members of the court will be admitted.

REVIEW OF THE RECORDS.

ARTICLE 220. When the record of a court-martial shows error in preparation, or seemingly erroneous conclusions, the reviewing authority may reconvene the court for the reconsideration of its action, pointing out at the same time, the defects therein. Should the court concur in the views submitted, it will proceed, by amendment, to correct its errors, and may modify, adhere to or completely change its findings. A reopening of the case, by calling or re-calling a witness, is illegal.

ARTICLE 221. An amendment can only be made by the court when duly reconvened for that purpose, and when made must be the act of the court as such. A correction made by the president or other member, or by the judge-advocate, independently of the court, and by means of an erasure or otherwise, is unauthorized. If omissions in the record are to be supplied, the page and line on which they occur will be stated and the corrections given in full. The original record will not be interlined nor changed in any way.

THE REVIEWING AUTHORITY.

ARTICLE 222. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the convening authority, or by the officer commanding at the time being and in the case of officers found guilty of offenses against the Armed Forces of the Island of Cuba, the findings and sentence of the court must be confirmed by the Military Governor or the executive branch of the government which may follow the present Government as prescribed for in Article 121 of the Regulations of the Armed Forces of the Island of Cuba.

ARTICLE 223. The officer having authority to approve the sentence of a court-martial will state at the end of the proceedings of each case his decisions and orders.

ARTICLE 224. All sentences of courts-martial may be confirmed and carried into execution by the officer ordering the court, or by an officer commanding for the time being, where confirmation by the Military Governor or the executive branch of the government which may follow the present government is not required by the Regulations.

ARTICLE 225. Every officer authorized to order a court-martial has power to pardon or mitigate any punishment adjudged by it.

ARTICLE 226. The power to pardon or mitigate punishment imposed by a court-martial, vested in the authority which confirms the proceedings, extends only to the unexpired portion of the sentence.

ARTICLE 227. While the reviewing authority may remit or mitigate a sentence, he cannot change it so as to impose a punishment of a different nature; thus he cannot change a sentence of dishonorable discharge awarded an enlisted man to confinement at hard labor.

ARTICLE 228. Proceedings and sentences of courts-martial in cases of enlisted men will be published in Special Orders.

ARTICLE 229. Proceedings and sentences of courts-martial in cases of officers will be published in General Orders.

DESERTERS.

1. When an enlisted man deserts, his troop commander will ascertain whether or not he has lost or abstracted any articles of Government property, and if so, to determine the money value of the same. The value of the articles thus found to be missing will be charged against the said enlisted man on the next muster roll of the company or troop, which will be accompanied by a copy of the report. A copy of the report as relates to the property charged on any muster roll will accompany the property return, made to the Audi-

tor of the Island of Cuba, to which the property pertains. The troop or company commander will also fully investigate the circumstances attending desertion, especially the causes which induced it and make a separate report in each case of his investigation and conclusions thereon, which will be transmitted to the Chief of the Province or Corps and by him to the Commandant of the Armed Forces of the Island of Cuba.

2. Chiefs of Provinces or Corps will carefully consider the special reports made in accordance with the foregoing paragraph, and on or before the 1st day of July of each year, forward to the Adjutant General of the Armed Forces of the Island of Cuba, reports of the desertions which have occurred within their commands during the preceding fiscal year, with an expression of their views as to the causes of the same and the measures which should be taken to prevent their recurrence. Commanders of detachments, troops and companies will take prompt action to arrest all deserters amenable to trial and punishment.

3. Deserters received at detachment, troop, or company headquarters, if physically fit for service, will be sent at once to the Headquarters of the Province or Corps, but all deserters who may be physically disqualified for service will be held at the company detachment or troop headquarters, and a direct telegraphic report made to the Adjutant of the Province, with request for instructions. The necessary transportation of deserters and necessary guard from detachment or troop headquarters will be made on the regular Island transportation requests.

4. Enlisted men deserting and deserters received at a detachment, troop, or company headquarters to which they belong will be reported by the commanding officer of such company, detachment or troop, to the Chief of the Province at once by telegraph.

5. When a report is received of the apprehension or surrender of a deserter at a detachment or troop or company headquarters other than the correct station of his company or troop his commander will immediately forward his descriptive list and account of pay to the officer making the report.

6. An enlisted man apprehended or surrendering as a deserter, and whose trial for desertion is not barred by the statute of limitations, will be examined by a medical officer at or near the station where the deserter is received, and a report of his examination will be forwarded to the Chief of the Province, or Corps if, on account of disease, age or other permanent disability, the man is found unfit for service, the report, with the Chief of the Province's, or Corps recommendations thereon, will be forwarded to the Adjutant General of the Armed Forces of the Island of Cuba. If the examination shows that the man is fit for service, the Commandant of the Armed Forces of the Island of Cuba will have him ordered up for trial

before a court-martial, or restore him to duty without trial, as the interests of the service may dictate.

7. Whenever a desertion occurs at a company, detachment or troop headquarters, the commander of said company, detachment or troop will cause a number of descriptive lists of the deserter to be prepared. Copies of this list will be sent at once to such Alcaldes and company, detachment and troops headquarters as the commander may deem proper, in order that the deserter may be captured.

8. A reward of \$30.00 will be paid to any civil officer for the apprehension and delivery to the proper authority of the Armed Forces of the Island of Cuba, (or at some convenient point as near as possible to some station of the Armed Forces) of any deserter from the same. This reward will be paid by the Chief Paymaster of the Armed Forces of the Island of Cuba and will be in full satisfaction of all expenses for arresting, keeping and delivering the deserter. The payment will be reported to the commander of the company, troop or detachment to which the deserter belongs.

9. When enlisted men are sent in pursuit of a deserter, the expenses necessarily incurred as stated in Article 91 Regulations of the Armed Forces of the Island of Cuba, will be paid whether he be apprehended or not, and will be reported as in payment of rewards. Should a written order be issued for this duty and a transportation request be furnished the party in pursuit, the name, rank and troop or company of the deserter will be stated in the order and also noted on the transportation request.

10. Rewards or expenses paid for apprehending a deserter, and the expenses incurred in transporting him from point of apprehension, delivery or surrender, to the station of the Chief of the Province, or Corps or to the place of trial, including the cost of transportation for the guard, will be set against his pay upon conviction of desertion by a court-martial, or upon his restoration to duty without trial. An enlisted man convicted by a court-martial of absence without leave will be charged with the expenses incurred in transporting him to his proper station. The transportation and subsistence of witnesses will not be charged against the deserter.

11. If an enlisted man be brought to trial under a charge of desertion and acquitted, or convicted of absence without leave only, or if the sentence be disapproved by proper authority, any amount paid as a reward for his arrest will not be stopped against his pay, but will be paid by the Government of the Island of Cuba unless in case of absence without leave, the sentence of the court shall direct such stoppage.

12. Deserters will be brought to trial with the least practical delay. While awaiting trial they will receive no pay, and will be required to wear the clothes worn at the time of arrest unless it

should be imperative to allow them other clothing. An enlisted man will make good the time lost by desertion unless discharged by authority competent to order his trial. He will be considered again in the service upon his return to the control of the Armed Forces of the Island of Cuba; but if a deserter enlists again in the Armed Forces of the Island of Cuba, while in desertion, his services under such unlawful enlistment will not be counted as making good any of the time lost by desertion.

13. A deserter will not be restored to duty without trial, except by authority competent to order his trial. Such restoration does not remove the charge of desertion, nor relieve the enlisted man from any of the forfeitures attached to that offense. He must make good the time lost by desertion, refund the reward and expenses paid for apprehension and delivery, and forfeit all pay while absent in desertion.

14. An enlisted man who absents himself from his station, troop or company without authority will forfeit all pay and allowances accruing during such absence, and upon conviction by court-martial, make good the time lost. No man will be reported as a deserter until after the expiration of 15 days (should he remain away that length of time), unless the troop, company, or detachment commander has conclusive evidence of the absentee's intention not to return; but commanding officers will take steps to apprehend enlisted men absent without leave as soon as that fact is reported. Should the enlisted man not return, or not be apprehended, within the time named, his desertion will date from the commencement of the unauthorized absence. An absence without leave of less than one day will not be noted upon the muster or pay rolls, but otherwise it will be noted and pay deducted.

COURTS OF INQUIRY.

1. A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the Military Governor, or the executive branch of the government which may follow the present government, or the Commandant of the Armed Forces of the Island of Cuba; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious Commanders, as engines for the destruction of military merit, they shall never be ordered, except upon a demand by the officer or enlisted man whose conduct is to be inquired of.

2. A court of inquiry shall not consist of more than three officers and a recorder, to reduce the proceedings and evidence to writing.

3. The recorder of the court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before

you, without partiality, favor, affection, prejudice, or hope of reward : So help you God." After which the president of the court shall administer to the recorder the following oath : " You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing : So help you God."

4. A court of inquiry and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocate thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the party accused shall be permitted to examine them, so as to fully investigate the circumstances in question.

5. A court of inquiry shall not give an opinion on the merits of the case inquired of unless especially ordered to do into.

6. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president and transmitted direct to the Adjutant General of the Armed Forces of the Island of Cuba.

7. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer : *Provided*, that the circumstances are such that oral testimony cannot be obtained.

H. L. SCOTT,
Adjutant General.

No. 117.

CORRECTED COPY.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 28, 1902.

The Military Governor of Cuba directs the publication of the following order of the Railroad Commission of the Island of Cuba :

RAILROAD COMMISSION OF THE ISLAND OF CUBA.

RAILROAD TARIFFS.

The Railroad Commission of the Island of Cuba, in compliance with orders contained in the Railroad Law promulgated by Order No. 34, current series, Headquarters Department of Cuba, and in " Official Classification No. 1," which forms part of Order No. 61, current series, Headquarters Department of Cuba :

The tariffs having been prepared and submitted by each of the Railroad Companies of public service, and after hearing said Companies regarding the modifications and changes which the Commission deemed advisable to make in said tariffs the Railroad Commission, has determined that the prices and conditions of application of said tariffs, which shall be put into effect on the Railroads of public service of the Island of Cuba, shall be as follows:

First: That all of the Railroads of public service in Cuba shall observe the "Conditions for the Application of Tariffs," and shall charge no greater sum for transportation and other services than the prices of the "Base Tariffs" contained in this Order, with such exceptions only as shall be herein specified.

Second: That said Maximum Tariffs, and Conditions, shall be applied for the combined traffic of two or more Companies, in the same manner as if all the lines belonged to one Company only.

Third: The rates for the transportation and other services, of merchandise in lots of less or more than 10 tons, may be increased as follows:

(1)	The Western Railways of Havana, Ltd.	0 %
(2)	The Marianao & Havana R'y, Ltd.	50 "
(3)	The United Railways of the Havana & Regla Warehouses Ltd.	0 "
(4)	Compañía del Ferrocarril de Matanzas.	20 "
(5)	Empresa Unida de los Ferrocarriles de Cár- denas y Júcaro.	20 "
(6)	The Cuban Central Railways Ltd: On their standard gauge lines.	20 "
	On their narrow gauge lines.	50 "
(7)	Ferrocarril de Tunas á Sancti-Spíritus.	50 "
(8)	Ferrocarril de Puerto Príncipe á Nuevitas. .	30 "
(9)	Compañía del Ferrocarril y Almacenes de Depósito de Santiago de Cuba.	40 "
(10)	Ferrocarril de Guantánamo.	50 "
(11)	Ferrocarril de Gibara y Holguín.	50 "

Such increases shall be made for the local traffic of these Companies, but for the combined traffic the rates of the "Base Tariffs" shall be applied without any increase whatever.

Fourth: The Tariffs for Passengers, Baggage, Express Companies and the special Classes A, B, C, D, E, and F, shall be applied without any increase over the "Base Tariffs," on all Railroad lines, with the following exceptions:

(a) The increase allowed to merchandise shall be made to extend to unrefined sugar, Class B, in the following cases:

On the narrow gauge lines of the Cuban Central Railways, Ltd., Tunas, and Sancti-Spíritus, Nuevitas and Puerto Príncipe, Santiago de Cuba, Guantánamo, and Gibara and Holguín railroads.

(b) The Special tariff for Class F, (unmanufactured tobacco) of the Havana Western Railways, in lots of less or more than ten tons, with or without loading or unloading on the part of the Company, shall be 5.45 cts. per ton and per kilometer traversed, whatever the distance may be.

Fifth: These tariffs shall go into effect on all the Railroads of Cuba not later than the twelfth day of May 1902.

BASE TARIFFS.

PART FIRST.

CHAPTER I.

CONDITIONS OF APPLICATION OF TARIFFS.

Art. I. In no case and under no pretext whatever shall higher prices be charged than those specified in the maximum tariffs.

Art. II. The Companies may at any time establish lower tariffs than the maximum rates, provided they comply with the conditions of this Order.

Art. III. The transportation rates and all those which under the maximum may be established by the Companies shall be just and reasonable.

Art. IV. All preference and undue or unreasonable advantage in favor of any person, company, locality, industry, as also the imposition of any unjust prejudice or inconvenience to any person, company, locality, industry, or merchandise, are hereby prohibited.

Art. V. The general, as well as the special conditions, established in particular cases, which imply a reduction of the tariffs shall be of such nature and character that it shall be fulfilled and terminated at the same time that each individual transportation contract is performed.

Art. VI. Any reduction, rebate, premium, special rate, commission, agency, bounty, drawback or other device, under whatever name and form it may be granted or charged to the sender or consignee, or to any other person or persons, or corporation, the result of which shall be to increase or diminish the freights specified in the corresponding way bills, is hereby prohibited.

Art. VII. Any conditions established by a railroad which imply a reduction of rates, shall refer only to conditions regarding transportation and not in any way to the particular conditions of any person or persons or corporation or locality; and the conditions established by the railroad for conceding a reduced price, must be of such a nature that they may be generally accessible and acceptable

to all; and any other conditions, not fulfilling these requirements, are prohibited.

Art. VIII. Under similar conditions and circumstances, a higher price shall not be charged for transportation for a smaller distance than for a greater, although this shall not give the Company the right to charge the same rates in every case, for a shorter than for a greater distance, except in the cases provided for in Chapter XIII, Article 4th, of the Railroad Law.

Art. IX. In no case shall it be allowable to charge higher rates for travel and direct transportation between two stations, than the sum of the local rates; nor shall an intermediate station be charged a greater rate for the direct transportation than the rate to any more distant point and the return rate to the intermediate station.

Art. X. Every Company subject to the present Order, within the means and facilities it may possess at the points of connection with lines of its own, or other lines, shall furnish all reasonable and proper facilities for the mutual interchange of traffic between the different lines, whether belonging to its own Company or not.

Art. XI. The Companies shall not because of any carriage in different cars, break of bulk, interruption, transfers, or any other means or device prevent the carriage of freights between two stations from being considered as one continuous transportation, and as if the lines belonged to a single Company only.

Art. XII. The tariff rates shall be applied equally to all and without any unjust or unreasonable discrimination.

Art. XIII. The Companies shall present to the Railroad Commission a copy of the tariff rates established, under the maximum, accompanying them with all the necessary antecedents in order that said Commission may be fully informed, stating in every case the maximum tariffs, the existing rates, and also exact copies without omitting any detail, of the announcement to be published.

Art. XIV. The Company shall not in any case charge any sum, nor put into practice tariffs, which have not been announced to the public three days previous to their adoption, in case of a reduction of rates, and with ten days previous announcement in case of any increase.

Art. XV. In order to announce their tariffs the Companies shall provide schedules of rates to be written or printed, which shall state in a clear manner or large type, the places along their lines and connecting lines, at which local or through traffic of passengers and merchandise will be accepted, the classification and designation of the articles to be transported, the prices of transportation and every other condition surrounding it.

Each tariff shall be posted in the stations which may be affected

by it, without it being obligatory upon the Company to announce tariff rates at stations, to which the schedule does not apply.

Those tariffs or prices and conditions, which have no reference to public stations, shall be recorded in a special Register, to be kept at the principal Office of the Company, and shall always be open for the information of all who may desire to examine it.

Art. XVI. Reduced rates for the transportation of merchandise shall not be raised again until sixty days after having been put in force, without the special authorization of the Railroad Commission having first been obtained.

Art. XVII. Every contract entered into by one common carrier with another, with Express Companies, or with any other persons that may be related to, or shall in any way affect the tariffs and the conditions of their application, shall be filed with the Railroad Commission.

Art. XVIII. Nothing contained in this order shall prevent the granting of reduced prices and special conditions by the Railroad Company for the transportation of persons and merchandise for the State, Province or Municipalities.

Art. XIX. The Companies shall be entitled to issue season tickets and excursion tickets between stations at reduced prices; they shall also be entitled to establish distance (mileage) tickets at reduced rates, without specifying stations. Due notice of the prices and conditions of these tickets shall be given to the Railroad Commission and these shall be announced to the public as are other tariffs.

Art. XX. No reduction of price or condition in the transportation of passengers shall in any case limit the liability of the Company.

Art. XXI. No Company shall grant free tickets or reduced rates nor transport passengers at prices or conditions different from those in general use, except in cases authorized by this Order.

Art. XXII. Any Company may grant free transportation or reduced rates to objects and merchandise destined to or proceeding from Fairs, Expositions, Exhibitions and in other similar cases.

Art. XXIII. The Companies are authorized to establish excursion trains at reduced rates, on the occasion of Festivities, Fairs, Expositions and on other similar occasions.

Art. XXIV. The Companies shall be authorized to grant free transportation, or reduced rates to all persons without means, shelter or homes; to grant free transportation, or reduced rates also for charitable objects, or in cases of floods or other public calamities. The Companies shall retain the vouchers granting permission for such transportation service and hold them at the disposal of the Railroad Commission.

Art. XXV. The Companies may transport free of charge or at reduced rates, their own employees and officers or the employees and officers of other roads according to the agreement they may come to among themselves.

CHAPTER II.

CONDITIONS FOR MAKING SHIPMENTS IN COMBINATION.

Art. I. The "Base Tariffs" shall be applied as if all the lines formed a single Company, when two or more Companies whose lines connect participate in the service.

Art. II. Tickets, Bills of Lading and Vouchers shall be issued direct, covering the entire distance, and the Companies may among themselves deliver to each other coupons or vouchers, showing the service rendered by each, and the total amount collected.

Art. III. For continuous transportation, the charges shall be calculated according to the shortest route between the forwarding and receiving stations, although the shipment be made over a longer route.

Art. IV. The time allowed for the shipping, hauling and delivering of merchandise and animals shall be the same as for services not in combination, adding one day for each Company, which besides the first, takes part in the shipment.

Art. V. The division of the total amount collected for a shipment of merchandise in combination between the different Companies taking part in the same, shall be made in the proportional amount that would correspond to each one, for the distance run on each line, according to the "Base Tariffs," as if such shipment had been made individually and not in combination.

The division of the receipts for Passengers, Baggage and Express matter shall be made in proportion to the distance run on each line, in every case, the first part of this article referring to merchandise and animals only.

This form of dividing the products of a combined shipment, shall be maintained until the Companies arrive at a satisfactory agreement, which they shall submit for the approval of the Railroad Commission.

Art. VI. The Companies shall agree among themselves as to the manner of making the transfer from one line to another, and shall establish conditions and tariffs for the use of the cars of one company on the lines of another, submitting same to the Railroad Commission.

PART SECOND.

RATES.

Unities:

All payments shall be made in the currency of the United States in dollars and cents, or its equivalent in other currency at the current rate.

The unity of distance shall be the kilometer and any fraction thereof shall be considered as one kilometer.

The unities of volume shall be the cubic meter and the cubic decimeter.

The unities of weight shall be in kilograms and the ton shall consist of one thousand kilograms.

CHAPTER I.

PASSENGERS.

Art. I. Rates for adult passengers shall be:

PER KILOMETER.

	1st. Class.	3rd. Class.
From 1 to 75 Kms, inc.	3.64 cts.	1.82 cts.
From 76 Kms. upwards.	2.72 "	1.36 "

Art. II. Children under five years of age who do not occupy a seat are not required to pay. Children from five to twelve years shall pay one half the rate paid by adults, and two children over five years shall be entitled to one seat.

Art. III. The sale of tickets shall commence at least a half hour before the train starts, at terminal and connecting stations, and a quarter of an hour at other stations.

Art. IV. Passengers may carry with them in the coaches, handbags, packages and parcels, which by their size, weight, appearance and other conditions offer no inconvenience to other passengers, or reduce the seating capacity of the cars.

Art. V. The Companies may issue limited tickets valid only for the special train for which they are sold. Should the passenger from any cause desist from the trip before the departure of the train, the Company shall reimburse the amount of said ticket to its owner, at the same window or office at which it was sold. After the departure of the train, the Company is not required to reimburse the holder of the ticket.

Art. VI. Passengers getting on trains at points where tickets are sold, not provided with tickets, may be required to pay the usual rates with an overcharge of twenty five cents.

CHAPTER II.

BAGGAGE.

Art. I. Rates per 100 kilograms and per kilometer :

From	1 to	10 Kms.,	inc.	3.6	Cts.
"	11 "	25 "	"	1.6	"
"	26 "	50 "	"	1.2	"
"	51 "	100 "	"	0.8	"
"	101 "	200 "	"	0.6	"
"	201 "	"	"	0.4	"

Art. II. No distance will be considered of less than ten kilometers.

No fraction of weight will be considered of less than 5 kilograms.

No charge less than 10 cents shall be made.

Art. III. Passengers holding full tickets shall be entitled to the free transportation of baggage when the same weighs 50 kilograms or less for first class passengers, and 30 kilograms or less for other passengers; and the Company shall deliver to each passenger the proper evidence for the baggage received for the purpose of transportation in the above manner. Children holding half tickets shall be entitled to one half the weights granted to adults.

Art. IV. The transportation of baggage shall be charged for by weight, and not by measurement. The rates for baggage shall be applied to the excess weight over the herein mentioned 50 and 30 kilograms.

Art. V. The receipt of baggage shall commence not later than one hour before the time for the train's departure at terminal and connecting stations, and half an hour at least at other stations.

Art. VI. Baggage is understood to mean the personal effects of passengers, clothes, and articles pertaining to their profession or trade, including also a bicycle belonging to the passenger.

Art. VII. In case of loss, delay or damage, the Company shall not be responsible for more than one hundred dollars for each 50 kilograms of baggage, unless the passenger shall previously make a declaration as to value and pay insurance at the rate of one eighth per cent ($\frac{1}{8}\%$) additional on such value.

Art. VIII. Baggage shall be carried on the same train as the owners thereof, and shall be delivered to such owners upon arrival of the train or at the latest one half hour afterwards.

Art. IX. Baggage not delivered on the day of arrival and packages and articles left by the passenger, will be stored by the Company to be delivered to the owners when called for, and a charge of

five (5) cents per day for each package during the first eight days shall be made, after which time they may be forwarded to public warehouses and treated in the same manner as merchandise, as hereinafter provided.

CHAPTER III.

EXPRESS.

Art. I. Articles of all kinds that are not the personal baggage of passengers, including money and valuables, carried on passenger trains, shall be considered as express matter.

Art. II. The rates and conditions to be applied to express transportation shall be $2\frac{1}{2}$ times the rates specified in the Base Tariffs for merchandise of first class. The rates shall be per 100 kgms. and per kilometer.

1 to 10 Kms, inc.	40½ cts.
11 " 25 " "	18 "
26 " 50 " "	13½ "
51 " 100 " "	9 "
101 " 200 " "	6¾ "
201 " ... " "	4½ "

Art. III. In addition to these rates, when the delivery is made to an express agency, in places where such offices exist apart from the Railway Stations and in cases where the Express calls for or delivers packages or parcels at the address of the sender or receiver, the following rates shall be charged for the service of calling for or delivering packages.

For parcels of 10	Klgs. or less,	5 cts. each.
" " " 11 to 25 inc.	" "	10 " "
" " " 26 " 50 " "	" "	15 " "
" " " 51 " 100 " "	" "	20 " "
" " " 101 " or more	" "	20 " per 100 Klgs.

These prices shall be applicable in Havana within the limits of the Calzada de Belascoain and the Bay; and in other towns of the Island, within the limits of each. Beyond the limits specified, the rates may be higher, but such increased rates must receive the approval of the Railroad Commission.

Art. IV. The Companies may refuse to transport any express parcel whose weight is over 250 kilograms.

Art. V. A rebate of twenty five (25) per cent shall be allowed on the following articles.

Trunks containing samples, carried on the same train as the traveling agent.

Beer, Bread, Butter, Cheese, Eggs, Ice, Fresh Fish, Fruits, Game, Milk, Mineral Waters, Oysters, Poultry, Hogs, Soda Water, Vegetables, and the like in lots of 25 kilograms or over. Poultry, Dogs and Hogs shall be shipped in coops or crates.

Art. VI. The Company may refuse to accept poultry, dogs, hogs, and other animals, unless contained in coops or crates, and should the shipment be made under other conditions than these, said Company may charge twice the amount of the baggage rate, according to the weight.

Art. VII. Empty cases upon return shall pay one fourth ($\frac{1}{4}$) of the rate when full.

Art. VIII. The liability of the Company in express shipments shall be limited to fifty dollars, unless the sender shall previously declare the value of such shipment and shall make payment at the rate established for money and valuables, on the amount so declared, in addition to the freight rates.

Art. IX. Money and valuables shall pay at the following rates:

RATE: One eighth per cent of the amount declared, and one eighth of one cent per kilometer, for every one hundred dollars.

$$\text{For } \$100.00 \quad 0,125 + K \times 0,00125$$

This tariff shall be applied to money either in gold or paper.

Art. X. Silver, copper coins, and other valuables will pay at the above rate for valuables, in addition to the Merchandise Express tariff.

Art. XI. Valuables of all kinds shall be placed in a strong covering tied and sealed, and provided the Company delivers the packages in the same condition they were received and with the seals unbroken, no responsibility shall attach to the Company.

CHAPTER IV.

MERCHANDISE IN LOTS OF LESS THAN 10 TONS.

Art. I. Rates per ton and per kilometer:

	1st. Class.	2nd. Class.	3rd. Class.	4th. Class
From 1 to 10 klms., inc.	18 Cts	13 $\frac{1}{2}$ Cts.	8 $\frac{3}{4}$ Cts.	6 Cts
11 to 25 klms	8 "	5 $\frac{1}{2}$ "	3 $\frac{1}{2}$ "	2 $\frac{3}{4}$ "
26 to 50 klms.	6 "	4 $\frac{3}{4}$ "	2 $\frac{3}{4}$ "	2 "
51 to 100 klms.	4 "	2 $\frac{1}{2}$ "	1 $\frac{1}{2}$ "	1 $\frac{1}{2}$ "
101 to 200 klms.	3 "	2 $\frac{1}{2}$ "	1 $\frac{1}{2}$ "	1 "
201 and upward	2 "	1 $\frac{7}{8}$ "	0 $\frac{1}{2}$ "	0 $\frac{3}{4}$ "

Art. II. All distances under 10 kilometers will be considered as 10 kilometers.

No fraction of weight will be considered, less than 10 kilograms.

Shipments less than 50 klgms. will be considered as 50 kilograms.

The minimum freight charge will be 25 cents.

Art. III. Merchandise weighing less than 500 kilograms per cubic meter of the volume of the case or box of customary shape containing it, may be considered as weighing 500 kilograms per cubic meter for the application of the tariff, or in other words, one half of the rate corresponding to the ton will be applied in such cases to the cubic meter.

Art. IV. The classification of merchandise shall be that contained in Order No. 61 of the Headquarters Department of Cuba, dated March 3, 1902, published in the GAZETTE, under the heading "Official Classification No. 1," and in which the following correction shall be made in the Spanish version:

In the 1st Class, change "Efectos de escribano" to "Efectos de escritorio."

In the 2nd Class, "Harina (N. E.)" should be left out.

In the 2nd. Class, "Stacas de cancha" should be "Estacas de carretas," and this article transferred to letter "E."

In the 3rd Class, "Cascos vacíos (D. A.)" should be "Cascos vacíos ó (D. A.)"

In the 3rd Class "Cobre" should be left out.

In the 4th Class "Mineral" should be "Minerales."

In the 4th Class, Grasa should be left out.

Art. V. Packages containing different kinds of merchandise shall take the highest class of any article in same for the purpose of applying the rates.

Art. VI. Merchandise not included in the classification shall be grouped with that to which it bears the closest relation.

Art. VII. The shipment and delivery of merchandise at the stations shall be at least between the hours of 7 A. M. and 4 P. M.

Art. VIII. Merchandise should be placed at the disposal of the consignee, at the receiving station, on the day following its shipment at the forwarding station, when the distance between such two stations is 150 kilometers or less. For every 150 kilometers one day will be added to the time for delivery.

Art. IX. At the time of placing the merchandise transported at the disposal of the consignee the Company should notify him of arrival either by mail or by posting the same at the delivering stations, stating the particulars and details concerning each lot; said

notice to remain for the inspection of the public for a period of at least three days.

Art. X. Merchandise should be removed by the consignee on the day it is received or the following day, and should such removal not be made within said term, dues for demurrage will be incurred according to the following tariff per ton and per day, for each day over and above the time specified, until eight days shall have elapsed.

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
30 Cts.	22 Cts.	14 Cts.	10 Cts.

After 48 hours the Company may, however, forward such merchandise to any public warehouse, at the risk of the shipper. Should the Company not take advantage of this right, however, and the merchandise remain at the railroad station, the Company shall not be permitted to charge for storing said merchandise, after the period of eight days has elapsed, more than is charged by public warehouses in the locality.

Merchandise which has not been removed at the end of six months may be sold at public auction as provided for in Art. XXI, Chapter XII of the Railroad Law.

Art. XI. Merchandise of a perishable nature which has not been removed and is in danger of being spoiled, may be sold at public auction as provided in Art. XIX, Chapter XII of the Railroad Law.

Art. XII. The Company shall reweigh the merchandise whenever the shipper shall require it, and if the weight ascertained by the Company shall prove to be correct, dues for reweighing shall be paid by the shipper, according to the following tariff, per ton:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
30 Cts.	22 Cts.	14 Cts.	10 Cts.

Art. XIII. In case of loss or damage, the Company shall not be required to pay to the owners of the merchandise, greater amounts per ton than the following:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
\$200	\$100	\$50	\$25

Should the value of the merchandise, however, be greater than the amounts fixed by the Maximum Tariff herein, the shipper, upon forwarding said merchandise may declare its value and pay one eighth, per cent ($\frac{1}{8}\%$) as insurance in addition to the freight, in which case the liability of the Company shall be in proportion to the value so declared.

CHAPTER V.

MERCHANDISE IN LOTS OF 10 TONS OR OVER.

Art. I. Shipments in lots of ten tons (10,000 kilograms) or over shall have a rebate of ten per cent (10%) on the rates fixed for the class to which they belong.

Art. II. In cases where the shipper or consignee does the loading or unloading of the merchandise from the railroad cars he shall be allowed as a rebate, in addition to said ten per cent (10%), for such loading or unloading, the charges per ton fixed in the following tariff:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
15 Cts.	11 Cts.	7 Cts.	5 Cts.

Art. III. The Company shall place at the disposal of shippers the cars required by them, for the purpose of loading at the latest on the day following that on which the request for said cars is made; and the shippers shall load the cars and place them at the disposal of the Company, loaded, at the latest on the day following that on which the cars have been furnished. When loaded by shippers the loading or unloading shall be done directly from or to the cars; and the Company shall so place the cars that these operations may be effected without difficulty.

Art. IV. The tariff of Re-weighing Dues and Maximum Payments for loss or damage, shall be applied to shipments of more than ten tons, with a rebate of ten (10) per cent.

The conditions for shipping, time limits, and other rules providing for shipment of less than ten tons, shall be applied also to shipments of over ten tons.

Art. V. The Company may provide cars for the exclusive use of shippers who apply for them, to be used for special purposes, and in such cases may charge the following rates per ton per day according to the capacity of the car:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
45 Cts.	33 Cts.	21 Cts.	15 Cts.

Art. VI. Companies owning lines within city limits or having tracks in same when said lines connect with public or private warehouses, at the ports or cities such lines not exceeding three (3) kilometers in length, shall make the following charge per ton for such services:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
30 Cts.	22 Cts.	14 Cts.	10 Cts.

Art. VII. The time for the return of cars used as above shall be limited to six hours, and unless such cars are returned to the Company within the time fixed herein, the Company may make an extra charge for the use of such tracks, for each period of six hour or fraction thereof over and above the first six hours.

Art. VIII. The Company shall be paid siding charges, per ton, according to the following tariff, whenever its cars shall remain on private sidings or switches, connecting with the lines of the Company, outside of its stations, for the purpose of being unloaded or loaded by the owner of the siding or switch:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
15 Cts.	11 Cts.	7 Cts.	5 Cts.

Art. IX. The Company shall charge the owners of private branch railroads connecting with its lines for the use of cars when these are used on such branch roads for purpose of loading or unloading merchandise carried over the Company's lines, the following rates per ton, per kilometer of such branch railroad:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
4 Cts.	2½ Cts.	1½ Cts.	1⅓ Cts.

Art. X. The time inside of which private parties shall place again at the disposal of the Company the cars used on sidings or switches and on branch railroads less than three (3) kilometers in length, shall be six (6) hours from the time of delivery of such cars, and for each additional kilometer in the length of said branch road one half hour more will be allowed over and above the first period of six hours. Any delay beyond the periods of time herein stated shall entitle the Company to collect the same charges for each like period or fraction thereof over the first.

Art. XI. If the Company is willing to haul the cars on private branch railroads it shall charge for such service the following rates per ton, per kilometer of length of said road:

1ST. CLASS.	2ND. CLASS.	3RD. CLASS.	4TH. CLASS.
12 Cts.	8.8 Cts.	5.6 Cts.	4 Cts.

This service shall not be obligatory.

CHAPTER VI.

SPECIAL CLASS A.—*Animals.*

Art. I. *1st Class.*—Horned cattle, Horses, Mules and Donkeys.

Rates per head and per kilometer.

From 1 to 10 kms., inc.	6	Cts.
“ 11 to 25 “ “	2 $\frac{2}{3}$	“
“ 26 to 50 “ “	2	“
“ 51 to 100 “ “	1 $\frac{1}{3}$	“
“ 101 to 200 “ “	1	“
“ 201 to . . . “ “	0 $\frac{2}{3}$	“

Art. II. *2nd. Class.*—Calves, Sheep, Goats, Hogs, Dogs:

Rates per head and per kilometer.

From 1 to 10 kms., inc.	3	Cts.
“ 11 to 25 “ “	1 $\frac{1}{3}$	“
“ 26 to 50 “ “	1	“
“ 51 to 100 “ “	0 $\frac{2}{3}$	“
“ 101 to 200 “ “	0 $\frac{1}{2}$	“
“ 201 to . . . “ “	0 $\frac{1}{3}$	“

Art. III. These tariffs shall be applied to shipments of animals by the head, and the halters, bridles, ropes, etc., shall be furnished by the shippers. The loading and unloading of animals and care of same shall be done by the owners, who may for these purposes send a person on the train, paying 3rd. Class fare. The Company shall attend to the loading and unloading when the owner is not present, or when he shall confide same to the Company, but in either case the Company shall not have any liability on this account.

Art. IV. The animals shipped shall be placed at the disposal of the consignees within two hours following the arrival of the train and they must be removed on the day of their arrival. From the day following their arrival owners will incur demurrage dues at the rate of 60 cents. per day per head for animals belonging to the 1st. Class and 30 cts. for those of the 2nd. Class.

Art. V. In case of damage or death of animals, when the Company is responsible for the same it shall not pay more than one hundred dollars per head for animals belonging to the first class and twenty dollars per head for those belonging to the 2nd. Class, unless the owner shall have previously declared their value and paid the sum of one half ($\frac{1}{2}$) per cent of such value, as insurance, in addition to the freight.

Art. VI. Animals and poultry in coops or crates, shall be consid-

ered as 2nd. Class merchandise. When not in coops or crates, they shall pay double first class rates.

Art. VII. Song birds and the like, in cages, shall be considered as 1st. Class merchandise.

Art. VIII. 3rd. Class. Animals carried in herds and which occupy an entire car or a number of them shall be paid for according to following tariff:

Rates per square meter of the floor of the car and per kilometer:

From 1 to 10 kms., inc.	3	Cts.
“ 11 to 25 “ “	1½	“
“ 26 to 50 “ “	1	“
“ 51 to 100 “ “	0¾	“
“ 101 to 200 “ “	0½	“
“ 201 to ... “ “	0¼	“

These rates shall be applied without regard to the number of animals that are shipped in each car.

Art. IX. In transporting animals or cattle, railroad companies are charged not to overload the cars, nor continue their confinement in cars for a longer period than twenty-four consecutive hours without unloading the same for rest, water and feeding, nor shall such animals be kept without water and feed for over ten consecutive hours. A railway company or an owner, agent, consignee or person in charge of the animal or cattle, who commits any of the above acts or allows them to be committed shall be subject to the penalty provided by Par. IV of Order 217, 1900. Said penalty shall be not applicable whenever the unloading of the animals or cattle for rest, water or feeding may have been unavoidably prevented; the foregoing provision in regard to the unloading of the animals shall not be applied whenever they are carried in cars in which they can and do have proper food, water and space for rest.

In estimating such confinement, the time during which the animals have been confined on the connecting roads from which the animals have been received, must be computed. If the owner, agent, consignee or other person in charge of such animals refuses or neglects upon demand to pay for the care or feed of any animals, while unloaded or rested, as hereinbefore specified, the railway company or other carriers thereof may charge the expenses thereof to the owner or consignee and shall have the right to retain said animals as a lien until the aforesaid expenses are paid.

CHAPTER VII.

CLASS B.—*Sugar, not refined.*

Art. I. Rates per ton and per kilometer.

From 1 to 10 klms., inc.	10.8 Cts.
“ 11 to 25 “ “	4.8 “
“ 26 to 50 “ “	3.6 “
“ 51 to 100 “ “	2.4 “
“ 101 to 200 “ “	1.8 “
“ 201 to . . . “ “	1.2 “

This tariff shall be applied to shipments of less than ten tons.

Art. II. The tariff of re-weighing dues, shall be 18 cts. per ton.

Art. III. The general rules relative to merchandise are also applicable to sugar.

Art. IV. Single shipments made in lots greater than ten tons shall be allowed a rebate of ten (10) per cent, and the shipper shall also be allowed a rebate for the loading and unloading done by him, at the rate of 9 cts. per ton, for each operation.

Art. V. The rate for switching on *City Tracks* shall be 18 cts. per ton.

The rate for *Siding Charges* shall be 9 cts. per ton.

The rate for the *Use of Cars* on private branch railroads shall be 2.4 cents per ton, per kilometer.

The rate for *hauling cars* on private branches, shall be 7.2 cents per ton and kilometer, but this service is not obligatory.

The rate for *Exclusive Use of Cars* shall be 18 cents per ton, per day.

Art. VI. The general rules for shipping merchandise in lots of over ten (10) tons shall also be applicable to the shipping of sugar.

Art. VII. The special tariff for non-refined sugar refers only to the local transportation of each company. For the purposes of combined transportation of non-refined sugar, said article shall be considered as merchandise of the 2nd. class.

CHAPTER VIII.

CLASS C.—*Sugar Cane.*

Art. I. Tariff of rates per ton and kilometer in lots of 10 tons or over, loading and unloading to be done by the owner :

Fom 1 to 10 klms., inc.	1.1 Cts.
“ 11 to 25 “ “	0.6 “
“ 26 to 50 “ “	0.45 “
“ 51 to .. “ “	0.3 “

Art. II. This tariff shall be applied to shipments of cane when hauled for the purpose of grinding at the mills or “Sugar Centrales” on the line; provided the “Central” shall ship the Sugar extracted from such cane, over the same Company’s line. Shipments of cane under other conditions shall be considered as 4th. Class merchandise.

Art. III. The rates for *Exclusive use of Cars* for cane, shall be 3¼ cents per ton of the capacity of the car, per day.

The rates for *Siding Charges* shall be 1½ cts. per ton.

The rate for *Use of Cars* on private branch railroads shall be ⅓ cts. per ton and per kilometer of length of said road.

The rate for *Hauling Cars* shall be one cent per ton and per kilometer of length of the branch road.

This service is not obligatory.

CHAPTER IX.

CLASS D.—*Molasses. (Miel de purga).*

Art. I. Molasses shall be considered as 4th Class merchandise, with the provision that the freight includes the return of the empties or empty tank cars.

CLASS E.—*Rum. (Aguardiente).*

Art. II. Rum shall be considered as 3rd. Class merchandise, with the provision that the freight includes the return of the empties.

CLASS F.—*Leaf Tobacco.*

Art. III. Leaf tobacco shall be considered as 2nd. Class merchandise.

Havana, April 25th, 1902.

The Railroad Commission :

SEAL.

<i>José R. Villalón.</i>	President.
<i>Leopoldo Cancio.</i>	} Members of the Commission.
<i>Perfecto Lacoste.</i>	

H. L. SCOTT,
Adjutant General.

No. 118.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 28, 1902.

I. Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following order:

1. That the foregoing order of the Railroad Commission of the Island of Cuba fixing maximum tariff rates, shall take effect on the twelfth day of May, 1902, and shall not be superseded or suspended by or pending any appeal therefrom, or from any part thereof.

2. That upon an appeal under the authority of the Railroad Law, Order No. 34, Headquarters Department of Cuba, February 7, 1902, the Supreme Court shall not be deemed to have jurisdiction to pass upon the power of the Military Governor to enact said law, or upon the validity of the provisions of the law itself, under which the Railroad Commissioners have acted in fixing rates and under which appeal is taken.

The jurisdiction of the Supreme Court upon such appeal is limited to passing upon the validity and propriety of the action of the Railroad Commissioners in the exercise of the powers conferred upon them by the law, and does not extend to questioning the existence of those powers.

LEONARD WOOD,
Military Governor.

No. 119.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 28, 1902.

The Military Governor directs the publication of the following Order:

Paragraph five. Chapter XIV, Order No. 34, current series, these Headquarters, is hereby amended to read as follows:

CHAPTER XIV.

APPEALS AND LIMITATIONS TO ACTIONS AND PROCEEDINGS RELATING TO RAILROAD CORPORATIONS.

V. All Railroad Companies or other corporations and private individuals. parties to proceedings carried on by or before the Railroad Commission shall have the right of appeal to such Supreme

Court from all decisions and orders, of such Commission, and such Court shall decide the same, sitting as a Court of Administration, and shall ~~review~~ review and revise such decisions and orders, of the said Commission, upon the facts as well as upon the Law; but such appeal shall not operate to stay or supersede the order of the Railroad Commission regulating or requiring movement of traffic.

Chapter XVI of said Order No. 34, current series, these Headquarters, is hereby revoked and the following substituted therefor:

CHAPTER XVI.

CRIMINAL LAW AFFECTING RAILROADS.

Every one is guilty of a crime, and liable to *Presidio Correctional* in its minimum to medium degree (imprisonment from 6 months and 1 day to 4 years and two months) who unlawfully with intent to injure or to endanger the safety of any person traveling or being upon any railroad:

I. Places or throws upon or across such railroad any wood, stone, or other matter or thing;

II. Takes up, removes or displaces any rail, railroad switch, sleeper or other matter or thing, belonging to such railroad, or injures or destroys any track, bridge or culvert of such railroad, or any portion thereof;

III. Turns, moves or diverts any point or other machinery belonging to such railroad;

IV. Makes or shows, hides or removes any signal or light upon or near to such railroad;

V. Does or causes to be done any other matter or thing with such intent; or

VI. Throws, or causes to fall upon or strike at, against, into or upon any engine, tender or car, any wood, stone or other matter or thing, with intent to injure or endanger the safety of any person being in and upon such engine, tender, or car, or in or upon any other engine, tender, or car of any train of which such first mentioned engine, tender, or car form a part or does any other unlawful act interfering with or endangering the working of a railroad or the employees thereof or passengers thereon.

VII. If any such acts cause death, the penalty shall be from *Reclusión Temporal* in its maximum degree (imprisonment from 17 years, + months 1 day to 20 years) to the extreme penalty of death. If any injury is done to persons the penalty shall be in conformity

with the Penal Code, not exceeding *Reclusión Temporal* in its minimum and medium degree (imprisonment from 12 years and one day to 17 years and 4 months).

VIII. Every one who is guilty of one of the acts specified in paragraphs I, II, III, IV, V and VI of this Chapter *without intent of causing injury to persons or loss of life*, shall be punished in conformity with the Penal Code.

IX. If any person shall stop or attempt to stop any railway passenger train, with intent to rob any person thereon, or to rob any coach attached thereto, or to wreck or attempt to wreck, derail or attempt to derail any such train, by any means whatever, with intent to commit such robbery; or shall obstruct or detain such train, or any locomotive, tender, coach or car attached thereto, with such intent, or shall place upon any railroad track, or under any engine, tender, coach, or car any explosive substance, with intent to obstruct, stop, detain, derail or wreck such train, for the purpose of committing such robbery, or remove any spike, fishplate, frog, rail, switch, tie, stringer, or appliance used on such railway, with intent to obstruct, stop, detain, derail or wreck such train for the purpose of committing such robbery; or shall enter any locomotive, tender, coach or car attached to such train and take or attempt to take possession thereof, for the purpose of committing such robbery; or shall rifle any coach, car, safe, box or mail pouch on such train; or shall with force and arms take and carry away any valuable thing whatever from such train, or from any person thereon; or shall intimidate, injure, wound, or maim any person thereon, with intent to commit such robbery, he shall, upon conviction thereof, be punished with *Reclusión Temporal* in its minimum and medium degrees (imprisonment from 12 years and one day to 17 years and 4 months). If death results from such acts the penalty shall be *Reclusión Temporal* in its maximum degree (imprisonment from 17 years, 4 months and one day to 20 years) to the extreme penalty of death.

X. Every one is guilty of a crime and liable to *Presidio Correccional* in its minimum and medium degrees (imprisonment from 6 months and one day to 4 years and two months) who steals anything in or from any railway station or building, in actual use or necessary for the operation of the railroad, or from any engine, tender or vehicle of any kind in actual use on any railway.

XI. Every one is guilty of a crime and liable to *Prisión Correccional* in its minimum degree (imprisonment from 6 months, one day to 2 years and 4 months), who by any act wilfully obstructs or interrupts, or causes to be obstructed or interrupted, the construction, maintenance or free use of any railway or any part thereof, or any matter or thing appertaining thereto or connected therewith. But nothing in this Order shall limit the right of employees either individually or collectively to leave the service of

the Company except while in train service between stations as provided in Article XVIII of this chapter.

XII. If any person not employed thereon, or not an officer of the law in the discharge of his duty, gets upon any locomotive, engine or car of any Railroad Company at the established depots of such Company, or gets upon, clings to or otherwise attaches himself to any such engine or car, for the purpose of riding upon the same in violation of the regulations of the Company, he shall be guilty of a misdemeanor and liable to a fine not exceeding ten dollars or in default of payment to a term of imprisonment not exceeding ten days.

XIII. Where a person jumps from a train in motion, the law will presume that an injury sustained by such act is the result of his own negligence.

XIV. Every person not connected with the Railroad Company or employed by the Company, who walks along the track thereof, except where the same is laid across or along a highway, is liable to a penalty not exceeding ten dollars or in default of payment to a term of imprisonment not exceeding ten days.

XV. Every person who enters upon any Railroad train without the knowledge or consent of an officer or employee of the Company, with intent fraudulently to be carried upon the said railroad without paying fare thereon, and refusing on demand to pay the legal fare, is liable to a penalty not exceeding ten dollars, or in default of payment, to imprisonment for a term not exceeding ten days.

XVI. Every person who rides, leads or drives any horse or other animal, or suffers any such horse or other animal to enter upon a railroad, within the fences and guards, other than the farm crossings, without the consent of the Company, shall be liable to a penalty not exceeding ten dollars or in default of payment imprisonment not exceeding ten days and shall also pay to any person aggrieved all damages sustained thereby.

XVII. No engineer, fireman, or conductor on train service, no switchman or flagman on duty and no train dispatcher actually on duty shall be taken into custody, arrested or removed from his post in any case whatsoever, without notice being first given to the Chief of the Department to which he belongs in order that such Chief of Department may be able to substitute other employees in the place of such as have been taken into custody or arrested. The police may, however, take such measures as will prevent the escape of any such employees to be taken into custody or arrested, but whatever may be done shall in no way affect the operation and service of the railroad during the time the Chiefs of the Department are providing substitutes.

XVIII. All Railroad employees whose labor is essential to the

operation of railroads, who abandon their posts while on train service between stations, without notice and without giving sufficient time to have others substituted in their places and duties, shall be guilty of a crime, punishable by *Arresto Mayor* (imprisonment of 1 month and one day to 6 months) and shall be liable for injuries occasioned by such act to the punishment prescribed in the Penal Code.

XIX. Within a zone of thirty meters, on each side of the track of a Railroad for public service, no buildings with roofs of combustible materials shall be built or allowed except as hereinafter provided; no explosives shall be kept or stored; and no plants of combustible character shall be cultivated, and persons who commit any of the acts forbidden in this section shall be liable to a fine of from ten to fifty dollars according to the gravity of the offence, without prejudice to any greater punishments imposed by this Order or the Penal Code. Such persons as own lands within such zone of thirty meters on either side of the track of a railroad for public service may erect on their lands buildings with roofs of combustible materials provided they execute and deliver to the respective Railroad Companies an agreement in writing containing a release from any claim for damages incurred for loss by fire of such building so erected.

XX. All crimes and misdemeanors relating to railroads, the penalties for which are not included within this chapter shall be subject to the provisions of the Penal Code in force in Cuba.

XXI. The jurisdiction of the courts which shall take cognizance of the crimes and misdemeanors specified in this Order, shall be determined in accordance with the amount or nature of the penalties prescribed, in pursuance of existing law in Cuba.

H. L. SCOTT.

Adjutant General.

No. 120.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 28, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order:

Dr. *J. M. Quilez*, Civil Governor of the Province of Pinar del Río, having tendered his resignation, due to ill health, same is hereby accepted. Mr. *Rafael Escasena y Ferragut*, now acting Civil Governor, is appointed to succeed *Dr. Quilez*.

H. L. SCOTT,

Adjutant General.

No. 121.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 28, 1902.

The Circular of the Department of State and Government of April 9, 1902, published in the OFFICIAL GAZETTE of April 10, 1902, and suspended by Order No. 105, April 15, 1902, is hereby declared revoked and without effect, the Military Governor believing that all persons who deem themselves deprived of, or injured in their rights should appeal to the Courts of Justice.

H. L. SCOTT,
Adjutant General.

No. 122.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, April 29, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of, and hereby re-enact in such form as to enable their continued enforcement pending such action as the Congress of Cuba may take thereon, the following provisions of law relating to Quarantine which have been in force in Cuba since January 17, 1899, by authority of the President's order of that date making them applicable to Cuba.

QUARANTINE LAWS AND REGULATIONS OF CUBA.

Section I. It shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of Cuba except in accordance with the provisions of this order and with such rules and regulations of State and Municipal health authorities as may be made in pursuance of, or consistent with, this order; and any such vessel which shall enter, or attempt to enter, a port of Cuba in violation thereof shall forfeit to Cuba a sum, to be awarded in the discretion of the court, not exceeding five thousand dollars, which shall be a lien upon said vessel, to be recovered by proceedings in the proper court of Cuba. In all such proceedings the Public Prosecutor for such district shall appear on behalf of Cuba; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of Cuba.

Section II. Any vessel at any foreign port clearing for any port

or place in Cuba shall be required to obtain from the consul of Cuba or acting for Cuba, vice-consul, or other consular officer of Cuba at the port of departure, or from the medical officer where such officer has been detailed by the Chief Executive of Cuba for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of Finance, setting forth the sanitary history and condition of said vessel, and that it has in all respect complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting said duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as required in other cases.

The Chief Executive of Cuba, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of Cuba, shall forfeit to Cuba not more than five thousand dollars, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper court of Cuba. In all such proceedings the Public Prosecutor for such district shall appear on behalf of Cuba; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of Cuba.

Section III. The Secretary of Finance shall, upon the recommendation of the Chief Quarantine Officer, make such additional rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in Cuba, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew; which shall be published and communicated to and enforced by the consular officers of Cuba. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this order, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of Cuba for ten days, in the port from which said vessel sailed: and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting, in any court of Cuba.

Section IV. It shall be the duty of the Chief Quarantine Officer, under the direction of the Secretary of Finance, to perform all the

duties in respect to quarantine and quarantine regulations which are provided for by this order, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into Cuba, and to this end the consular officer of Cuba at such ports and places as shall be designated by the Secretary of Finance shall make to the Secretary of Finance weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of Finance shall prescribe; and the Secretary of Finance shall also obtain, through all sources accessible, including State and Municipal sanitary authorities throughout Cuba, weekly reports of the sanitary condition of ports and places within Cuba, and shall prepare, publish and transmit to collectors of customs and to State and Municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary co-operation of State and Municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interest.

Section V. The Secretary of Finance shall from time to time issue to the consular officers of Cuba and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers and crew, before their departure for any port in Cuba, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular officer or other officer of Cuba, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of Cuba.

Section VI. On the arrival of any infected vessel at any port not provided with proper facilities for the treatment of the same, the Secretary of Finance may remand said vessel, at its own expense, to the nearest national or other quarantine station, where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the Cuban quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious diseases, or danger of conveying the same, said vessel shall be admitted to entry to any port of Cuba named within the certificate.

Section VII. Whenever it shall be shown to the satisfaction of the Chief Executive of Cuba that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into Cuba, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the Chief Executive of Cuba shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

Section VIII. There shall be purchased or erected as required, under the orders of the Chief Executive, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine or other restraint, pursuant to the health laws of the State, at such convenient places therein as the safety of the public revenue and the observance of such health laws may require.

Section IX. Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of Finance for all public warehouses and inclosures.

Section X. The Secretary of Finance is authorized, whenever a

conformity to such quarantines and health laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom otherwise than is allowed by law, or according to the regulations hereinafter established.

Section XI. The master of any vessel employed in transporting passengers between Cuba and Europe is authorized to maintain good discipline and such habits of cleanliness among the passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks and all parts of the apartments so that they can be thoroughly cleansed, and also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers can not be mustered on deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section the master and owner of any such vessel shall be severally liable to Cuba in a penalty of fifty dollars, to be recovered in any court within the jurisdiction of which such vessel may arrive or from which she is about to depart, or at any place where the owner or master may be found.

Section XII. Whenever any person shall trespass upon the grounds belonging to any quarantine reservation, such person, trespassing, shall, upon conviction thereof, pay a fine of not more than three hundred dollars, or be sentenced to imprisonment, for a period of not more than thirty days, or shall be punished by both fine and imprisonment, at the discretion of the court. And it shall be the duty of the Public Prosecutor in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Quarantine Service of Cuba, or by any officer of the customs service.

Section XIII. Any officer, or person acting as an officer, or agent of Cuba at any quarantine station, or other person employed to aid in preventing the spread of such disease, who shall wilfully violate any of the quarantine laws of Cuba, or any of the rules and regulations made and promulgated by the Secretary of Finance, as provided for in Section V of this act, or any lawful order of his superior officer or officers, shall be deemed guilty of a misdemeanor, and upon

conviction shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Section XIV. When any common carrier or officer, agent, or employé of any common carrier shall wilfully violate any of the quarantine laws of Cuba, or the rules and regulations made and promulgated as provided for in Section V of this act, such common carrier, officer, agent, or employé shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than two years, or both, in the discretion of the court.

QUARANTINE REGULATIONS TO BE OBSERVED AT FOREIGN PORTS AND AT SEA.

ARTICLE 1.—*Bills of Health.*

Par. 1. Masters of vessels departing from any foreign port for a port in Cuba must obtain a bill of health in duplicate signed by the proper officer or officers of Cuba, or acting for Cuba, as provided for by law, except as provided for in par. 5.

The following form is prescribed:

Par. 2. Bill of health:

FORM NO. 1.

Cuban Bill of Health.

Name of vessel,..... Nationality,.....
 Rig..... Tonnage, gross,.....;
 net,..... Iron or wood,..... Number of compartments for
 cargo,.....; for steerage passengers,.....; for crew,.....
 Name of medical officer,.....
 Number of officers,.....
 Number of members of officers families.....
 Number of crew, including petty officers.....
 Number of passengers, cabin,.....
 Number of passengers, steerage,.....
 Number of persons on board, all told,.....
 Port of departure,.....
 Where last from,.....
 Number of cases of sickness and character, during last voyage,.....
 Vessel engaged in..... trade, and plies between
 and
 Sanitary condition of vessel,.....
 Nature, sanitary history, and condition of cargo.....
 Source and wholesomeness of water supply,.....
 Source and wholesomeness of food supply.....
 Sanitary history and health of officers and crew,.....
 Sanitary history and health of passengers, cabin,.....
 Sanitary history and health of passengers, steerage,.....
 Sanitary history and condition of their effects,.....
 Prevailing diseases at port and vicinity,.....
 Location of vessel while discharging and loading,—open bay or wharf,

Number of cases and deaths from the following named diseases during the past two weeks:

Diseases,	No. of Cases.	No. of Deaths.
Yellow fever.....
Asiatic cholera.....
Cholera nostras or cholerae.....
Smallpox.....
Typhus fever.....
Plague.....
Leprosy.....

Number of cases of sickness and character of same while vessel was in this port,.....
 Any conditions affecting the public health existing in the port of departure or vicinity to be here stated.....
 I certify that the vessel has complied with the rules and regulations made under the act of..... and that the vessel leaves this port bound..... for..... Cuba, via.....
 Given under my hand and seal this day of 190..
 (Signature of consular officer).....

Par. 3. Vessels clearing from a foreign port for any port in Cuba and entering or calling at intermediate ports, must procure at all said ports a supplemental bill of health, signed as provided in Article I. If a quarantinable disease has appeared on board the vessel after leaving the original port of departure, or other circumstances presumably render the vessel infected, the supplemental bill of health should be withheld until such sanitary measures have been taken as are necessary.

Par. 4. The following form is prescribed:

Supplemental Bill of Health.

Port of.....
 Vessel..... Bound for....., to.....Cuba.
 Sanitary condition of port..... and that the vessel leaves this
 State diseases prevailing at port and in surrounding country.....

Number of cases and the deaths from the following named diseases during the past two weeks:

Diseases.	No. of Cases.	No. of Deaths.	Remarks.
Yellow fever...	(Any condition affecting the public health existing in the port to be stated here.)
Asiatic cholera or cholerae.....	
Smallpox.....	
Typhus fever..	
Plague.....	
Leprosy.....	

Number and sanitary condition of passengers and crew landed at this port.....
 Cabin No..... Sanitary condition and history.....
 Steerage No..... Sanitary condition and history.....
 Crew No..... Sanitary condition and history.....
 Sanitary condition of effects.....
 If disembarked on account of sickness, state disease.....
 Number and sanitary condition of passengers and crew taken on at this port and sanitary condition of effects.....
 Cabin No..... Sanitary condition and history.....
 Steerage No..... Sanitary condition and history.....
 Crew No..... Sanitary condition and history.....
 Sanitary condition of effects.....
 Sanitary condition of vessel since leaving port.....

(FORM.)

(Cancel Form A, B or C, as the case requires.)

A. To the best of my knowledge and belief no quarantinable disease has appeared aboard since leaving.

(Form A will be used at intermediate ports where the vessel does not enter and clear.)

B. I have satisfied myself that no quarantinable disease has appeared aboard since leaving.

(Form B will be used at intermediate ports where the vessel enters and clears.)

C. Since leaving the following quarantinable disease has appeared on board and I certify that the necessary sanitary measures have been taken.

I certify also that with reference to the passengers, effects and cargo taken on at this port, the vessel has complied with the rules and regulations made under the act of.....

Given under my hand and seal this day of 190..

(Signature of consul acting as such for Cuba.).....

Par. 5. During the prevalence of any of the quarantinable diseases at the foreign port of departure vessels above referred to are hereby required to obtain from the consular officer of Cuba, or from the medical officer of Cuba, when such officer has been detailed by the Chief Executive of Cuba for this purpose a bill of health, in duplicate, in the form prescribed by the Secretary of Finance of Cuba.

ARTICLE II.—*Inspection.*

Par. 1. The officer issuing the bill of health will satisfy himself by inspection, if necessary, that the conditions certified to therein are true.

Par. 2. Inspection is required of:

(a) All vessels from ports at which cholera prevails, or at which yellow fever, smallpox or typhus fever prevails in epidemic form.

(b) All vessels carrying steerage passengers.

But the inspection of this class may be limited to said passengers and their living apartments, if from a healthy port.

Par. 3. Inspection of the vessel is such an examination of the vessel, cargo, passengers, crew, personal effects of same, and including examination of manifest and other papers, food and water supply, as will enable him to determine if these regulations have been complied with.

Par. 4. When an inspection is required, it should be made by daylight, as late as practicable before sailing. The vessel should be inspected before the passengers go aboard, the passengers just before embarkation, and the crew on deck; and no cargo or person should be allowed to come aboard after such inspection, except by permission of the officer issuing the bill of health.

ARTICLE III.—*Requirements with regard to Vessels.*

Par. 1. Vessels prior to stowing cargo or receiving passengers, shall be mechanically clean in all parts, especially the hold, forecastle and steerage: the bilges and limbers free from odor and deposit. The air streaks should be sufficient in number and open for ventilation. Disinfection of the vessel may be required by the medical officer of Cuba or acting for Cuba.

Par. 2. If any infectious disease has occurred during the last voyage, the portions of the vessel liable to have been infected should be disinfected. When required, this should be done by one of the methods hereinafter described.

Par. 3. The food and water supply should be sufficient and water for drinking purposes, free from possibility of pollution, should be easily accessible.

Par. 4. Vessels departing from a port where cholera prevails should have two medical officers if more than 250 steerage passengers are carried.

Par. 5. All bedding provided for steerage passengers must be destroyed or disinfected before being again used or landed, and mattresses and pillows used by steerage passengers shall not be landed.

Par. 6. The hospitals of vessels carrying steerage passengers should be located on the upper or second deck and not in direct communication with any steerage compartment.

Par. 7. Excepting when absolutely required, no solid partitions should be placed in any steerage compartment, obstructing light and air.

ARTICLE IV.—*Cargo.*

Par. 1. At ports infected with cholera; earth, sand, loam, soft or porous rock should not be taken as ballast. Nor at ports infected with yellow fever should such ballast be allowed on board vessels, when better material, such as hard rock is obtainable, or when it is possible to use water ballast.

Par. 2. Certain food products, viz: unsalted meats, sausages, dressed poultry, dried and smoked meats, rennets, fresh butter, fresh milk (unsterilized), fresh cheese, fresh bread, fresh vegetables, coming from cholera-infected localities, or through such localities, if exposed to infection therein, should not be shipped.

Par. 3. Fresh fruits from districts where cholera prevails shall be shipped only under such sanitary supervision as will enable the inspector to certify that they have not been exposed to infection.

Par. 4. Articles of merchandise, personal effects, and bedding, coming from a district known to be infected, or as to the origin of which no positive evidence can be obtained, and which the consular or medical officer has reason to believe are infected, should be subjected to disinfection prior to shipment by processes prescribed for articles according to this class.

Par. 5. New merchandise in general may be accepted for shipment without question and articles of new merchandise, textile fabrics and the like which have been packed or prepared for shipment in an infected port or place, with a special view to protect them from moisture incident to the voyage, may be accepted and exempted from disinfection.

Par. 6. All rags and all textile fabrics used in the manufacture of paper, collected or packed in any foreign port or place, must, prior to shipment to Cuba, be subjected to disinfection by one of the prescribed methods.

(Old jute bags, old cotton bags, old rope, new cotton and linen cuttings from factories not included.)

Par. 7. Rags, old jute, old gunny, old rope and similar articles, gathered or packed or handled in any port or place where cholera or yellow fever prevails, or smallpox or typhus fever prevails in an epidemic form, should not be shipped until the officer issuing the bill of health shall be satisfied that the port or place has been for thirty day free from such infection, and after disinfection of the articles.

Par. 8. New feathers for bedding; human and other hair, unmanufactured; bristles, wool, hides not chemically cured, coming from a district where cholera prevails, shall be refused shipment until thirty days have elapsed since last exposure, unless unpacked and disinfected as hereinafter provided.

Feathers which have been used should be disinfected and invariably by steam.

Par. 9. The articles enumerated in the preceding paragraph coming from a district where yellow fever prevails, destined for ports or places in Cuba, or where smallpox or typhus fever prevails in epidemic form, should be refused shipment unless disinfected as hereinafter provided.

Par. 10. Articles, such as gelatin, glue, glue-stock, fish-glue, fish bladders, fish skins, sausage casings, bladders, dried blood, having been in any way liable to infection in the process of preparation, gathering or shipment, should be disinfected.

Par. 11. Any covering shipped from or through an infected port or place, and which the consul or medical officer has reason to believe infected, should be disinfected.

Par. 12. Any article presumably infected, which cannot be disinfected, should not be shipped.

(Upholstered furniture, sheepskins used as wearing apparel, bedding, bones, horns and hooks.)

ARTICLE V.—*Passengers and Crew.*

Par. 1. Passengers, for the purposes of these regulations, are divided into two classes, cabin and steerage.

Par. 2. No person suffering from a quarantinable disease, or scarlet fever, measles or diphtheria, should be allowed to ship.

Par. 3. Steerage passengers, and crew, who in the opinion of the inspecting officer, have been exposed to the infection of typhus fever, should not be allowed to embark for a period of at least fourteen days after such exposure and the disinfection of their baggage.

Par. 4. Steerage passenger and crew, coming from districts where smallpox prevails in epidemic form, or who have been exposed to smallpox, shall be vaccinated before embarkation, unless they show evidence of immunity to smallpox by previous attack or recent successful vaccination.

Par. 5. When practicable, passengers should not ship from an infected port. Steerage passengers coming from cholera infected districts, must be detained five days in suitable houses or barracks located where there is no danger from infection, and all baggage disinfected, as hereinafter provided; the said period of five days to begin only after the bathing of the passengers, disinfection of all their baggage and apparel, removal of all food brought with them, and isolation from others not so treated.

Par. 6. Steerage passengers from districts not infected with cholera, shipping from a port infected with cholera, unless passed through without danger of infection, and no communication allowed between passengers and the infected locality, should be treated as those in the last paragraph.

Par. 7. Prior to sailing from ports infected with cholera, each passenger of the cabin should produce satisfactory evidence as to his exact place of abode during the five days immediately preceding embarkation, and if it appears that he or his baggage has been ex-

posed to contagion, such passenger should be detained such length of time as shall be deemed necessary by the inspecting officer, and the baggage should be disinfected.

Par. 8. The rules prescribed for the disinfection of the baggage and personal effects of passengers and crew coming from cholera-infected ports should also be observed with regard to passengers and crew coming from ports and places where plague, yellow fever, typhus fever or smallpox is prevailing in an epidemic form.

Par. 9. Should cholera break out in the barracks or houses in which the passengers are undergoing the five days observation, no passenger from said house or barracks should embark until five days isolation from the last case and a repetition of the sanitary measures previously taken.

Par. 10. All baggage of steerage passengers destined for Cuba shall be labeled. If the baggage has been inspected and passed, the label shall be a red label bearing the name of the port, the steamship on which the baggage is to be carried, the word "Inspected" in large type, the date of inspection, and the seal or stamp of the consular or medical officer acting for Cuba. All baggage that has been disinfected shall bear a yellow label, upon which shall be printed the name of the port, the steamship upon which the baggage is to be carried, the word "Disinfected" in large type, the date of disinfection, and the seal or stamp of the consular or medical officer acting for Cuba. It is understood, and it will be so printed on the blank, that the label is not valid unless bearing the consular or medical officer's stamp or seal.

Par. 11. Each steerage passenger should be furnished with an inspection card (see form below). This card, stamped by the consular or medical officer, is to be issued to every member of a family, as well as to the head thereof.

Par. 12. INSPECTION CARD.

(Immigrants and steerage passengers.)

Port of departure.....	Date of departure.....
Name of ship.....	Name of immigrant.....
Last permanent residence.....	
Inspected and passed at.....	
Passed at quarantine port of.....	
Passed by Immigration Bureau, port of.....	
Seal or stamp of consular medical officer.....	
Date.....	Date.....

(The following to be filled in by ship's surgeon or agent prior to or after embarkation.)

Ship's list or manifest.....	No. on ship's list or manifest.....
Berth No.....	Steamship..... Inspection.....
	1st day..... 2nd..... Etc. etc.

(To be punched by ship's surgeon at daily inspection.)

VACCINATED.

(SIGNATURE OR STAMP.)

(Reverse Side.)

Keep this Card to avoid detention at Quarantine and on Railroads in Cuba.

• Diese Karte muss aufbewahrt werden, um Aufenthalt an der Quarantane, sowie auf den Eisenbahnen der Vereinigten Cuba.

Cette carte doit être conservée pour éviter une détention à la Quarantaine ainsi que sur les chemins de fer de Cuba.

Deze kaart moet bewaard worden ten einde opomhoud aan de Quarantijn, al ook op de ijzeren wegen der Cuba, te vermijden.

Conservato questo biglietto onde evitare detenzione alla Quarantina e sulle Ferrovie degli Cuba.

Tento listek musite uschovati, nechceti-li ukarantény (zastavení chledne zjistení zdravi) neb na dráze ve Cuba.

Tuto kartocku treba trimat'u sebe aby sa predesilo zderzovanú p karantene aj na zeleznici e Cuba.

Par. 13. Cabin passengers from cholera-infected ports or places should be given a special inspection card, on which shall be printed the port of departure, name of passenger, name of ship, date of departure, and an indicated space for the seal or stamp of the consular or medical officer.

Par. 14. The baggage of such cabin passengers shall be labeled in the same manner as steerage passengers.

Par. 15. In a port where cholera prevails, or where yellow fever prevails in epidemic form, the crews of passenger ships should remain on board during their stay. Should additional men be shipped, the same precautions should be observed with them as in the case of steerage passengers. If it is considered necessary, the crews of freight ships may be similarly treated at the discretion of the medical officer.

Par. 16. Passengers and crews, merchandise and baggage, prior to shipment at a non-infected port, but coming from an infected locality, should be subject to the same restrictions as are imposed in an infected port.

Par. 17. Cuban vessels shall not ship men in ports where small-pox or yellow fever prevails, unless such men have been inspected and passed by the quarantine officer.

ARTICLE VI.—*Requirements at Sea.*

Par. 1. The master of the vessel should cause the following rules (which comprise those recommended by the International Conference of Rome, 1885) to be observed during the voyage.

(a) The soiled body linen of passengers and crew suffering from infectious disease should be at once immersed in boiling water, or in a disinfecting solution.

(b) The water-closets should be washed and disinfected twice a day.

(c) Rigorous cleanliness and free ventilation should be maintained during the voyage on board all ships.

Par. 2. An inspection of the vessel, including the steerage, should be made by the ship's physician once each day.

Par. 3. Should cholera, (or cholerae), yellow fever, typhus fever or smallpox appear on board a ship while at sea, those who first show symptoms of these diseases will be immediately sent to the hospital; the ship's physician will then immediately notify the captain, and all of the effects liable to convey infection which have been in use will be destroyed or disinfected.

Par. 4. The compartments of those who fall sick with infectious diseases should be disinfected and, as far as possible, the compartments thus disinfected should be freely exposed to the air. If the vessel is an iron steamer and the compartments suitable, the entire compartment should be disinfected by steam. The articles liable to convey infection should remain in the compartments during the disinfection. After disinfection of the compartments, the bedding and clothing may be removed and dried.

Par. 5. Patients with infectious diseases should be isolated.

Par. 6. The hospital should be disinfected as soon as it becomes vacant.

Par. 7. The dead should be enveloped in a sheet saturated with one of the strong disinfecting solutions, without previous washing of the body, and at once placed in a coffin hermetically sealed, or buried at sea.

Par. 8. A clinical record should be kept on the prescribed form by the ship's surgeon, of all cases of sickness on board, and delivered to the quarantine officer at the port of arrival.

Par. 9. Under the foregoing paragraphs disinfecting solutions are limited to the following: Strong; acid solutions of bichloride of mercury (1 to 500); a 1 to 20 solution of pure carbolic acid. Weak: acid solution of bichloride of mercury (1 to 1,000); pure carbolic acid, 1 to 40.

Par. 10. (Form of clinical report).

Name.	Age.	Sex.	Last Permanent Residence.	Date of Admission.	Disease.	Discharged.	Result.
Clinical history							
.....							
Clinical history							
.....							
Clinical history							
.....							
Clinical history							
.....							

Par. 11. Sailing vessels leaving ports infected with yellow fever and destined for any port in Cuba, which is not provided with proper facilities for treatment, shall, during the quarantine period, be directed by the consular or medical officer to proceed for disinfection and treatment to some quarantine station in Cuba provided with the required facilities.

ARTICLE VII.—*Disinfection.*

Par. 1. The disinfection of iron vessels shall be as follows:

(a) *Holds.*—After mechanical cleansing, the hold to be thoroughly washed with an acid solution of bichloride of mercury, 1 to 800 (mercury 1 part, hydrochloric acid 2 parts, water 800 parts), applied under pressure to all surface by means of a hose.

IN CASE THE DISINFECTION IS REQUIRED FOR YELLOW FEVER.

If the cargo is so stowed as to admit of disinfection, the hold and cargo may be disinfected without breaking bulk, by sulphur dioxide, 10 per cent per volume strength, forty-eight hours exposure for iron and seventy-two hours for wooden vessels.

(b). *Steerage and forecastle.*—The same treatment should be given the steerage and forecastle as the hold, but when practicable,

steam disinfection of these compartments should be practised. The temperature in all parts of the compartments is to be not less than 100° C.

(Temperature to be recorded).

(c). *Cabins, officers' quarters, staterooms, etc.*—The bedding, fabrics, and carpets should be removed and disinfected by steam. After thorough mechanical cleansing, the exposed surfaces of fabrics, which cannot be removed, should be washed with a solution of bichloride of mercury, 1 to 1000 or 3 per cent solution of carbolic acid, both of which should be removed, but not under two hours. Afterwards the apartments should be thoroughly dried and aired.

Par. 2. The disinfection of wooden vessels is to be accomplished as follows: After mechanical cleansing, washing out the bilges until clean, etc. (first) by fumigation, by sulphur dioxide, 10 per cent strength, twenty-four hours in the cabin and forecastle and forty-eight hours in the hold; and (second) flushing or washing with acid solution of bichloride of mercury in large quantity (1 to 800). The bilges to be first flushed with sea water, pumped out, and then treated with the acid solution of bichloride of mercury in large quantity, allowed to remain in long contact. In addition to the sulphur fumigation of such apartments, the cabins, forecastle and other apartments, and their contents to be treated as those on iron vessels.

CARGO.

Par. 3. Disinfection of rags and old jute, etc. shall be by one of the following methods:

(a) By boiling in water for not less than thirty minutes.

(b) By steam at the temperature of 100 C. for not less than thirty minutes after such temperature is reached.

(c) By exposure for not less than six hours in a closed compartment to a 4 per cent strength (per volume) of sulphur dioxide gas, made by burning roll sulphur, or by the liberation of liquefied sulphur dioxide,—allowance to be made for leakage by increasing the amount of sulphur.

Par. 4. In all the above methods the rags, old jute, etc., must be unbaled, and in the disinfection by steam or sulphur, the rags must be loosely spread on racks (preferably wire netting) in layers of not more than 6 inches in depth, and in such a manner as to insure the diffusion of the gas to all parts alike.

The articles must not at any time occupy more than 50 per cent of the total cubic space, and the exposure to date from the complete combustion of the sulphur.

Par. 5. New feathers for bedding shall be disinfected by one of the following methods:

(a) By steam at a temperature of 100-C for a period of thirty minutes after such temperature has been reached.

(b) By exposure to sulphur dioxide, 4 per cent strength, per volume, for not less than six hours.

Par. 6. Human hair or other hair, unmanufactured, and bristles to be disinfected by sulphur dioxide, 4 per cent strength, per volume, six hours, or if not clean, by a solution of pure carbolic acid, 4 per cent strength, the articles to be thoroughly saturated.

Par. 7. Wool to be disinfected by sulphur dioxide, 4 per cent strength, per volume, for not less than twenty hours, the wool to be unbaled and loosely spread on racks, as in the manner provided for the disinfection of rags.

Par. 8. Hides to be disinfected by sulphur dioxide, 4 per cent strength, per volume, for not less than twenty hours, or by thorough saturation with a solution of pure carbolic acid, 4 per cent strength; hides to be invariably unbaled for the purpose.

(Polished metal is injured by mercury and leather by steam.)

Par. 9. Articles mentioned in paragraph 10, Article 4, should be disinfected by being spread on racks and exposed to sulphur dioxide, 4 per cent per volume, twenty hours.

Par. 10. Coverings should be disinfected:

(a) In the hold by exposure to sulphur dioxide 10 per cent strength, per volume, for twelve hours: the cargo being so stowed as to allow access to all parts of such surfaces.

(b) By breaking bulk and exposure to sulphur dioxide, 4 per cent strength, per volume, for twenty-four hours.

(c) By wetting thoroughly with solution of bichloride of mercury, 1 to 800.

Par. 11. The disinfection of personal effects prescribed by these regulations should be as follows:

(A) Clothing and bedding should be disinfected by:

(1) Exposure to steam from 100 to 102 C for thirty minutes after such temperature is reached, or by boiling for thirty minutes.

(2) Immersion in bichloride solution, 1 to 800, or solution of pure carbolic acid 3 per cent until thoroughly wetted and allowed to dry before washing. This last process (2) to be used only for articles that will be injured by steam or boiling.

(B) Cooking and eating utensils should be immersed in boiling water.

Note.—A 4 per cent per volume strength of sulphur dioxide can

be obtained by burning not less than 4 pounds 2 ounces of sulphur to each 1,000 cubic feet of space; the compartment to be air-tight.

A 10 per cent per volume strength can only be obtained by one of the following methods: By the use of a special furnace, or by liquefied sulphur dioxide gas.

ARTICLE VIII.—*Records, Reports, etc.*

The officer making the inspection will preserve in his office a record of each inspection made. A copy of said record will be forwarded weekly to the Chief Officer of Quarantine Service at Havana, Cuba.

In addition to the duties already prescribed, the medical officer, when detailed in accordance with this Order, shall furnish such reports to the Chief Officer of Quarantine as may be required by the latter.

REGULATIONS AT PORTS INFECTED OR SUSPECTED OF
BEING INFECTED WITH PLAGUE.

At foreign ports and places infected or suspected of being infected with plague, the Cuban Quarantine Regulations relating to cholera shall be observed with regard to vessels and cargoes bound to Cuba. Passengers and crews of said vessels who have been exposed to the infection, or are liable to convey the disease, shall be detained a period of not less than fifteen days from the last possible exposure to infection, under the same regulations as those relating to cholera.

NOTES FOR THE INFORMATION OF MASTERS
OF VESSELS AND OTHERS.

FORMULAE FOR STRONG DISINFECTING SOLUTIONS.

Bichloride of mercury. (1 : 500)

Bichloride of mercury.....	1 part.
Hydrochloric acid.....	2 parts.
Water.....	200 parts.
Mix.	

Carbolic Acid.

Carbolic acid,—pure.....	50 parts.
Warm water.....	1000 parts.

FORMULAE FOR WEAK SOLUTIONS.

Bichloride of Mercury. (1 : 1,000)

Bichloride of mercury.....	1 part.
Hydrochloric acid.....	2 parts.
Water.....	1000 parts.

Carbolic Acid.

Carbolic acid,—pure.....	25 parts.
Warm water.....	1000 parts.

DISINFECTION OF HOSPITALS, INFECTED COMPARTMENTS, ETC.

(a) By steam as provided in Article VII, paragraph (c), or when steam is not available:

(b) By methods prescribed in Article VII, paragraphs (a) and (c).

Water-closets, etc. Should be disinfected by strong solution of bichloride of mercury or carbolic acid.

It is suggested that a vessel should carry for every 100 passengers: Bichloride of mercury, 5 pounds; hydrochloric acid, 10 pounds; carbolic acid, 10 pounds.

The use of these disinfecting solutions does not preclude the additional use of hypochlorite of lime.

QUARANTINE REGULATIONS TO BE OBSERVED
AT PORTS OF CUBA.

PREAMBLE.

Par. 1. At or convenient to the principal ports of Cuba quarantine stations should be equipped with all appliances for the inspection and treatment of vessels, their passengers, crews and cargoes.

Par. 2. At all other ports where such provisions have not been made, inspection stations should be maintained.

Par. 3. An inspection service should be maintained at every port throughout the year.

Par. 4. At a fully equipped quarantine station there should be adequate provision for boarding and inspection, apparatus for mechanical cleaning of vessels, apparatus for steam disinfection, apparatus for disinfection with sulphur dioxide, apparatus for disinfecting solutions, hospitals for contagious and doubtful cases, detention barracks for suspects, bathing facilities, crematory, and sufficient supply of good water.

Par. 5.—The personnel of quarantine stations should be immune against yellow fever.

Par. 6. Vessels having been treated at national quarantine stations that are located a considerable distance from the ports of entry of said vessels, may be inspected by the local quarantine officer, and if for any sanitary reason it is considered advisable to admit the vessel, he should report the facts immediately, by telegraph when possible, to the Chief Officer of Quarantine Service, detaining the vessel pending his action.

ARTICLE I.—*Inspection.*

Par. 1. Vessels arriving at ports of Cuba under the following conditions shall be inspected by a quarantine officer prior to entry:

A. Any vessel with sickness on board.

B. All vessels from foreign ports.

C. Vessels from domestic ports where cholera or yellow fever prevails, or where smallpox or typhus fever prevails in epidemic form.

D. Vessels from foreign ports carrying passengers having entered a port of Cuba without complete discharge of passengers and cargo. Such vessels shall be subject to a second inspection before entering any other port.

Par. 2. The inspections of vessels required by these regulations shall be made by daylight, except in case of vessels in distress.

Par. 3. In making the inspection of a vessel, the bill of health and clinical record of all cases treated during the voyage, crew and passengers' lists and manifests, and, when necessary, the ship's log shall be examined. The crew and passengers shall be mustered and examined and compared with the lists and manifests, and any discrepancies investigated.

Par. 4. No person except the quarantine officer, his employes, Cuban customs officers or agents of the vessel, shall be permitted to board the vessel subject to quarantine inspection until after the vessel has been inspected by the quarantine officer and given its discharge.

Par. 5. Tugboats or any other vessels having had communication with vessels subject to inspection shall be themselves subject to inspection.

ARTICLE II.—*Quarantine.*

Par. 1. For the purpose of these regulations, the quarantinable diseases are cholera, (cholerae), yellow fever, smallpox, typhus fever, leprosy and plague.

Par. 2. Vessels arriving under the following conditions shall be placed in quarantine:

A. With quarantinable diseases on board.

B. Having had such on board during the voyage or within thirty days next preceding arrival; or, if arriving in the quarantine season, having had yellow fever on board after March 1 of the current year, unless satisfactorily disinfected thereafter.

C. From ports infected with cholera, or where typhus fever prevails in epidemic form, coming directly or via another foreign port, or via Cuban ports, unless they have complied with Cuban quarantine regulations for foreign ports; also vessels from non-infected ports, but bringing persons or cargo from places infected with cholera, yellow fever, or where typhus fever prevails in epidemic form, except as subsequently noted.

D. From ports where yellow fever prevails, unless disinfected in accordance with these regulations and not less than five days have elapsed since such disinfection.

E. Tugboats and other vessels having had communication with vessels subject to quarantine shall be quarantined if they have been exposed to infection.

Exceptions.—The following exception may be made to Rules C and D with regard to vessels from ports quarantined against on account of yellow fever:

Vessels bound for ports in Cuba with good sanitary condition and history, having had no sickness on board at ports of departure, en route or on arrival, provided they have been five days from last infected or suspected port, may be allowed entry at port of destination.

Par. 3. When a vessel arrives having had smallpox on board, all persons must submit to vaccination or show satisfactory evidence of recent vaccination or of having had smallpox, or be detained in quarantine for not less than fourteen days.

ARTICLE III.—*General Requirements at Quarantines.*

Par. 1. Pilots bringing infected vessels will be detained in quarantine a sufficient time to cover the period of incubation of the disease for which the vessel is quarantined, if, in the opinion of the quarantine officer, such pilots have been exposed to infection. The dunnage of pilots shall be disinfected when necessary.

Par. 2. No direct communication shall be allowed between quarantine or any vessel in quarantine and any person or place outside, and no communication except under the supervision of the quarantine officer.

Par. 3. No ballast shall be allowed to leave the quarantine station unless disinfected.

Par. 4. Where it is impossible to disinfect cargo *in situ*, it shall be removed and disinfected in the manner provided for articles of their class in these regulations; such articles to be unpacked and so arranged as to allow the disinfectant used to reach every part of all surfaces of said articles.

Par. 5. Vessels arriving at any port of Cuba having cholera or yellow fever aboard during the quarantine season shall be remanded to an anchorage set apart for infected vessels, and there to remain until after the discharge of the passengers and purification of the vessel.

Par. 6. All passenger baggage disinfected under the requirements of these regulations shall be labeled.

Par. 7. All bedding provided for steerage passengers must be destroyed or be disinfected before being landed. Bedticking or other covering of mattresses and pillows used by passengers or crew shall not be landed unless disinfected at the quarantine station in accordance with these regulations, and tagged with labels certifying to said disinfection.

ARTICLE IV.—*Treatment in Quarantine of Cholera Infected Vessels.*

Par. 1. Remove all passengers from the vessel and all of the crew (if cholera has occurred on board) save those necessary to care for her. Place the sick in hospital and carefully isolate those specially suspected. Segregate the remainder in small groups. No communication shall be held between these groups. Those believed to be especially capable of conveying infection must not enter the barracks until they are bathed and furnished with sterile clothing; nor shall any material capable of conveying infection be taken into the barracks, especially food.

Par. 2. If cholera has occurred in the steerage, all occupants thereof must be bathed and their clothing disinfected.

Par. 3. At once proceed with the disinfection of the hand baggage.

Par. 4. All baggage and effects accompanying steerage passengers, any other baggage or effects that may have been exposed to infection, must be disinfected.

Par. 5. Such articles of cargo as are liable to convey infection must be disinfected.

Par. 6. All living apartments and furniture and such other portions of a vessel as are liable to convey infection shall be disinfected.

Par. 7. On cholera-infected vessels the water supply must be changed without delay, the casks or tanks disinfected by steam or 10 per cent solution of potassium permanganate, and after thorough rinsing refilled from a source of undoubted purity, or the water supplied must have been recently boiled.

Par. 8. Nothing shall be thrown overboard from a cholera-infected vessel, not even deck sweepings. Such things shall be burned in the furnace or in a place specially designated, but not in the galley.

ARTICLE V.—*Disinfection, Etc.*

Par. 1. *Holds*.—The disinfection of iron vessels shall be as follows :

(a). With cargo: If cargo is so stowed as to admit of disinfection, it and the hold must be disinfected without breaking bulk, except to such a degree as to make disinfection practicable, by sulphur dioxide, 10 per cent per volume strength, for not less than twenty-four hours exposure.

(b). Without cargo: After mechanical cleansing the hold (1) to be thoroughly washed with an acid solution of bichloride of mercury, 1 to 800 (mercury 1 part, hydrochloric acid 2 parts, water 800 parts), applied to all surfaces under pressure by means of a hose; (2) by sulphur dioxide, 10 per cent per volume strength, for twenty-four hours.

Par. 2. *Steerage and fore-castle*. When possible to obtain it.

(a) The steerage and fore-castle shall be disinfected by steam; the temperature in all parts of these compartments to be not less than 100 degrees C. for not less than thirty minutes after such temperature has been reached.

(b) When steam can not be obtained these compartments shall be treated in the same manner as required in the disinfection of the empty hold.

Par. 3. All beddings and furnishings of the steerage and fore-castle to be left in place during the disinfection by steam.

If steam disinfection of steerage is not used, such articles must be removed under the strictest sanitary precautions for disinfection, by steam or burning.

Par. 4. The bedding, fabrics, and carpets should be removed and disinfected by steam or by boiling. After thorough mechanical cleansing the woodwork and all other exposed surfaces shall be washed with an acid solution of bichloride of pure mercury, 1 to 1,000, or a 3 per cent solution of pure carbolic acid.

Par. 5. The water ballast of a vessel coming from a cholera-infected port should be discharged at sea, or, if discharged in fresh or brackish water, must be previously disinfected. The tanks to be flushed and refilled with sea water or disinfected.

Par. 6. For a wooden vessel the treatment is as above, except that exposure of the hold and living apartments to sulphur dioxide, 10 per cent volume, must precede the other treatment. This exposure must be, for the hold, forty-eight hours, and for living apartments twelve hours.

Par. 7. All solid ballast, on vessels infected with, or suspected of being infected with cholera, to be discharged or disinfected pre-

vious to disinfection of hold; all such ballast discharged in fresh water to be disinfected by saturation with, or immersion in, an acid solution of bichloride of mercury. 1 to 800.

Clear, hard, close-grained rock may be permitted to remain on board, but only after disinfection by immersion in an acid solution. 1 to 800 of bichloride of mercury. Ballast removed from vessels infected with, or suspected of being infected with cholera, must not be taken from the quarantine station.

Par. 8. Disinfection of steerage, fore-castle and cabin of vessels by formaldehyd gas. After the removal of the bedding, carpets, and furnishings, all apertures being tightly closed, the steerage, fore-castle, and cabin of a vessel may be disinfected by formaldehyd gas in a percentage of not less than two per cent per volume strength, the time of exposure to be not less than twelve hours. The gas may be generated by one of the following methods:

(a) From a mixture containing formalin 100 parts, calcium chloride of sodium nitrate 20 parts, and glycerine 10 parts.

The gas is evolved from this solution by heating it in a special boiler, autoclave, or formaldehyd generator.

One liter of a 40 per cent solution of formaldehyd gas will evolve about 1,425 liters (50, 1 cubic feet) of the gas at 20 degrees C. (68 degree F.), and will be sufficient for 71 cubic meters (2,505 cubic feet) of space.

(b) From the substance known as trioxymethylene by means of a special lamp, not less than 2 grams (30 grains) to be used for each cubic meter (35.29) cubic feet of space.

After the disinfection of apartments (steerage, cabin and fore-castle) by formaldehyd gas, the latter may be neutralized by ammonia gas, evolved from water of ammonia by heat, or by evaporation from water of ammonia (1) sprinkled upon the floor.

Par. 9. Disinfection of clothing, bedding, upholstered furniture, articles of leather, etc., by formaldehyd gas. These may be disinfected by formaldehyd gas in the ordinary jacketed steam-disinfecting chamber, the latter to be provided with a vacuum apparatus and special apparatus for generating and applying the gas.

Raise and maintain the temperature of the chamber at 90 degrees C. by the use of steam in the jacket.

The number of cubic centimeters of the formalin mixture to be used may be found by dividing the capacity of the chamber in liters

(1) The quantity of water of ammonia required for neutralization after each of the above named methods is as follows: After method (a), one-half liter (0.52 quarts) of water of ammonia for each liter (1.04 quarts) of formalin; after method (b) one-half liter of water of ammonia for each 150 grams (5 ounces) of trioxymethylene.

by 4; v. g., a chamber of 2,500 liters capacity would require 625 c. c. of the mixture. The time of exposure should not be less than thirty minutes. Clothing, bedding, etc., thus disinfected, should be exposed *in situ* to equal amount of ammonia gas generated by the special apparatus attached to the chamber, using one-half as much water of ammonia as formalin.

ARTICLE VI.—*Detention of Passengers on Account of Cholera.*

Par. 1. The people detained shall be inspected by the physician twice daily, and be under his constant surveillance, and no intercourse will be allowed between different groups while in quarantine.

Par. 2. No direct communication shall be allowed between any person detained in quarantine and anyone not in quarantine except through the quarantine officer, or by his order, through his agents.

Par. 3. The water and food supply will be strictly guarded to prevent contamination, and issued to each group separately.

Par. 4. Food of a simple character, sufficient in quantity, thoroughly cooked, shall be issued to those detained in quarantine. No fruit shall be permitted.

Par. 5. Cleanliness of quarters and of person shall be enjoined and enforced daily. Disinfectants shall be used where there is any possibility of infection.

Par. 6. Water-closets, urinals, privies, or troughs shall be provided, and their contents disinfected before officer, or they are discharged.

Par. 7. In any group in which cholera appears, the sick will be immediately isolated in hospital, and the remaining persons in the group shall be bathed and their effects be disinfected, then removed to other quarters, if possible, and the compartment disinfected.

Par. 8. No direct communication shall be allowed between the physician and attendants of the hospital and those detained in quarantine.

No person shall be discharged from quarantine until five days have elapsed since the last exposure to infection and a final disinfection of such effects as were taken to barracks.

No convalescent from cholera shall be discharged from quarantine until after a sufficient time has elapsed to insure his freedom from infection. To be determined by bacteriological examination.

Par. 9. The body of no person dead of cholera shall be allowed to pass through quarantine. The body should be cremated if practicable. If not, it should be wrapped, without preliminary washing, in a sheet saturated with a solution of bichloride of mercury, 1 to 500, and buried, surrounded by caustic lime.

ARTICLE VII.—*Disinfection of Personal Effects of Passengers and Crew and Cargo.*

Par. 1. Clothing, bedding, and articles not injured by steam shall be disinfected.—

(a) By exposure to steam at a temperature of 100 to 102 degrees C. for thirty minutes after such temperature has been reached.

(b) By boiling for fifteen minutes; all articles to be submerged.

(c) By a thorough saturation in a solution of bichloride of mercury, 1 to 1,000 and allowed to dry before washing.

Par. 2. Articles injured by steam (rubber, leather, etc.), and containers to the disinfection of which steam is inapplicable, shall be disinfected by thoroughly wetting all surfaces with a solution of bichloride of mercury, 1 to 800, or a 5 per cent solution of carbolic acid, and allowed to dry in open air.

Par. 3. Cooking and eating utensils, by immersing in boiling water or steam.

Par. 4. All rags and old textile fabrics used in the manufacture of paper, and old gunny, old jute, etc., fit only for remanufacture, gathered, collected, packed, or handled in any port or place where cholera (cholerine) or yellow fever exists, or where smallpox or typhus fever prevails in epidemic form, and for thirty days after the port or place shall be officially declared free from such diseases or epidemic, shall be denied entry into any port of Cuba.

Par. 5. No rags or old textile fabrics used in the manufacture of paper, or articles enumerated in the preceding paragraph, which have not been disinfected in accordance with Article VII, paragraph 3, of the Cuban Quarantine Regulations for foreign ports, shall be admitted into Cuba.

(Old jute bags, old cotton bags, old rope, new cotton and linen cuttings from fabrics not included).

Par. 6. All unlabeled baggage of steerage passengers, including hand baggage, and all labeled baggage of said passengers, which in the opinion of the quarantine officer should be disinfected or re-disinfected, arriving from oriental ports shall be disinfected before being landed.

This regulation will also apply to any other baggage which the quarantine officer may suspect of being infected.

ARTICLE VIII.—*Treatment of Vessels Infected or Suspected of Being Infected with Yellow Fever.*

Par. 1. Where practicable, at once remove the sick to hospital; remove and isolate all persons not required for the care of the vessel.

Par. 2. If the hold is deemed infected, there shall be a preliminary disinfection as hereinafter provided.

Par. 3. The bilge should be cleansed with sea water, if possible, before disinfection, and the hold rendered mechanically clean.

Par. 4. All ballast, except close grained, hard rock, must be discharged. This may be retained aboard if disinfected by immersion in an acid solution of bichloride of mercury, 1 to 800.

Par. 5. After discharge or disinfection of ballast the vessel should be disinfected.

Par. 6. If it is so stowed as to admit of disinfection, the cargo and the hold may be disinfected without breaking bulk, except to such a degree as to render disinfection practicable.

It shall be as follows:

Holds to be treated with sulphur dioxide, 10 per cent strength per volume, forty-eight hours exposure for iron vessels, seventy-two hours exposure for wooden vessels.

Par. 7. Empty holds to be disinfected as follows:

(a) If of iron, by sulphur dioxide gas, 10 per cent strength per volume, for twelve hours exposure, or by washing with a solution of bichloride of mercury, 1 to 800, applied under pressure to all surfaces by means of a hose.

(b) If of wood, by both of the preceding methods, save that the exposure to sulphur dioxide gas shall be for twenty-four hours, air streaks to be open; the use of the gas to precede the use of the mercuric solution.

Par. 8. Cabin, forecastle, etc., after mechanical cleansing, to be first treated with sulphur dioxide, not less than 6 per cent strength per volume, twenty-four hours exposure. Then (after cleansing with water, if desired), wash all exposed surfaces with a solution of bichloride of mercury, 1 to 800, or pure carbolic acid, 3 per cent.

Par. 9. Clothing, bedding, and all fabrics which can be removed, not injured by steam shall be disinfected.

(a) By exposure to steam at a temperature of 100 to 102 degrees C. for thirty minutes after such temperature has been reached.

(b) By boiling for fifteen minutes; all articles to be submerged.

(c) By a thorough saturation in a solution of bichloride of mercury, 1 to 1,000, and allowed to dry before washing.

Par. 10. Articles injured by steam (rubber, leather, etc.), and containers, to the disinfection of which steam is inapplicable, shall be disinfected by (a) thoroughly wetting all surfaces with a solution of bichloride of mercury, 1 to 800, or a 5 per cent solution of

pure carbolic acid, and allowed to dry in open air; or (b) by exposure to the sulphur fumigation, in cabin, forecastle, or hold, or by method prescribed in Article V. paragraphs 8 and 9.

Par. 11. The personnel of the vessel shall be detained five days from the completion of the disinfection, or three days if all baggage, effects of passengers and crew, and the vessel are handled exclusively by quarantine employees.

Par. 12. If the vessel has been disinfected under the supervision of an accredited medical officer of Cuba at the port of departure, the period of quarantine may date from completion of such disinfection, and shall not be less than five days.

ARTICLE IX.

Passenger traffic may be allowed from any port infected with yellow fever to any port of Cuba under the following conditions:

(a) Vessels to be clean immediately prior to taking on passengers.

(b) The vessel must lie at moorings in the open harbor and not approach the wharves, nor must the crew be allowed ashore at the port of departure.

(c) All passengers and crew must be immune to yellow fever, and so certified by the Cuban medical officer.

The evidence of immunity which may be accepted by the sanitary inspector is: First, proof of continued residence in an epidemic focus of yellow fever for ten years. Second, proof of previous attack of yellow fever.

(d) Non immune passengers arriving in Cuba from ports infected with yellow fever or other quarantinable disease will, at the discretion of the Chief Quarantine Officer of Cuba, be detained under observation in quarantine a sufficient length of time to cover the incubative period of the disease.

ARTICLE X.

MISCELLANEOUS.

Par. 1. The treatment of vessels infected with typhus fever shall be the same as that prescribed for yellow fever.

Par. 2. The detention of passengers and crew for smallpox and typhus fever shall cover the period of incubation of the disease, the time of detention to commence from the date of last exposure; typhus fever, not less than twenty days; smallpox not less than fourteen days.

Par. 3. Vessels detained at any national quarantine will be subject to such additional rules and regulations as may be promulgated from time to time by the Chief Quarantine Officer.

Par. 4. The following is the form of certificate which shall be issued to the vessel by the health officer when she is released from quarantine:

I certify that of from has in all respects complied with the quarantine regulations prescribed by the Secretary of Finance, and that in my opinion she will not convey quarantinable disease. Said vessel is this day granted free pratique.

.....
Health (Quarantine) Officer.
Port of.....

ARTICLE XI.

Inspection of State and Local Quarantines.

In performance of the duties imposed upon him by this Order the Chief Quarantine Officer shall from time to time, personally or through a duly detailed officer of the quarantine service, inspect the maritime quarantines of Cuba for the purpose of ascertaining whether the quarantine regulations prescribed by the Secretary of Finance have been or are being complied with. The Chief Quarantine Officer, or the officer detailed by him as inspector, shall at his discretion, visit any incoming vessel, or any vessel detained in quarantine, and all portions of the quarantine establishment for the above named purpose and with a view to certifying, if need be, that the regulations have been or are being enforced.

ARTICLE XII.

Treatment Of Vessels Suspected of Plague.

Par. 1. The regulations heretofore promulgated with regard to cholera shall be observed with regard to vessels, cargo, passengers, and crews infected, or suspected of being infected, with plague, but persons who have been exposed to the infection or are liable to convey the disease, shall be detained for a period of not less than fifteen days from the last possible exposure to infection.

H. L. SCOTT,
Military Governor.

No. 123.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 30, 1902.

The Military Governor directs the publication of the following order:

I.

1. Full pardon is granted to *Elmer C. Westall* of the penalties imposed upon him by sentence of the Audiencia of Havana, February 26, 1902, Case No. 55, 1901.

2. Full pardon, effective April 26, 1902, is granted to *Lorenzo Nueva*.

II.

Upon the recommendation of the Secretary of Justice:

Full pardon, effective April 28, 1902, is granted to *Luis Siñeriz Menéndez* of the remainder of the sentence passed upon him by the Audiencia of Santa Clara, April 12, 1901.

H. L. SCOTT,
Adjutant General.

No. 124.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 30, 1902.

The Military Governor directs the publication of the following order:

I.

In view of the fact that the Department of Charities has assumed such importance as to require its maintenance as a separate branch of the Government, so much of Orders 207, these Headquarters, series 1901, as declares said Department to be a branch of the Department of State and Government, is hereby revoked. The right of inspection only, of the Department of Charities, shall be retained by the Department of State and Government.

The Chief of the Department of Charities will hereafter report directly to the executive head of the Government.

II.

When in cases of the commission of serious crimes it is important for Municipal Judges to make use of the telegraph, such telegrams as are signed and certified by them as official and important will be sent. After sending such telegrams operators will forward them to the Chief Signal Officer, who will present them to the Department of Justice for endorsement and payment, the amounts necessary therefor to be included in the regular estimates of that Department.

The Secretary of Justice will inform Municipal Judges that they will be held responsible for misuse of the privilege granted herein.

Upon the recommendation of the Secretary of Justice:

1. When civil responsibility is imposed in correctional trials or trials for misdemeanors (*faltas*), same shall only be enforceable on petition of the interested party in accordance with the procedure established by the Law of Civil Procedure for the execution of sentences, and to the Judge of First Instance or Municipal Judge who in accordance with said Law may have jurisdiction. For this purpose the Judges imposing such civil responsibility shall furnish the interested parties with an attested copy of the pertinent parts of the records of proceedings.

2. When in the opinion of the Judge, the person condemned in a subsidiary manner to the payment of civil indemnity in the trials referred to in the foregoing article is publicly known to be solvent, the personal compulsion against the person condemned as principal to the payment of such civil indemnity shall be suspended until declaration of insolvency of the former is made by the Judge taking cognizance of the civil claim, in which case said Judge shall on his own motion so inform the proper Correctional Judge, Judge of Examination, or Municipal Judge, in order that he may enforce the personal subsidiary responsibility.

3. This Order shall take effect in Havana on the date of its publication in the GAZETTE OF HAVANA and seven days thereafter in the remainder of the Island, and all former provisions contrary to same are hereby revoked.

IV.

Upon the recommendation of the Secretary of Justice:

1. The resignation of *Nicasio Estrada y Mora*, as Substitute Associate Justice, Audiencia of Havana, tendered on account of incompatibility with the holding of another office, is hereby accepted.

2. The resignation of *Ricardo Fustá* as Substitute Associate Justice of the Audiencia of Santa Clara, tendered on account of incom-

patibility with the holding of the office of Representative to which he has been elected, is hereby accepted.

3. Upon the recommendation of the respective Audiencias, and in accord with the Secretary of Justice the following appointments are made:

To be Municipal Judge of Candelaria, *José Y. Azcu y Miranda*.

To be Municipal Judge of Puerto Príncipe, *Antonio Betancourt Ronquillo*.

V.

Upon the recommendation of the Secretary of Finance, and considering the economic situation of Cuba and the reorganization of the Ayuntamientos:

1. The period of two years granted by Art. XXV or Order No. 254, Series of 1900, for the prescription of the quotas of municipal taxes corresponding to the years 1899-1900, is hereby extended to June 30, 1903.

2. The quotas of the fiscal years referred to must be definitely liquidated within said term, and the provisions of Order No. 501, series of 1901, must be complied with without any excuse whatever.

H. L. SCOTT,

Adjutant General.

No. 125.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 2, 1902.

The Military Governor of Cuba directs the publication of the following order:

The appointment of Dr. *Eduardo F. Núñez*, now Quarantine Officer of the port of Havana, as Chief Quarantine Officer for the Island of Cuba, is hereby announced; said appointment to take effect May 20, 1902, upon the transfer of the Quarantine Service.

H. L. SCOTT,

Adjutant General.

No. 126.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 1, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following order:

I. Section II, Order No. 108, current series, these Headquarters, is hereby so amended as to prohibit the fishing of the *Biajaiba* from April 20th to May 20th, within the spawning ground comprised in the maritime zone under the jurisdiction of the Captain of the Port of Batabanó, as follows:

From San Cristobal point to the leeward of the most westerly of the keys known as Fabrica y Lagunas, thence to Rabiahorcados; the northern edge of the shore of the Jardines and Jardinillos and thence from the northeastern head of this shore to Punta del Padre to the West of Cochinos Bay.

II. Anyone violating this order by fishing the *Biajaiba* in the zone described will be liable for each violation, to the fine fixed by Order 108, current series, these Headquarters.

H. L. SCOTT,
Adjutant General.

No. 127.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 3, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following order:

I. Zulueta ward, municipal district of Camajuaní, is detached from said district and annexed to the municipal district of Remedios.

II. Paragraphs 3 and 4, Order No 28, current series, these Headquarters, are amended to read as follows:

"3. The urban portion of Bosque ward; the property of Mrs. Eladia de Leon, widow of Vega; and the lands where the Matilde sugar estate, of Gustavo Baró and Rosa Cuni, is located, are detached from the municipal district of Vueltas and annexed to the municipal district of Camajuaní, the following being fixed as boundaries: Starting point, Bosque highway; then along the natural boundaries of the estate to the Caibarien-Camajuaní railway; along the highway known as Combate to

the merging point with the Remedios-Camajuaní public road, the parcel of land known as "Cafetal del Ingenio Matilde" thus remaining a part of the first named of said districts."

"4. The properties "Rosalia sugar estate," of Isidro Llansa; "Buenviaje," of Antonio Rodríguez; "Cuchillas," of José Rovira; "Cafetal," of Félix Pareja; "La Ceiba," of Manuel Loy; "Laguna," of Teodoro Broche; "Lechugas," of Carlos Palanca; "Poza de la Majagua," of Rafael Salazar; "San Antonio," of Manuel Loy; "Palo Seco," of Louisa Herrada; "San Francisco," of Catalina Loy; "San Juan de Dios," of Francisco María Herrada; "San Antonio," of Emilia Salazar, "Vista Alegre," of Rafael Rodríguez, are detached from the municipal district of Camajuaní and annexed to the municipal district of Vueltas; both of said corporations being in the judicial district of San Juan de los Remedios and Province of Santa Clara."

III. Catalina ward is detached from the municipal district of Consolación del Norte, and annexed to the municipal district of Consolación del Sur, both of said corporation being in the judicial district of Pinar del Río.

IV. The wards of Punta Brava, San Juan and Pueblo Nuevo, municipal district of San Cristóbal, judicial district of San Cristóbal, are likewise detached and annexed to the municipal district of Artemisa, judicial district of Guanajay.

V. The general provisions of Order No. 23, current series, these Headquarters, and the Circular issued on January 27, 1902, by the Secretary of State and Government, are declared applicable to this Order.

VI. The civil governors of Santa Clara and Pinar del Río provinces are charged, in so far as they are respectively concerned, with the execution of this Order, which must be strictly enforced within five days from its publication in the GAZETTE OF HAVANA.

H. L. SCOTT,
Adjutant General.

No. 128.

CORRECTED COPY.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 6, 1902.

The lands now occupied as a military barracks and camp, known as "Camp Columbia", having been the subject of extensive and material improvements of a permanent nature, and thereby rendered suitable and available for the maintenance of a military post and training ground, and it appearing that it is necessary and proper that a permanent post, training ground and site for a permanent camp, with suitable lands surrounding the same, should be

acquired by the Island of Cuba for its military forces, and the government of the Island of Cuba having already acquired a considerable portion of the lands included in said camp, rendering it necessary to acquire properties within and adjacent to said camp, and taking into consideration the fact that the improvements and constructions which have been placed upon the lands hereinbefore mentioned would involve expenditure of a large amount of money of public funds for their removal, and would involve a much greater expenditure for their replacing, or for the new construction thereof elsewhere, thereby creating a heavy charge upon the revenues of the Island of Cuba to secure like advantages:—

Now, therefore, I, Leonard Wood, Military Governor of the Island of Cuba, by virtue of the power and authority in me vested, do hereby declare that the said camp, including all the works, buildings, additions, increase and improvements, whether now existing thereon or to be hereafter constructed, form a part of the system of defense, and are for the general service of the Island of Cuba, and are hereby declared of public utility, as provided in Civil Order No. 94, c. s., these Headquarters, which said order is hereby expressly made applicable to the said camp and barracks, for the purposes therein mentioned.

The said Camp consists of seven parcels of land situated in the Municipality of Marianao, Ward of "Quemados" and comprises a total area of 8 caballerías, 296 cordeles and 265 square varas, equal to 119 Hectares, 64 Ares and 62 Centiares of land, bounded North by Farm "Barreto"; South by the town of Quemados; East by the Marianao Railway and by the Farms "El Recreo de las Tres Rosas, Larrazabal and La Serafina"; West by Farms "Vista Hermosa" and "San Salvador".

The parcels of land which form the said camp, are the following:—

(No. 2.) Portion of Farm "Barreto" comprising 186 cordeles and 173 square varas of land, equal to 7 Hectares, 71 Ares and 66 Centiares;

(No. 3.) Portion of Farm "San Salvador" comprising 252 cordeles and 41 square varas of land, equal to 10 Hectares, 44 Ares and 9 Centiares;

(No. 4.) Farm "La Gomera" comprising an area of 1 caballería and 81 cordeles, equal to 16 Hectares, 77 Ares and 52 Centiares;

(No. 6.) Portion of Farm "El Recreo de las Tres Rosas" comprising 2 caballerías, 15 cordeles and 318 square varas of land, equal to 27 Hectares, 49 Ares and 46 Centiares;

(No. 7.) Farm "Soledad" comprising an area of 1 caballería, equal to 13 Hectares, 42 Ares and 2 Centiares of land;

(No. 9.) Portion of Farm "Los Anones" comprising 303 cor-

deles and 152 square varas of land, equal to 12 Hectares, 55 Ares and 87 Centiares;

(No. 10.) Portion of Farm "Jesus María" comprising 2 caballerías, 106 cordeles and 157 square varas of land, equal to 31 Hectares and 24 Ares.

The Chief Quartermaster of the Department of Cuba is hereby expressly authorized and ordered to take immediate steps for the execution of the plan and permanent establishment of the barracks, military camp or post aforesaid, and to proceed to the acquisition, by expropriation in case of failure of agreement, of title of ownership in and to the said lands hereinbefore mentioned, for such purpose, in the name of the Island of Cuba; it appearing, and it is therefore declared, that it is indispensable for the purposes above mentioned, that the lands hereinbefore described shall be acquired in whole by the Island of Cuba.

LEONARD WOOD,

Military Governor.

No. 129.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 6, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Administrative Chamber of the Audiencia of Havana, and in accord with the Secretary of Justice:

Mr. *Juan de Dios García Kohly*, is hereby appointed Substitute Associate Justice of the Audiencia of Havana, for the remainder of the year 1902, to fill the vacancy caused by the resignation of Mr. *Nicasio Estrada y Mora*.

II.

Upon the recommendation of the Secretary of the Justice:

1. The Registry of Property of Cienfuegos, now second class, is hereby classified and given the rank of first class.

2. Ten thousand (\$10,000) dollars is fixed as the bond to be furnished to guarantee the discharge of the duties of said Registry of Property of Cienfuegos.

3. The officer now discharging the duties of said Registry will be of the rank assigned thereto, from the publication of this Order.

4. Any provisions contrary to the enforcement of this Order are revoked.

H. L. SCOTT,

Adjutant General.

No. 130.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 6, 1902.

I.

The Military Governor of Cuba, directs the publication of the following order:

1. Full pardon, effective May 15, 1902, is granted to *Ramón Garriga Cuebas*, now in the Jail of Santiago de Cuba, and all penal action pending against him is declared ended.

2. On account of valuable and exceedingly faithful services rendered in the Rural Guard of the Island of Cuba, full pardon, effective May 15, 1902, is granted to *Belisario Ramírez Andía*, of the penalties to which he was condemned by the Audiencia of Santiago de Cuba.

II.

Upon the recommendation of the Secretary of the Justice:

The penal action pending against *Ricardo Alvarez San Bartolomé*, indicted in the case instituted in the Court of Instruction of Alacranes, for the crime of homicide, is hereby declared ended.

III.

The Secretary of Justice is charged with the enforcement of this order.

H. L. SCOTT,
Adjutant General.

No. 131.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 6, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, and after a careful review of an investigation made by the Board of Superintendents for the Public Schools of the Island, of charges against the persons hereinafter mentioned, directs the publication of the following Order, for the information and guidance of all concerned:—

I. The certificate to teach in the public schools of Cuba issued in favor of *Celestino Pérez Rubio*, by virtue of his being a member of a Board of Examiners which convened in the Province of Pinar del

Río in the month of February 1901, is hereby annulled for his grave abuse of the trust reposed in him as such member of a Board of Examiners, and he is debarred from ever again teaching in any of the public schools of Cuba.

II. The certificates to teach in the public schools of Cuba issued in favor of *Teresa Quintero*, *Blanca Roig* and *Juan Córdoba*, by virtue of their being members of Boards of Examiners which convened in the Province of Pinar del Río in the month of February 1901, are hereby annulled for their failing to fully comply with their duties as such members of Boards of Examiners; and for the same reason a certificate to teach shall not be granted *Daniel Gisbert* by virtue of his being a member of a Board of Examiners which convened in the Province of Pinar del Río in the month of February 1901.

III. The certificates to teach in the public schools of Cuba issued in favor of *Mariana Fornaguera*, *Herminia Valdés* and *Petra Hernández*, after their being duly examined before Boards of Examiners in the Province of Pinar del Río in the month of February 1901, are hereby annulled, their incompetency to teaching having been well established.

H. L. SCOTT,
Adjutant General.

No. 132.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 7, 1902.

The Military Governor of Cuba, upon the recommendation of the Chief of Customs Service of Cuba, and for the purpose of furnishing additional facilities to the commerce of Havana and greater security to the Government, directs the publication of the following, the acceptance or rejection of which rests with the incoming Government:

NOTICE.

Sealed proposals for receiving, handling, and caring for all packages and merchandise within the jurisdiction of the Havana Custom House on the Wharves and in the public warehouses of this port, and delivery of same from the wharves and warehouses, after due customs clearance, all in accordance with the rules and conditions hereinafter approved therefor, will be received up to 2.—P. M., May 26, 1902, at the office of the Secretary of Finance and then publicly opened.

In order to qualify as a bidder the interested party must deposit with the Treasurer of the Department of Finance the sum of ten thousand (\$10,000.00) dollars U. S. currency, or a certified check for the same amount, and the receipt for the deposit must accompany the bid.

The deposits will be returned to all bidders whose proposals are not accepted, as soon as the award has been made by the Secretary of Finance. The deposit of the successful bidder will not be returned until the execution of the public deed and acceptance of the satisfactory bond.

The Government reserves the right to reject any or all bids, and also to accept such bids, as, in view of the service to be performed, shall be considered to be most advantageous to the commerce of Havana and to give the most security to the interests of the Government.

CONDITIONS WHICH MUST BE CAREFULLY OBSERVED BY ALL BIDDERS FOR THE SERVICE OF RECEIVING, DELIVERING, HANDLING, AND CARING FOR ALL PACKAGES AND MERCHANDISES WITHIN CUSTOMS JURISDICTION IN THE PORT OF HAVANA, AS SET FORTH IN THE ADVERTISEMENT FOR PROPOSALS.

I.—The Military Government offers to let at public bidding the service of receiving, delivering, handling and caring for all imported packages and merchandises within Customs jurisdiction on the wharves and in the public warehouses of the Port of Havana.

II.—Bidders must state in their proposals the length of time for which they desire to contract for this service; what advantages they will offer to importers of merchandises, as well as to the Customs authorities and also to the employes of the bidder; the tariff of prices which they will charge for the various operations in connection with the receiving, handling, caring for and delivery of imported merchandises; the amount of the bond which they offer as a guarantee for the proper performance of their services under the contract. In no case will a bond in a less sum than one hundred thousand (\$100,000.00) dollars be considered.

III.—The following conditions will be imposed on the accepted bidder:

A.—The contractor shall be held responsible for the receipt upon the wharves, the custody, care and delivery of all imported packages and merchandises, and for due promptness in all operations relating thereto. He shall be responsible that no packages or merchandises are lost, and that they shall not be injured by any cause that may be attributed to him or that can be avoided by him.

- B.*—He shall be accountable to the owners of packages and merchandises for any damages or injuries of any kind which may result from his lack of diligence or vigilance.
- C.*—The contractor shall scrupulously observe the laws, regulations and orders of the Customs authorities concerning the service under his charge.
- D.*—He shall be responsible to the Customs authorities for the correctness, good faith and honesty of all the operations performed by him under the contract, such as the delivery at the places where required by the contract of the correct quantity, numbers, weights and marks of the packages and merchandises confided to his custody, and shall be responsible for all duties on said packages and merchandises in case that they or any of them are removed from Customs jurisdiction without said duties being paid in full, unless such removal is with the written consent of the Collector of Customs.

All monies due, under this contract, from the contractor to the Custom House shall, on presentation to him of the account, be paid by him to the Cashier of the Custom House within the time hereinafter provided.

All the operations of the contractor shall be governed by the rules and regulations of the Custom House, now existing or which may be made hereafter, relating to the transaction of such business.

Such obligations as may be incurred by the contractor to the importer or by the importer to the contractor, shall be paid by the one to the other according to their mutual agreement. In case of nonagreement between the contractor and the importer the question shall be determined by a board of arbitration to consist of three members, one to be designated by the contractor, one by the importer and one by the Collector of Customs, the decision of which board shall be final and binding upon all concerned.

In case of nonfulfilment of the above-mentioned obligations, the contract shall become null and void as hereinafter provided.

IV. Among the services pertaining to this contract it shall be distinctly understood that besides those of receiving, caring for and delivering imported packages and merchandises, there is also included the handling of the packages and merchandises from the place of landing on the wharves to the place where such packages and merchandises are to be examined and appraised by the Custom House officials; the unpacking and packing (when the Custom House officials so order) of said packages and merchandises at the

place of examination and appraisal; the transportation of said packages and merchandises to the carts in which they are to be delivered from the wharves or public warehouses; the operations of weighing, piling, custody, etc., all of which operations are now carried out at the Custom House. Each of the foregoing operations must be distinctly expressed in all bids and proposals.

V. The bidder whose proposal is accepted shall commence the performance of his duties within fifteen days from the acceptance of his bid and immediately after the presentation and acceptance of the public deed signed by all parties concerned and executed before a notary public as is required by law, all of which must be completed within the fifteen days aforesaid.

VI. This contract shall be null and void if the conditions established are not complied with, as follows:

A.—Whenever the Collector of Customs shall learn of any neglect on the part of the contractor or his failure to meet his liabilities to an importer, or any other failure to comply with the obligations of his contract of such character as to make it proper to take steps to secure the annulment of the contract, he shall report the facts to the Secretary of Finance with his recommendation that the contract be annulled, which recommendation shall not be carried into effect without a hearing of the contractor, who shall have the right to protest in the legal manner against action adverse to him.

B.—A failure on the part of the contractor to meet his liabilities to the Custom House within seven days after the presentation of said liabilities to him by the Collector of Customs shall, upon the establishment of said fact to the Secretary of Finance, result in the annulment by him of the contract, without appeal.

VII. All the operations performed by the contractor under his contract shall be charged for in accordance with the tariff of prices submitted by him with his bid. A revision of this tariff may be made from time to time when so ordered by the Secretary of Finance, (but not oftener than once each year unless with the consent of the contractor) by a board to consist of the contractor or his representative, the Collector of Customs, and one representative of the association of importing merchants.

VIII. The contractor may, with the previous consent of the Secretary of Finance, make any improvements necessary in the wharves and the public warehouses for the proper, rapid and safe handling of packages and merchandises entrusted to his care. All such authorized improvements must be designed to benefit the service by reducing the cost of handling and other expenses incident to the receipt, safekeeping, and delivery of imported merchandises; and all such

improvements as are permanent in their nature shall become the property of the State upon the termination of the contract.

IX. The contractor shall store imported packages and merchandises on the wharf and in the warehouses in such manner as shall enable him to comply with the conditions of the contract.

X. Nothing in this contract shall deprive the Collector of Customs of his control, directly or through his properly designated officials, of imported merchandise while within customs jurisdiction.

H. L. SCOTT,

Adjutant General.

No. 133.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 7, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

The Office of the Treasurer of Cuba, the Office of the Auditor for Cuba, the Department of Immigration, and the Quarantine Service of Cuba are hereby transferred, to take effect May 15, 1902, to the Department of Finance, and will constitute separate branches of said Department.

II.

The Light House Board established by Order No. 5, January 8, 1900, Headquarters Division of Cuba, will on May 15, 1902 be transferred to the Department of Public Works, a new branch being created in said Department accordingly.

H. L. SCOTT,

Adjutant General.

No. 134.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 7, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

The commission given Mr. *José Varela y Jado* by Order No. 115, series of 1901, to discharge the duties of the office of Secretary

of Justice, is hereby declared ended, to take effect May 18, 1902. Mr. *Varela* will reassume his regular office of President of the Civil Chamber of the Supreme Court. The Assistant Secretary of Justice Mr. *Arturo Aróstegui y del Castillo*, will remain in charge of the office of the Secretary of Justice from the aforesaid date.

II.

To take effect May 7, 1902, Correctional Judges are classified as officers of the Judicial Service and are, therefore, included in Order No. 99, current series, these Headquarters.

H. L. SCOTT,
Adjutant General.

No. 135.

Havana, May 7, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Full pardon is granted to *Amos Williams*.

II.

Penal action in the case ordered instituted by the First Section of the Criminal Chamber of the Audiencia of Havana against *Mercedes de la Cruz y Martínez*, for having considered false the complaint originating the cause against Licentiate *Estanislao Cartañá*, is hereby declared ended.

III.

Upon the recommendation of the Secretary of Justice:

1. Full pardon, effective May 6, 1902, is granted to *Arturo Martínez García* and *Maria Zarrasqueta* (or *Maria Dorotea Galano*) of the penalties of eight years and one day of *presidio mayor* and fine of 1250 *pesetas* and eight years and one day of *prisión mayor* and fine of 1250 *pesetas* to which they were condemned respectively, by sentence of the Audiencia of Havana, February 15, 1902, for forgery in a public document.

2. *Arturo Martínez García* is also granted full pardon, effective May 6, 1902, of the penalty of eight years and one day of *prisión mayor* to which he was condemned by the Audiencia of Havana, by sentence of November 29, 1901, for illegal marriage.

3. The penal action pending against *Ignacio Rodríguez y Careaga* and *Adolfo López Soto*, in case No. 50 of 1901, which was instituted by the Court of Examination of the Central District of this City, for forgery of mercantile documents and swindling is hereby declared ended.

IV.

The Secretary of Justice is charged with the execution of this order.

H. L. SCOTT,
Adjutant General.

No. 136.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 8, 1902.

In order to correct misconceptions which have arisen as to the government of hospitals and charitable institutions of general and municipal character under Orders 374 of 1900 and 118 of 1901, these Headquarters, the Military Governor of Cuba directs the publication of the following instructions submitted by the Superintendent, Department of Charities, for the information and guidance of all concerned:

The Director of each institution is its administrative head and is responsible for its internal administration. He shall be the channel through which the orders of the Department and the resolutions of the *Junta de Patronos* of the institution shall be transmitted to the other employees; and correspondence on the part of the Treasurer and other employees, addressed to the *Junta de Patronos* and the Department, shall be forwarded by him, with such remarks as may be appropriate. Individual members of the *Junta de Patronos* have no authority to give orders to the staff or employees of an institution, and only the resolution of the *Junta*, duly taken and recorded in the meetings, shall have the force of orders. This, however, does not limit in any way the inspectorial and supervisory powers of the members of the *Junta* and the responsibilities of the Treasurer, which are provided for by Orders 374 of 1900.

The Director being the best judge of the needs of the institution, shall give the Treasurer such instructions as may be necessary as to the preparation of the estimates, and he shall approve the estimates before they are forwarded to the *Junta* for its approval.

The Director shall also approve all vouchers of the institution, and no voucher shall be deemed complete until it has been so countersigned by him.

Should the Treasurer of an institution at any time receive orders from the Director which he regards as improper, illegal or impossible of execution, he may appeal to the President of the *Junta de Patronos*, who will call a meeting of the *Junta*, submitting the matter to it or to the Department, as he may deem most expedient, for decision.

H. L. SCOTT,
Adjutant General.

No. 137.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 8, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

1. Mr. *Eudaldo Tamayo y Pavón* having tendered his resignation as Associate Justice of the Criminal Chamber of the Supreme Court, on account of incompatibility with the office of Senator which he has accepted, same is hereby accepted, to take effect May 5, 1902.

2. Mr. *Enrique Villuendas* having tendered his resignation as Fiscal of the Audiencia of Pinar del Río, on account of the holding of said office being incompatible with that of Representative to which he has been elected, same is hereby accepted, effective May 6, 1902.

3. Mr. *Alfredo Betancourt y Manduley* having tendered his resignation as Assistant Fiscal of the Audiencia of Pinar del Río, on account of the holding of said office being incompatible with that of Representative to which he has been elected, same is hereby accepted, effective May 1, 1902.

H. L. SCOTT,
Adjutant General.

No. 138.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 8, 1902.

The Military Governor of Cuba directs the publication of the following order.

I.

Partial pardon is hereby granted *Miguel Menéndez*, now in the Presidio of Havana, sentenced by the Audiencia of Santa Clara on October 24, 1898, his sentence being so reduced as to expire with October 5, 1905.

II.

Upon the recommendation of the Secretary of Justice:

The penalty of death passed upon *Rámon Arias* by the Audiencia of Santiago de Cuba. November 30, 1901, for the murder of *Rafael Castillo Cañizares*, is hereby commuted to that of *cadena perpétua*.

III.

The Secretary of Justice is charged with the execution of this order.

H. L. SCOTT,
Adjutant General.

No. 139.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 9, 1902.

The Military Governor of Cuba directs the publication of the following Rulings of the Chief of Customs Service of Cuba, pertaining to the Cuban Customs Tariff, issued since the date of the publication of said Tariff, namely, March 31, 1900 to April 14, 1902 inclusive, for the information and guidance of all concerned.

H. L. SCOTT,
Adjutant General.

CUSTOMS DECISIONS RELATING TO THE EXISTING
TARIFF OF THE ISLAND OF CUBA, AND AMEND-
MENTS OF SAID TARIFF.

HEADQUARTERS DEPARTMENT OF CUBA,

OFFICE OF THE COLLECTOR OF CUSTOMS FOR CUBA.

Havana, April 14, 1902.

The following Decisions relating to the existing "Customs Tariffs for Ports in the Island of Cuba" and amendments of said Tariff are published for the information and guidance of Officers of the Customs and others concerned.

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

NOTE.

The Tariff now in force in the Island of Cuba became effective June 15, 1900, and this publication contains decisions, amendments

and instructions pertaining thereto issued from the date the Tariff itself was published, namely March 31, 1900, to April 14, 1902.

The decisions, amendments, etc., originally bore serial numbers for the year in which they were published, but for easy and ready reference they have been re-numbered in this publication serially from 1 up; the dates on which originally published are clearly indicated.

No. 1.

CIRCULAR NO. 74.

Notice as to when new tariff takes effect on merchandise imported into Cuba.

Havana, Cuba, May 26, 1900.

To all Collectors of Customs:

In response to numerous inquiries, the following is published for the guidance of all concerned:

IMPORTANT NOTICE TO IMPORTERS.

I. All merchandise imported by vessels arriving within the Customs Jurisdiction of the Island of Cuba before 12 o'clock midnight of June 14th, next, will be subject to the duties prescribed in the Tariff decreed by the President of the United States, by his order dated at the Executive Mansion, December 13th, 1898, including such modifications of the said Tariff as may have been made from the date of its promulgation to the hour and date above mentioned, i. e., 12 o'clock midnight of June 14th, next, except such merchandise which has been legally entered for the Bonded Warehouse before said hour and date, after full compliance with all the requirements of law in respect to merchandise in bond; and except such merchandise which being consigned to one or more ports of the Island other than the one of first arrival, leaves again the jurisdiction of the Customs of Cuba at the port of first arrival and reaches the port of its final destination after 12 o'clock midnight of June 14th, next, in which case such merchandise shall be dutiable in accordance with the Tariff in force upon arrival at the port of destination.

II. *It is to be especially noted* that in order that merchandise may be legally entered for the Bonded Warehouse, all of the requirements of paragraphs 37, 38 and 40 of the Customs Regulations governing the warehousing of merchandise must be fully complied with; that is to say, the entry of merchandise must be presented at the Custom House in duplicate, with invoices and bills of lading, and verified by the oath of the importer; this entry must be examined by the proper officers of the Custom House, and the duty estimated thereon, after which a bond must be legally executed and filed at the Custom House, with satisfactory security, in double the amount of the estimated duties, as prescribed by law.

III. All imported merchandise arriving within the Customs jurisdiction of the Island of Cuba after 12 o'clock midnight of June 14th, next, will be subject to the duties prescribed in the Tariff decreed by the President of the United States in his order dated at the Executive Mansion in Washington, March 31, 1900, and which was promulgated in the GACETA DE LA HABANA on May 15th, 1900, subject to such modifications in said Tariff as may, in future, be made by the proper authority.

The above notice is ordered to be published in the GACETA DE LA HABANA May 27th, 1900, and is furnished for the information and guidance of all Collectors.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 2.

Havana, May 31st, 1900.

CIRCULAR No. 76.

Date of effect of Tariff in connection with entry of merchandise into Bonded Warehouse.

To all Collectors of Customs:

You are hereby instructed that no merchandise can be entered for warehouse at any port in Cuba unless the warehouse has been formally bonded in accordance with all the requirements of the Customs Regulations, said bond having been approved and a copy of it having been forwarded to the War Department through this office. At all ports where there is no warehouse bonded in strict conformity with the law, merchandise arriving before midnight of June 14th, next, is necessarily dutiable under the present Tariff; if there be a bonded warehouse, the status of which is such as is contemplated by law, merchandise arriving prior to midnight of June 14th, next, may be entered at that warehouse, and being withdrawn subsequent to midnight of June 14th, will pay duty under the new Tariff. But it must be carefully noted that in order that merchandise may be legally entered for the bonded warehouse, all of the requirements relating thereto of the Customs Regulations must have been strictly complied with. That is to say, the merchandise must have been entered within forty-eight hours after the arrival; proper entry must be made at the Custom House; computation of estimated duty must be made by the Collector; a satisfactory bond, in legal form and in double the amount of the duty must be exacted and must be executed and must be filed at the Custom House, followed by the permit of the Collector. Unless all of these conditions are fulfilled, the merchandise has not legally entered the bonded warehouse. There will probably

be numerous cases where merchants will seek concessions by reason of the fact that merchandise which they desire to have pay duty under the new Tariff will have arrived at a port in Cuba prior to midnight of June 14th, and which they will not have had time to enter for the bonded warehouse; but no Collector is authorized to make any concession in this respect. In short, all of the merchandise arriving at any given port in the Island of Cuba prior to midnight of June 14th, next, is dutiable under the present Tariff, unless bonded warehouse entry has been made in full compliance with all the requirements of law.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 3.

Havana, May 19, 1900.

Typographical errors in Tariff. Paper.

To all Collectors of Customs:

I have the honor to transmit the following Order for your information and guidance:

No. 204.

HEADQUARTERS DIVISION OF CUBA.

Havana, May 19, 1900.

By direction of the Secretary of War, the Military Governor of Cuba directs the publication of the following order for the information and guidance of all concerned:

In Order No. 198, Headquarters Division of Cuba, Havana, May 12th, 1900, § 152 of the Customs Tariff therein promulgated, by typographical error reads as follows:

“ 152. Paper, continuous or in sheets, white or colored, unprinted, for printing purposes, T. (Disp. III, rule 5) 100 kil. . \$ 2.00”

Said § 152 should read as follows:

“ 152. Paper, continuous or in sheets, white or colored, unprinted, for printing purposes, T. (Disp. III, rule 5) 100 kil. . \$ 4.00”

By a similar typographical error, § 164 reads as follows:

“ 164. Paste and carton-pierre,

- (b) Wrought, finished or not, including moldings,
 T. (Disp. III, rule 5) kilog. . \$15.00”

Said § 164 should read as follows:

“ 164. Paste and carton-pierre.

- (b) Wrought, finished or not, including moldings,
 T. (Disp. III, rule 5) 100 kil. . \$15.00”

J. B. HICKEY,
Assistant Adjutant General.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.

No. 4.

Havana, June 4, 1900.

CIRCULAR No. 77.

Disposition III, Rule 10. Tare.

To all Collectors of Customs:

I have the honor to request that you invite the especial attention of importers at your Port to the provisions of Rule 10, Disposition III, of the Tariff which goes into effect on June 15th, 1900.

Carefully explain to them that it will be rigidly enforced on and after the date when the new Tariff goes into effect.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.

No. 5.

Havana, Cuba, June 14th. 1900.

RULING No. 1.

Hog Products.

To all Collectors of Customs.

For your information and guidance, I have the honor to transmit herewith the following Ruling of this office with regard to the clas-

sification of Hog Products under the New Tariff to take effect June 15th, 1900.

RULING.

(1). Hog meat, except hams when dry-salted or wet-salted, (pickled in brine), but not smoked, including dry-salted shoulders, should go under Par. 237-b of the New Tariff as "Pork, brine or salt", at \$2.80 per 100 kilos.

(2). Hog meat, except hams, when dry-salted and smoked, including shoulders dry-salted and smoked, in other words, *bacon* should be classified under Par. 240 of the New Tariff as "Bacon", at \$4.00 per 100 kilos.

(3). Hog meat, including hams and shoulders, those called "picnics" and those called "California", when the same are sugar-cured (that is, pickled in brine with sugar) and smoked, or when the same are plain pickled and smoked, should be classified under Par. 241 of the New Tariff as "Hams or Shoulders", at \$5.50 per 100 kilos.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 6.

Havana, Cuba, June 28, 1900.

RULING No. 2.

Surgeons Operating Tables.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance:

RULING.

Under the Tariff effective June 15th 1900, "Surgeons Operating Tables" shall be classified under Par. 174."

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 7.

Havana, Cuba, June 28, 1900.

RULING No. 3.

Bags for Sugar.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance:

RULING.

Under the Tariff effective June 15, 1900, "Bags for Sugar, included in Par. 130, shall be dutiable upon *gross weight*."

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 8.

Havana, Cuba, June 28, 1900.

RULING No. 4.

Silicate of Soda.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance;

RULING.

Under the Tariff effective June 15th, 1900, "Silicate of Soda," is classified under Par. 95 c., at 45c. per 100 kil. '

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 9.

Havana, Cuba, June 28, 1900.

RULING No. 5.

Erhmanita.

To all Collectors of Customs:

I have the honor to transmit the following Ruling. for your information and guidance:

RULING.

The substance known as "Erlhmanita" not being a definite chemical product, should be classified as follows:

The Phosphoric Acid, by its Paragraph, which is 96-c of the former Tariff, and 92 c of the present Tariff.

The Phosphate of Lime by its Paragraph, which is 99-c of the former Tariff, and 95-d of the present Tariff.

The appraisal always being made after a quantitative analysis by the chemist.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 10.

Havana, Cuba, June 28 1900.

RULING No. 6.

Water Closets—Piston Packing.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Water-closets and parts thereof, will be classified under Par. 226, as "Apparatus."

- *Piston Packing*, of rubber or caoutchouc, will be classified under Par. 309-a.

Of rubber and tissue, under Par. 226.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 11.

Havana, Cuba, June 29, 1900.

RULING No. 7.

Gloves.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

<i>Gloves.</i>	<u>Par.</u>
Of skin.....	196
Boxing, Baseball, or Fencing, of skin alone.....	196-a
Boxing, Baseball, or Fencing, stuffed or padded, covered with skin.....	202
Of Tissues (See corresponding Par.)	

Very respectfully.

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 12.

Havana, Cuba, June 29 de 1900.

RULING No. 8.

Brackets for insulators.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Brackets, for Insulators for telegraph poles or houses, of common wood, roughly painted (called "cuñas para aisladores") will be classified under Par. 170, at 60 cents per 100 kil.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 13.

Havana, Cuba, June 29, 1900.

RULING No. 9.

Common Paper.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Common Paper, like sample attached, used generally for wrapping purposes, but also known as "papel para periódicos" will be classified according to Par. 153.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 14.

Havana, Cuba, July 2. 1900.

RULING No. 10.

Incandescent Electric Lamps.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

In Par. 15, for incandescent electric lamps, the general provision for tare given in Disposition III, Rule 5, for "hollow glass and crystal ware of all kinds (excepting ordinary bottles), shall be applied as follows:

Incandescent Electric lamps, mounted or not, in cases or barrels, 30 per cent.

In crates, baskets, hampers, or otherwise packed. 20%.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 15.

Havana, Cuba, July 3, 1900.

RULING No. 11.

Boxes or Cases for Mineral Water.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Boxes or Cases, of common wood, divided with wooden partitions, to contain bottles of mineral water etc., shall pay duty under Par. 171 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 16.

Havana, Cuba, July 3, 1900.

RULING No. 12.

Railway Materials.—Bars of Iron.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

"A" In Par. 318, second line from bottom, the word "Accessories" applies only to the word "Signals" and to no other part of said Par. 318. The phrase should read, therefore "Signals and Accessories thereof."

"B" The word "Bars" in Par. 36—b should be interpreted to mean said articles without screws or rivets, or without being prepared for rivets or screws, or cut to measure.

The word "Bars" in Par. 42 should be interpreted to mean with rivets or screws, or the same article unriveted, but perforated or cut to measure, for bridges, frames, and other structures.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 17.

Havana, Cuba, July 7, 1900.

RULING No. 13.

Natural Mineral Waters.

To all Collectors of Customs:

I have the honor to transmit you the following, Ruling, for your information and guidance:

RULING.

Natural Mineral Waters, which are simply "charged" with carbonic acid gas, shall be classified under Par. 339 of the Free List.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 18.

Havana, Cuba, July 7, 1900.

RULING No. 14.

Galvanized Gutters.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Galvanized Iron Gutters, (Canales de hierro galvanizado), not riveted, screwed, or adorned in any way, shall be classified under Par. 37-d of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 19.

Havana, Cuba, July 7, 1900.

RULING No. 15.

Stuffed or Mounted Birds or Animals.

To all Collectors of Customs:

I have the honor to transmit herewith, the following Ruling, for your information and guidance:

RULING.

Stuffed or Mounted Birds or Animals, (specimens of zoology etc.) except when the requisites of Par. 324 of the Free List are complied with, shall be dutiable under Par. 315 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 20.

Havana, Cuba, July 7, 1900.

RULING No. 16.

Tubes or Fluses for Boilers.

To all Collectors of Customs:

I have the honor to transmit herewith, for your information and guidance, copy of a communication dated July 6, 1900, addressed to Messrs. Marina, Sierra & Company, of this city, regarding the classification of tubes or "fluses" for boilers.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

Enc. to Ruling No. 16.

HEADQUARTERS DIVISION OF CUBA.

*Office of the Collector of Customs for Cuba.**Havana, Cuba, July 6, 1900.*Messrs. Marina, Sierra y C^a.

Mercaderes 26, Habana.

Gentlemen:

I have the honor to acknowledge receipt of your letter of July 3rd, with which you submit an invoice of 350 tubes or "fluses"

for boilers, brought into this port on the S. S. "Ida" which were classified by the appraisers under Par. 226. In your letter you give the reasons why you think that these fluses should not be classified under Par. 226, although you do not state the paragraph under which you think they should be classified.

In reply, I beg to inform you that the requirements of the tariff upon this subject are very plain. Par. 222 provides for machines of copper and its alloys, and also detached parts made of copper and its alloys. Par. 226 provides for all kinds of detached parts of machines and apparatus, unless those detached parts are made of copper or its alloys.

The fluses imported by you are evidently detached parts of a machine or apparatus. The expression "though they be destined to machinery" in note 2 at the bottom of page 39 of the Customs Tariff implies that the articles enumerated therein may or may not be destined to machinery, that is to say, if tubes are imported simply in the form of tubes and not made up in the form of fluses for boilers, even though after importation you intend to make them up into fluses for boilers, they would pay duty according to said Note No. 2 under the paragraph of the tariff in which they are expressly mentioned; but when they are imported actually made up into the form of completed fluses the case is different. Fluses are expressly mentioned in note (a) on page 39 as being parts of a machine. Thus, if fluses be imported as part of a completed boiler, they must in accordance with the said note (a) pay duty as part of a machine. If in addition to the fluses which form part of this boiler an additional set of fluses be imported at the same time, the additional set is a "spare part," which, unless it be made of copper, is dutiable under Par. 226 in accordance with note (b).

If, however, one or more sets of completed fluses are imported separately, it must be regarded as part of a machine which is imported in two or more shipments, and therefore they are still dutiable under Par. 226 in accordance with the requirements of note (c), unless they are made of copper.

In short, the "tubes" which are to pay duty under the paragraph in which tubes are especially mentioned are tubes which are not made up into the form of "fluses" or any other finished boiler makers' wares.

Very respectfully,

(signed) *Tasker H. Bliss*,

Major, Collector of Customs for Cuba.

No. 21.

Havana, Cuba, July 10, 1900.

RULING No. 17.

Suspenders. Tin Foil. Printed or Headed Envelopes.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Suspenders, without rubber or elastic, shall be classified under the paragraph of the tissue, with the corresponding surtax or surtaxes.

Tin Foil, printed or lithographed, shall be classified under paragraphs 156 and 157, respectively, of the new Tariff.

Printed or Headed Envelopes, shall be classified under Paragraph 156 of the Tariff as printed matter, with a surtax of 30 per cent. for the making up.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 22.

Havana, Cuba, July 11, 1900.

CIRCULAR No. 89.

Duty on receptacles for Beer.

To all Collectors of Customs:

I have the honor to inform you that Disp. III, Rule 14, in regard to the assessment of duty upon receptacles containing beer, has been interpreted by this Custom House as follows:

One barrel supposed to contain six dozen quart bottles of current size is found, for example, to weigh 114 kilos. The beer contained therein is considered to amount to six times 8 1-2 kilos, or 51 liters, dutiable under Par. 280-b, of the new Tariff. The glass of the six dozen bottles is considered to weigh six times 9 1-2 kilos, or 57 kilos, dutiable under Par. 10 of the new Tariff. The taken weight of the beer and the taken weight of the glass bottles, being added, gives 108 kilos, which, deducted from the actual gross weight of the entire importation, leaves six kilos, which is considered to be the weight of the exterior package or receptacles.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 23.

Havana, Cuba, July 12, 1900.

RULING No. 18.

Application of Rule 10, Disposition III.

To all Collectors of Customs:

I have the honor to transmit, for your information and guidance, the following rules observed by this office in the application of Rule 10, Disposition III, of the New Tariff:

There are six distinct classes of merchandise contemplated in the new Tariff, in respect to the method of assessing duty thereon:

- (1) Merchandise which pays by gross weight.
- (2) Merchandise which pays by net weight.
- (3) Merchandise which pays by tare.
- (4) Merchandise which pays ad valorem.
- (5) Merchandise which pays by unities.
- (6) Merchandise free of duty.

For the application of Disposition III, Rule 10, merchandise which pays tare is considered as paying by gross weight. Merchandise which pays ad valorem is considered as paying by net weight. Merchandise free of duty is not taken into consideration at all, as far as the application of Disposition III, Rule 10, is concerned.

The following table of all possible cases or combinations arising in the packing of merchandise is given, together with the indications in each case as to whether Rule 10 applies or not:

Disposition III, Rule 10. Does it apply?

- (1) Gross weight packed with net weight—Yes.
 - (2) Gross weight packed with merchandise with tare—No.
 - (3) Gross weight packed with ad valorem—Yes.
 - (4) Gross weight packed with Unities—Yes.
 - (5) Gross weight packed with merchandise free of duty—No.
-
- (1) Net weight packed with gross weight—Yes.
 - (2) Net weight packed with merchandise with tare—Yes.
 - (3) Net weight packed with ad valorem—No.
 - (4) Net weight packed with unities—Yes.
 - (5) Net weight packed with merchandise free of duty—No.
-
- (1) Merchandise with tare packed with gross weight—No.
 - (2) Merchandise with tare packed with net weight—Yes.
 - (3) Merchandise with tare packed with ad valorem—Yes.
 - (4) Merchandise with tare packed with unities—Yes.
 - (5) Merchandise with tare packed with merchandise free—No.

- (1) Ad valorem packed with gross weight—Yes.
 - (2) Ad valorem packed with net weight—No.
 - (3) Ad valorem packed with merchandise with tare—Yes.
 - (4) Ad valorem packed with unities—Yes.
 - (5) Ad valorem packed with merchandise free of duty—No.
- (1) Unities packed with gross weight.—Yes.
 - (2) Unities packed with net weight.—Yes.
 - (3) Unities packed with merchandise with tare—Yes.
 - (4) Unities packed with ad valorem—Yes.
 - (5) Unities packed with merchandise free of duty—No.

When in the same case are packed goods dutiable by gross weight, paying under different paragraphs, or letters of paragraphs, or having different tares, or goods having the same tare but paying under different paragraphs, or different letters of the same paragraph, Rule 7, Disposition III applies, and the exterior receptable pays duty under its corresponding paragraph.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 24.

Havana, Cuba, July 14, 1900.

RULING No. 19.

Mantles for Gas.—Dry Salt Meat.—Chest Protectors and Masks.—Cypress Wood.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Rulings for your information and guidance:

RULINGS.

Mantles. (Incandescent Gauze Films) for Wellsbach burners or lights (Camisetas para Lámparas Wellsbach), shall be classified under Par. 315 of the Tariff.

Dry Salt Meat included in Par. 237 of the Tariff, packed in boxes, shall have 12% tare.

Breast or Chest Protectors and Masks, for Base ball, or Fencing, shall be classified under Par. 315 of the Tariff.

Cypress, for the purpose of Tariff classification shall be considered as ordinary wood.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 25.

Havana, Cuba, July 14, 1900.

RULING No. 20.

Dominoes. Dress Makers Manikins. Ice Cream Boxes.

To all Collectors of Customs:

I have the honor to transmit you the following Rulings, for your information and guidance:

RULINGS.

Ordinary Dominoes, made of wood and bone, or wood and paste, shall be classified under Par. 310.

Dressmakers' Manikins or Models, (maniquies para modistas) shall be classified under Par. 171, when of ordinary wood, and under Par. 172, when of fine wood.

Ordinary Ice Cream Boxes, (cartuchos ordinarios para helados) shall be classified under Par. 162-a of the Tariff, with surtax of 30% for making up when without printing; and of 50% when printed.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 26.

Havana, Cuba, July 16, 1900.

CIRCULAR No. 90.

Concessions under Par. 318 extended to Mining Companies.

To all Collectors of Customs:

I have the honor to communicate, for your information and guidance and the following facts:

On June 13th, 1900, the Spanish American Iron Company of New York, addressed a letter to the Military Governor of Cuba, informing him that among the purposes for which said Company is incorporated is the construction, maintenance and operation of railroads, although the words, "Railroad Company" do not appear in the corporate title. That the Company holds a Spanish grant or concession giving it the right to build and operate a railroad, and has built and has for many years, operated a railroad from Daiquirí to the iron mines. They further stated that they are about to construct a branch of this railroad from Daiquirí eastward some five or seven miles, and desire to avail themselves of the Special Provision, Par. 318, of the new Tariff, by which steam or street railroad companies or planters

of the Island of Cuba are entitled to entry at 10 per 100 ad valorem duty, of certain articles of railroad equipment when imported direct by such railroad companies or planters for their exclusive use.

On June 18th, this letter was referred to the Collector of Customs for Cuba, who replied in an endorsement dated June 21st, that the extension of the concession asked could be made only by order of superior authority.

On June 25th, said letter was forwarded by the Military Governor to the Adjutant General, U. S. Army, Washington, D. C., with the following endorsement:

"Respectfully forwarded to the Adjutant General U. S. Army, approving the request of the Company that the material for the construction of the railroad be admitted under the same general conditions as granted railroads throughout the Island. It is considered as important to build up the mining industry in the eastern end of the Island as the sugar industry in central Cuba.

(Signed) *Leonard Wood,*
Major General Commanding."

On July 5th the letter of the Spanish American Iron Company was returned to the Military Governor from the office of the Secretary, Division of Customs and Insular Affairs, War Department, Washington, with the following endorsement.

"Respectfully returned to the Military Governor of Cuba, Havana, Cuba.

The Department concurs in the preceding endorsement.

By order of the Secretary of War.

(Signed) *Clarence R. Edwards,*
Lieut. Col. 47th Infantry, U. S. V.,
Chief of Division."

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 27.

Havana, Cuba, July 17, 1900.

RULING No. 21.

Paper Lanterns.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Paper Lanterns, (Chinese Lanterns) classified under Par. 161, shall be dutiable with a surtax of 30% when of plain paper, and with a surtax of 50% when of paper, printed; by assimilation to notes to Paragraphs 153 and 161.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 28.

Havana, Cuba, July 21, 1900.

RULING No. 22.

Mops of cotton waste.—Paste Board in tubes.—Alpargatas.—Tare applied to Par. 106.—Sandals—Error in Repertory.—Boiler Tubes.

To all Collectors of Customs:

I have the honor to transmit you the following Rulings, for your information and guidance:

RULINGS.

(1) *Mops of Cotton Waste*, for scrubbing floors, shall be classified under §127 of the Tariff without surtax.

(2) *Ordinary Pasteboard in Tubes*, (tubos de cartón ordinario), shall be classified under § 163-a of the Tariff.

(3) *Alpargatas*, made without leather soles, shall be classified under § 200 of the Tariff.

(4) *Application of Disposition III, Rule 10*,—When in the same receptacle are packed goods dutiable under letters "a" and "b" of § 106, those under letter "b" (ad valorem), shall be considered as paying by net weight, and Disp. III, Rule 10, shall apply.

(5) *Sandals*. In the English Repertory should by erratum read as follows:

" Sandals:	Number.
With leather.....	197.
Without leather.....	200."

(6) *Boiler Tubes*, (fluses para calderas) of iron or steel which are integral parts of the boiler itself, and have no other application, shall be classified under §226 of the Tariff. The "Tubes" mentioned in Note 2, to §226, refer to those which are destined to ma-

chinery for connections, conduction of water, etc., but which may be used for other purposes.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 29.

Havana, Cuba, July 30, 1900.

RULING No. 23.

Charcoal pencils for Drawing.—Application Rule 10, Disposition III to Pars. 197 and 198.—Rope and cordage of cotton.—Albumenized Paper.

To all Collectors of Customs:

I have the honor to transmit you the following Rulings, for your information and guidance:

RULINGS.

Charcoal Pencils for Drawing, (carboncillos) shall be classified under §86, of the Tariff.

For the purpose of application Rule 10, Disp. III, §197 and §198 of the Tariff shall be considered as paying ad valorem.—hence net weight.

Rope and Cordage of Cotton, (cordelería y jarcia de algodón) shall be classified under §131 of the Tariff, by assimilation under Disp. II, Rule 1.

Albumenized Paper, (papel albuminoso), shall be classified under §315 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 30.

Havana, Cuba, August 3, 1900.

RULING No. 24.

Laundry Irons. Linoleum.

To all Collectors of Customs:

I have the honor to transmit you the following Rulings, for your information and guidance:

RULINGS.

(1) *Irons*, (planchas para ropas), shall be classified under § 47-b of the Tariff.

(2) *Linoleum*, shall be classified under § 305-b of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 31.

Havana, Cuba, August 4, 1900.

RULING No. 25.

Common Chinese Slippers.

To all Collectors of Customs:

I have the honor to transmit to you the following for your information and guidance:

RULING.

Common "Chinese Slippers" (Pantufas Chinas Ordinarias) such as, by their extreme cheapness, as well as their use, may be assimilated to "sandals," shall be classified under Paragraph No. 200.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 32.

Havana, August 7, 1900.

RULING No. 26.

Household Goods.

To all Collectors of Customs:

I have the honor to communicate the following confidential Ruling in regard to the application of § 325 of the "Free List" of the Tariff:

The expression "Used furniture of persons coming to settle in the Island" shall be construed to include such articles of household effects and furnishings as pictures, books, pianos, organs, china-

ware and kitchen utensils, in quantities, and of the class, suitable to the rank and position in life of the person bringing the same, provided that they have all been in use by the said person for more than one year, and provided further that satisfactory evidence be produced that such person is actually coming to settle in the Island, that the change of residence is bona fide, and that the privilege of free entry under this paragraph has never been previously granted him.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 33.

Havana, Cuba, Agosto 8, 1900.

RULING No. 27.

Cinches or Saddle Girths of cotton.

To all Collectors of Customs:

I have the honor to transmit the following Ruling, for your information and guidance:

RULING.

Cinches or Saddle Girths of Cotton, (cinchas ó fajas para caballos), shall be classified under § 127, by assimilation to the texture of wicks for lamps and candles.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 34.

Havana, Cuba, August 11, 1900.

RULING No. 28.

Nomenclature of cattle.

To all Collectors of Customs:

I have the honor to transmit the following Ruling, for your information and guidance:

RULING.

For the purposes of the Tariff, the following descriptions and denominations of cattle shall be observed:

“Calves”, shall be considered to mean male bovines up to the age of two years, and female bovines up to one year of age.

“Heifers”, shall be considered to mean female bovines between the ages of one and two years.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 35.

Havana, Cuba, August 11, 1900.

RULING No. 29.

Estuches (Etui cases.)

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

When in the application of Rule 10, Disposition III, net weight goods are packed in cardboard boxes or etui cases (estuches), the cardboard boxes, or etui cases, will be classified under their respective paragraphs of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 36.

Havana, Cuba, August 11, 1900.

RULING No. 30.

Lithographed checks and letters of exchange.

To all Collectors of Customs.

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Lithographed Checks and Letters of Exchange, shall be classified under Paragraph No. 156 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 37.

Havana, Cuba, August 16, 1900.

RULING No. 31.

Surtax on quilts.

To all Collectors of Customs :

I have the honor to transmit you the following Rulings, for your information and guidance :

RULING.

Quilts, (colchonetas) shall be classified for 20% of their weight, under Paragraph corresponding to their tissue, with a surtax of 100% for the making up, and such other surtaxes as may properly correspond thereto; and the remaining 80% of the weight shall be classified under the Paragraph corresponding to the filling or stuffing.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 38.

Havana, Cuba, August 16, 1900.

RULING No. 32.

Common knives and forks with iron handles.

To all Collectors of Customs :

I have the honor to transmit to you the following Ruling, for your information and guidance :

RULING.

Common knives and Forks with Iron Handles, shall be classified under Par. No. 53-a of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 39.

Havana, Cuba, August 16, 1900.

RULING No. 33.

Pearled barley.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling for your information and guidance:

RULING.

Pearled barley, (Cabada perlada), shall be classified under Paragraph No. 82 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 40.

Havana, Cuba, August 17, 1900.

RULING No. 34.

Telephones.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Telephones are, by error on Page 97 of the English Repertory, classified under § 315 of the Tariff same should read:

Telephones..... 222 or 226

See heading "Apparatus."

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 41.

Havana, Cuba, August 18, 1900.

RULING No. 35.

Hay Presses.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Hay Presses, used exclusively for baling hay, shall be classified under Paragraph No. 216, as agricultural machinery and apparatus.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 42.

Havana, Cuba, August 18, 1900.

CIRCULAR NO. 103.

Crude petroleum for manufacture of gas.

To all Collectors of Customs:

I have the honor to inform you that in accordance with telegraphic instructions received through the Headquarters Division of Cuba, from the Secretary of War, all entries of Crude Petroleum imported by gas companies in Cuba, for use in the manufacture of illuminating gas, from and including June 15, 1900, be liquidated on the basis of Seventy Cents (70 c.) per one Hundred (100), kilos, gross weight.

The formal amendment to the Tariff will be communicated to you as soon as received.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 43.

Havana, Cuba, August 23, 1900.

RULING No. 36.

Tare.

To all Collectors of Customs:

I have the honor to inform you, for your information and guidance, that Ruling 18 (July 12, 1900), referring to rules observed by this office in the application of Rule 10, Disposition III, of the new Tariff, is modified as follows:

There are five distinct classes of merchandise contemplated in the new Tariff, in respect to the method of assessing duty thereon:

- (1) Merchandise which pays by gross weight.
- (2) Merchandise which pays by net weight.
- (3) Merchandise which pays by tare.
- (4) Merchandise which pays ad valorem.
- (5) Merchandise which pays by unities.

For the application of Disposition III, Rule 10, merchandise which pays tare is considered as paying by gross weight. Merchandise which pays ad valorem is considered as paying by net weight. Merchandise free of duty is not taken into consideration at all, as far as the application of Disposition III, Rule 10, is concerned.

The following table of all possible cases or combinations arising in the packing of merchandise is given, together with the indications in each case as to whether Rule 10 applies or not:

Disposition III, Rule 10. Does it apply?

- (1) Gross weight packed with net weight—Yes.
- (2) Gross weight packed with merchandise with tare—No.
- (3) Gross weight packed with ad valorem—Yes.
- (4) Gross weight packed with unities—No.

- (1) Net weight packed with gross weight—Yes.
- (2) Net weight packed with merchandise with tare—Yes.
- (3) Net weight packed with ad valorem—No.
- (4) Net weight packed with unities—Yes.

- (1) Merchandise with tare packed with gross weight—No.
- (2) Merchandise with tare packed with net weight—Yes.
- (3) Merchandise with tare packed with ad valorem—Yes.
- (4) Merchandise with tare packed with unities—No.

- (1) Ad valorem packed with gross weight—Yes.
- (2) Ad valorem packed with net weight—No.
- (3) Ad valorem packed with merchandise with tare—Yes.
- (4) Ad valorem packed with unities—Yes.

- (1) Unities packed with gross weight—No.
- (2) Unities packed with net weight—Yes.
- (3) Unities packed with merchandise with tare—No.
- (4) Unities packed with ad valorem—Yes.

When in the same case are packed goods dutiable by gross weight, paying under different paragraphs, or letters of paragraphs, or having different tares, or goods having the same tare but paying under different paragraphs or different letters of the same paragraph, Rule 7, Disp. III applies, and the exterior receptacle pays duty under its corresponding paragraph.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

Application of Rule 10, Disp. III, to express boxes.

The recommendation of the Officer in charge of the Appraisers Division in regard to the application of Rule 10, Disp. III, to Express packages, approved by the Collector, dated July 12, 1900, is hereby withdrawn and the following will be substituted therefor:

(1) Regular express trunks, containing numbers of different packages, are excepted from the application of Rule 10, Disp. III.

(2) Express Boxes—that is to say, large cases brought by authorized express companies—containing numbers of smaller boxes or packages of the same kind as are contained in the regular express trunks, shall be excepted from the application of Rule 10, Disp. III, so far as large exterior receptacles are concerned. All interior packages, however, will be treated as separate cases, for the application of Rule 10, Disp. III.

(3) These large exterior receptacles or cases, brought by authorized express companies, in order to be excepted from Rule 10, Disp. III, must be clearly regular express cases, to the satisfaction of the Chief Appraiser. In other words, they must, within the discretion of the Custom House, be clearly "express boxes," and not large cases of general merchandise for one or two different parties.

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 44.

Havana, Cuba, August 27, 1900.

CIRCULAR No. 106.

Crude petroleum. Gas oil.

To all Collectors of Customs:

I have the honor to transmit you herewith, copy of Civil Order No. 328, published in the "Gaceta" of August 21st., for your information and guidance:

"No. 328.

HEADQUARTERS DIVISION OF CUBA.

Havana, Cuba, August 19, 1900.

The Military Governor of Cuba directs the publication of the following order for the information and guidance of all concerned in the Island of Cuba.

With the approval of the Secretary of War, paragraph 6, on page

20 of the Customs Tariff for ports in the Island of Cuba, published at the Government Printing Office in Washington, is hereby amended so as to read as follows:

(6) Crude oils derived from schists including crude petroleum; axle grease for, cars and carts G. W. 100 kil. \$1.40
 PROVIDED THAT:

a. Crude petroleum to be used exclusively in the manufacture of illuminating gas and only at gas works in Cuba, and used for no other purpose, said gas works to be subject to inspection by the Customs Authorities; and provided that the importer give such bond as may be regarded necessary by the Collector of Customs. G. W. 100 kil. \$0.70

This modification shall apply to all importations of crude petroleum in Cuba from and including June 15, 1900.

J. B. Hickey,
 Assistant Adjutant General."

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.

No. 45.

Havana, Cuba, August 29, 1900.

RULING No. 37.

Toothpicks of wood.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Toothpicks (palillos de diente), when manufactured of common wood, shall be classified under paragraph No. 171, and when manufactured of fine wood, shall be classified under Paragraph No. 172 of the Tariff, pending decision of the Military Governor on report of error in English index.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.

No. 46.

Havana, Cuba, August 29, 1900.

RULING No. 38.

Mourning writing paper.

To all Collectors of Customs :

I have the honor to transmit you the following Ruling, for your information and guidance :

RULING.

Mourning Writing paper shall be classified under Paragraph No. 154 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 47.

Havana, Cuba, August 30, 1900.

RULING No. 39.

Perfumery, tare on.

To all Collectors of Customs :

I have the honor to inform you, for your information and guidance, that Paragraph (4) of Ruling No. 22, from this office dated July 21st, 1900, is modified as follows :

RULING.

Perfumery assessable under Paragraph 106-b, paying both ad valorem and specific duty, and with the official tare of 20%, will not be considered as net weight goods on account of the 25% ad valorem duty ; and, when such perfumery is packed with other gross weight merchandise, Disposition III, Rule 10, will not apply.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 48.

Havana, Cuba, September 1st, 1900.

RULING No. 40.

Buttons.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Buttons, used as a substitute for pearl buttons, manufactured from the shells of clams, such as are found in the Mississippi and tributary Rivers of the United States, and which are very much cheaper than real mother of pearl buttons, are classified under Paragraph No. 299-b.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 49.

Havana, Cuba, September 18, 1900.

CIRCULAR No. 113.

Correction of index of Tariff, toothpicks,

To all Collectors of Customs:

In accordance with instructions from the Secretary of War, you are informed that by a misprint, the Index to the English Tariff, on page 101, as printed at the Government Printing Office, relating to wooden toothpicks, should read as follows:

“Toothpicks:
Wooden..... 171 or 172.”

Instead of

“Toothpicks:
Wooden,..... 172.”

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 50.

Havana, Cuba, September 25, 1900.

RULING No. 41.

Boxes or cases for mineral water, etc.

To all Collectors of Customs.

I have the honor to transmit you the following Ruling which supersedes Ruling No. 11, from this office, dated July 3rd., 1900, for your information and guidance.

RULING.

Boxes, or Cases, of common wood, divided with wooden partitions, to contain bottles of mineral water, etc., shall be classified under Par. No. 166-b of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 51.

Havana, Cuba, Sept. 28, 1900.

CIRCULAR No. 119.

Merchandise paying ad valorem duty and merchandise allowed free entry not subject to Rule 10, Disposition III.

To all Collectors of Customs:

Pending promulgation of modification of Disposition III, Rule 10, which has been approved by higher authority, Ruling No. 36 (August 23rd. 1900) is hereby amended so that merchandise which pays ad valorem, and merchandise free of duty are not taken into consideration at all, as far as the application of Disposition III, Rule 10, is concerned.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 52.

Havana, Cuba, October 3, 1900.

CIRCULAR No. 124.

Erroneous application of the principle of assimilation in determining the classification of non-enumerated articles.

To all Collectors of Customs:

Your attention is respectfully invited to an erroneous application of the principle of assimilation in determining the classification for duty of non-enumerated articles. I have noticed this error at times in the action of the appraisers of the Havana Custom House, and also occasionally in the action taken at other Custom Houses in the Island.

To illustrate the error under consideration, I invite your attention to Par. 345 of the free list, and to the "special provision" made in Par. 318 of the present Tariff.

It is to be noted that in the preparation of the Tariff provision is first made for that which is considered to be a proper duty to be assessed upon *all* articles imported into Cuba without any concession being granted in favor of any one of them. Thus it will be noted that if the special provision of Par. 318 be obliterated (as will be the case twelve months after date of promulgation of the Tariff) and if the paragraphs of the free list be abolished, provision will be found for all of the articles enumerated therein in the remaining paragraphs of the Tariff.

After providing for a duty upon *all* imported articles, the makers of the Tariff proceeded to consider what articles a sound public policy demanded should be taxed, either temporarily or permanently, to a lesser degree than other articles of the same class; and also what articles the same public policy demanded should not be taxed at all at the Custom House.

Thus, in theory, a machine for making sugar, or an agricultural machine, is as much an evidence of wealth on the part of the importer as any other machine of equal value, but, for reasons which it is not necessary to enlarge upon, the Government decided that it would be a wise public policy to tax such machinery in one-half the amount of other machinery and to make this privilege permanent. Again, for special reasons the Government decided to grant a similar but *temporary* privilege to certain specifically named articles imported by railroads. Finally, it decided to segregate from the classes of dutiable articles, and for which duty had been provided, certain specifically named or described articles, and permit their importation free of duty.

The principle underlying this process of segregation for the purpose of conferring a special privilege on certain articles which are naturally classifiable for duty with all other articles of the same class, involves a specific enumeration of articles upon which the privilege is to be conferred. Thus, in order to guard against the varying judgement of officials of the different custom houses, and the varying judgement of the same official in any one custom house (a variation which involves the most essential feature of injustice to importers) the Tariff either names or describes as accurately as it can in the foot notes to Group 2 of Class XI, the machines which are to receive the 10 per 100 reduction from the otherwise uniform duty of 20 per 100 advalorem. For the same reason the articles intended to have the benefit of the privilege conferred by Par. 318 are specifically enumerated therein. Finally, the specific articles which are intended to receive the extreme privilege of free entry are named or described with as much exactness as is possible in the various paragraphs of the free list.

The conclusion, therefore, which necessarily follows from the foregoing considerations is, that in applying the principle of assimilation in order to determine the classification for duty of a non-enumerated article, it is necessary to assimilate *away from* and not *towards* the paragraphs of the free list or those paragraphs which confer special privileges. Any other course of action will result in conferring by the various custom houses, and according to their varying judgments, special privileges upon articles which the Government, in making the Tariff, held not to be entitled to such privileges.

For example, under Paragraphs 155, 156, and 157, provision is made for the classification of various forms of printed matter, and various forms of pictorial productions and reproductions. But for reasons which seemed sufficient to the Government, it was decided to exempt from classification under these paragraphs certain articles which are specifically enumerated in paragraphs 345 and the use and value of which is further specifically described. These articles are "lithographs, posters, manufacturers catalogues, calendars and folders." The words "and the like," or "similar articles," or "and similar articles" etc., etc., were carefully excluded. Not only are these specially enumerated articles the *only* ones entitled to the privilege, but even they are entitled to it only when they conform to the prescribed conditions of being "for advertising purposes only, having no commercial value and designed for public distribution."

It has often been claimed at this custom house by importers, and doubtless the same is true of all other custom houses, that various other articles than those specifically enumerated above are, by the process of assimilation, entitled to the privilege of Paragraph 345, because they are "for advertising purposes only." etc. Thus free admission has been claimed for fans because they have an advertisement printed on one side of them, and for signs painted or fixed by

some process upon tin, glass, etc. In the same way railroads have attempted, and will continue to attempt, to secure classification under Par. 318 of many articles which were considered by the Tariff Commission, and which were intentionally excluded from the privilege of that paragraph. I was present at a conference between the Tariff Commission and a committee representing various railroads in Cuba. The Tariff Commission agreed in a general way, to a concession in favor of the railroads, and a discussion immediately arose as to exactly what this concession should cover. The Railroad Committee at first demanded the free entry of *all* material imported by them.

This was refused by the Tariff Commission, and 10 per 100 ad valorem was fixed as the limit of the concession so far as concerned the duty. The Railroad Committee then demanded this concession for an *indefinite* length of time, and for *all* material imported by them. This was refused by the Tariff Commission and the period of twelve calendar months from the date of the promulgation of the Tariff was fixed as that over which the concession should extend.

The Railroad Committee then renewed the demand that the concession at the rate of 10 per 100 ad valorem for twelve calendar months, should cover *all* material imported by them. This was definitely refused by the Tariff Commission and the Railroad Committee was requested to submit a written list *specifically naming every article* for which they desired the concession. This list was revised by the Tariff Commission, resulting in the specific enumeration to be found in Par. 318 of the article to which the Government agreed to extend the special privilege. Thus a railroad locomotive may be imported complete with all its parts; but if it is intended to import only parts of locomotives, those parts only which are specifically enumerated in Par. 318 can be classified under that paragraph.

So an ejector, coming as part of a completed locomotive, comes in as an integral part of the locomotive under Par. 318 without separate classification for duty, its value being involved in the value of the completed machine. But imported separately it would have to be classified under paragraph 226.

In all such cases the principle which should guide in determining classification of articles not specifically enumerated, is the combined principles of *exclusion* and *assimilation*. If not specifically provided for in the paragraphs of the free list or other paragraphs granting special privileges, they must be *excluded* from such paragraphs, and be carried by assimilation to those paragraphs to which they would naturally go if the paragraphs of the free list and the "special concession paragraphs" were to be abolished.

I do not know any better guide to be followed by the custom house in such cases than is found in a recent decision of the Board of United States General Appraisers. In the case of a protest before

that Board against the classification of a collector in the case of certain articles connected with religious worship it was claimed that "it is no doubt to the interest of the Government to foster an importation of goods which have a tendency to incline its citizens to become better." The Board of General Appraisers disposed of this claim by saying that "It is the duty of the Board to interpret the Tariff Act as they find it without regard to sentimental or ethical considerations."

In Cuba it is especially true that every attempt is made to influence the customs houses by "sentimental or ethical considerations";—attempts to secure a lower classification on the claim that this "will foster the sugar industry", "the cattle industry," "the mining industry," etc. But it must be remembered that the object of a tariff in Cuba is to raise money for the support of the Government. In doing this the Government grants such concessions as it thinks desirable. These concessions are limited and therefor specific, and no one but the Government can add anything to them.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 53.

Havana, Cuba, October 5, 1900.

RULING No. 42.

Measuring Tapes.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Circular Tapes or Field Tapes (lienzas) manufactured of leather, or covered with leather, shall be classified under Paragraph No. 202 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 54.

Havana, Cuba, October 8, 1900.

RULING No. 43.

Picture frames of wood.

To all Collectors of Customs:

I have the honor to transmit to you the following Ruling, for your information and guidance:

RULING.

Picture Frames of Wood, made up, shall be classified under the proper paragraphs relating to manufactures of wood, and not under Paragraph 175 which pertains to batten or the material out of which picture frames are manufactured.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 55.

Havana, Cuba, Oct. 9, 1900.

RULING No. 44.

Parts of agricultural implements.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Parts of cultivators, harrows, plows and seed planters (except when these implements are propelled by steam, electric, or other unusual power), shall be classified under Paragraph No. 332 of the Tariff, provided said parts are well known and recognized to be exclusively destined to the above-mentioned implements, and that they be of such nature that they could be used for no other purpose.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 56.

Havana, Cuba, Oct. 9, 1900.

CIRCULAR No. 127.

Printed envelopes. Dressmakers manikins. Cinches or saddle girths.

To all Collectors of Customs:

I have the honor to inform you of the following amendments and modifications in Tariff Rulings heretofore issued from the Havana Custom House:

The third Par. of Ruling No. 17, dated Havana Cuba, July 10th, 1900, is hereby amended to read as follows:

Printed or headed envelopes (to be carefully discriminated from paper bags), are classifiable for duty under Paragraph 154 of the Cuban Customs Tariff in accordance with the provisions of the note appended thereto which says envelopes *of all kinds* shall pay duty under this paragraph.

The second paragraph of Ruling No. 20, dated Havana, Cuba, July 14, 1900, is hereby modified to read as follows:

Dressmakers maniquins or models, (maniquies para modistas) shall be classified under paragraph 171, when of ordinary wood, and under Paragraph 172 when of fine wood, and under paragraph 180 when manufactured of wicker or rattan.

Ruling No. 27, dated Havana, Cuba, August 8, 1900, is hereby amended to read as follows:

Cinches or saddle girths of cotton, (cinchas ó fajas para caballos) shall be classified under Paragraph 201-c of the Cuban Customs Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 57.

Havana, Cuba, October 11, 1900.

CIRCULAR No. 129.

Gold and silver plated articles.

To all Collectors of Customs:

Owing to the frequent claims made under the former Tariff as to articles classified under Paragraph No. 29 as "silver plated

ware", and the numerous disputes arising over articles claimed to have "one bath of silver" etc., it was decided to make that paragraph advalorem, in order that *all* articles plated with gold or silver, by whatever method, or in whatever proportion, should be classified thereunder. To this end, therefore, the word "silvered" was omitted from the other paragraphs of the Tariff. All articles containing a bath or plating of silver, however slight, should therefore, be classified under Paragraph No. 30 of the Tariff. This for your information and guidance.

Very respectfully,

W. H. Hay.

Captain, Acting Collector of Customs for Cuba.

No. 58.

Havana, Cuba, October 11, 1900.

RULING No. 45.

Paper straws, waxed.

To all Collectors of Customs:

I have the honor to transmit you the following Ruling, for your information and guidance:

RULING.

Paper Straws, waxed (pajas de papel enceradas) shall be classified under § No. 161 of the Tariff with a surtax of 30% for the making up.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 59.

Havana, Cuba, October 25, 1900.

RULING No. 46.

Scrubbing sticks.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance:

RULING.

Scrubbing Sticks (fregadores) shall be classified under Paragraph No. 47-b of the Tariff.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 60.

Havana, Cuba, October 30, 1900.

RULING No. 47.

Cotton ribbons for manufacture of cinchas.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance:

RULING.

Cotton Ribbons, or bands, to be used in the manufacture of cinchas (cintas de algodón para manufacturar cinchas), shall be classified under Paragraph No. 127 of the Tariff by assimilation to the weave of wicks for lamps and candles.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 61.

Havana, Cuba, November 3, 1900.

CIRCULAR No. 139.

Tare.

To all Collectors of Customs:

I have the honor to inform you that the Military Governor of Cuba, upon October 31st, 1900, has directed the publication of the following order for the information and guidance of all concerned:

With the approval of the Secretary of War, Rule 10, Disposition III, on Page 17 of the Customs Tariff for Ports in the Island of Cuba, is hereby amended to read as follows:

"10. When in one container merchandises are imported which pay by net weight, with others which pay by gross weight or by unities or by value, whether they have the same or different tares, said merchandises will pay the duties that correspond to them by net or dutiable weight, without any benefit of tare, and the exterior container will be appraised by its total weight by the paragraph corresponding to the material of which it is made."

This for your information and guidance.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 62.

Havana, Cuba, November 5, 1900.

RULING No. 48.

Reins and Bridles of hemp.

To all Collectors of Customs:

I have the honor to transmit you herewith, the following Ruling, for your information and guidance:

RULING.

Reins and bridles of hemp (riendas y cabezadas de cáñamo) shall be classified under Paragraph No. 129 of the Tariff.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 63.

Havana, Cuba, November 5, 1900.

RULING No. 49.

Hames of ordinary wood.

To all Collectors of Customs:

I have the honor to transmit you herewith the following Ruling, for your information and guidance:

RULING.

Hames (horcates) shall be classified under the paragraph corresponding to their component material, when of ordinary wood, with or without iron, under Paragraph No. 171 of the Tariff

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 64.

Havana, Cuba, November 6, 1900.

RULING No. 50.

Live Bees.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Live Bees, shall be classified under Paragraph No. 344 of the Tariff.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 65.

Habana, Cuba, November 8, 1900.

RULING No. 51.

Common glass beads.

To all Collectors of Customs:

I have the honor to transmit you herewith the following Ruling, for your information and guidance:

RULING.

Common Glass Beads, on strings or loose, which are not trinkets or ornaments, and which do not imitate precious or fine stones, shall be classified under Paragraph No. 11-b of the Tariff.

Very respectfully,

W. H. Hay,

Captain, Acting Collector of Customs for Cuba.

No. 66.

Havana, Cuba, November 12, 1900.

CIRCULAR No. 140.

Glass and crystal hollow-ware.

To all Collectors of Customs:

Referring to Paragraphs 10 and 11 of the Tariff, the question having been raised as to certain alleged differences between the

Index and Repertory as furnished by the War Department and the "Repertorio del Arancel de Aduanas" issued from this office, I have the honor to state the following for your information and guidance:

The essential guide in this matter is a very simple one, to wit: what kind and class of glass is included under Par. 10, and what kind under Par. 11, of the Tariff. According to best information the distinction between paragraphs 10 and 11 as to the kind of glass included thereunder has been perfectly understood and gone unquestioned for the past twenty years.

Paragraph No. 10 includes "common and ordinary hollow glassware"; it then mentions one case specifically of what is "common and ordinary glassware", to wit: "electric insulators", a well known commercial article. This gives the best clue as to the class of glass included thereunder, to wit: insular glass, or "bottle glass", which is of the same quality. This glass has for its base soda, lime, aluminum and iron, and is known in Spanish as "vidrio de botellas." This is absolutely the only kind of glass dutiable under Paragraph 10, and, as above stated, this fact has been recognized and accepted in the Customs Service of Cuba for time immemorial.

Passing from Par. 10, it is found that Par. 11 includes two other classes of glass, to wit: "crystal, and glass imitating crystal." This has also been equally recognized and understood for twenty years past. All articles, therefore, made of "crystal, or glass imitating crystal", are clearly dutiable under Par. 11, of the Tariff, unless included in some one of the subsequent paragraphs of Group 5.

The glass of Par. 11 usually has for its base soda, potash and lime; its chemical composition, therefore, is very similar to that under Par 10; with the difference that additional operations and labor are expended thereon, to clarify and otherwise purify the same. It is this labor and operations that make or transform it into "crystal, or glass imitating crystal", in other words, that make it glass of Par. 11 and not of Par. 10.

Furthermore, the note to Par. 11 plainly specifies the character of articles usually manufactured from "crystal or glass imitating crystal", namely, decanters, glasses, tumblers, candlesticks, pillar lamps, and other articles for table service and lighting.

In the English Repertory, on page 97, under the heading "Goblets", are mentioned those "of ordinary glass", as being dutiable under Par. 10. There can be absolutely no doubt, therefore, that the words "of ordinary glass", mean precisely the same when applied to "goblets" as when applied to any other article classified under Par. 10, that is to say, goblets manufactured of the class and kind of glass included in Par. 10 will be classified thereunder, but under no circumstances could this be construed to mean that "crystal or glass imitating crystal", should be classified under any other

than Par. 11, however cheap or common said crystal or imitation crystal might be.

“Crystal, and glass imitating crystal” of all kinds (except those articles mentioned in subsequent paragraphs of Group 5) are beyond doubt classifiable under Par 11, and any attempt to place these materials under Par. 10, whatever be the articles of which they are made, is absolutely without justification either in the letter or spirit of the Tariff or Repertory. As a matter of fact, when the new Spanish Repertory was made, so unlikely was it considered that the question would ever rise, or that any mistake could occur as to the distinction between these paragraphs, that no provision whatever was made for common or ordinary glass in the form of goblets, they being almost entirely manufactured from the more refined product known as “crystal or imitation thereof.”

As a general principle of Tariff interpretation, it may be stated that paragraphs must always be construed within the limits of the Group to which they belong, and in like manner, articles mentioned under a paragraph must always be construed within the limits marked by the paragraph, so that, as above stated, no generic term like that of a “goblet”, when placed under a certain paragraph in the Tariff, could ever be taken to mean a goblet made of a material expressly excluded from that paragraph; as, for example, classifying an electric insulator made of gutta percha under Par. 10, because of the words “electric insulators” which appear therein.

W. H. Hay,

Captain and Acting Collector of Customs for Cuba.

No. 67.

Havana, Cuba, November 16, 1900.

RULING No. 52.

Cellulose Manila Paper.

To all Collectors of Customs:

I have the honor to transmit you herewith the following Ruling, for our information and guidance:

RULING.

On and after December 1st., 1900, *Paper*, similar to samples attached, known as cellulose Manila paper (papel Manila celulosa) now classified under Paragraph No. 153, shall be classified under Paragraph No. 161 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 68.

Havana, Cuba, November 23, 1900.

RULING No. 53.

Parts and fittings of pipes.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Parts and fittings of pipes, known as reducers, increasers, offsets, Y branches, T branches, elbows, S traps, P traps, running traps, half traps, V branches, double Y branches, double T branches, crosses, common flanges, blind flanges, couplings, nipples, branch tees, bends, unions, and caps—shall be classified as follows:

When of cast iron (not gilt or nickeled) under Paragraph No. 32-C of the Tariff.

When of wrought iron or steel (not gilt or nickeled), under Paragraph No. 57 of the Tariff.

When of copper, or alloys of copper, (not gilt or nickeled), under Paragraph No. 69 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 69.

Havana, Cuba, December 6, 1900.

CIRCULAR No. 150.

Electrical Machinery for Sugar Plantations and Brandy Works.

To all Collectors of Customs:

Referring to Note 2, of Paragraph No. 215 of the Tariff, it is hereby ruled that the usual and necessary electrical apparatus for lighting sugar or brandy works shall be classified thereunder, as follows:

Dynamos, expressly perforated marble slabs for switches, amperemeters, voltmeters, regulators, current cut-offs, light radiators and switch-boards.

Arc and incandescent lights, wire and insulating tubes are not included in this ruling.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 70.

Havana, Cuba, December 15, 1900.

*Free entry of Christmas presents for Soldiers and Civilian
Employes of the United States.*

To all Collectors of Customs:

I have the honor to transmit the following Tariff Circular, for your information and guidance:

TARIFF CIRCULAR, No. 117.	}	WAR DEPARTMENT. WASHINGTON, December 15, 1900.
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By direction of the President, it is hereby ordered that the existing tariff and regulations governing importations into Cuba and the Philippine Islands, be and they are hereby modified so far as to allow the free entry of packages and articles clearly intended as Christmas presents for the officers and enlisted men of the United States Army and Navy now serving in Cuba and the Philippine Islands, and for other employes of this Government in those islands.

Customs officers will take due care that no abuse of this privilege is allowed and that a reasonable limit shall be placed upon the quantity and value of articles sent to any one address.

All such goods will be transmitted to the proper commanding officer for distribution and delivery.

This order will take effect immediately and will cease to operate after the 15th day of February, 1901, as to Cuba, and after the 15th day of March, 1901, as to the Philippine Islands.

ELIHU ROOT,
Secretary of War.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 71.

Havana, Cuba, December 26, 1900.

*Free entry of Christmas presents for soldiers and Civilian
Employes of the United States.*

To all Collectors of Customs:

I have the honor to transmit the following Tariff Circular, for
your information and guidance:

TARIFF CIRCULAR. }
No. 118. }

WAR DEPARTMENT.

Washington, December 26, 1900.

By direction of the President, it is hereby ordered that Tariff
Circular, No. 117, dated War Department, Washington, December
15, 1900, is modified so that the last paragraph thereof shall read:

This order will take effect immediately and will cease to operate
after the 15th day of January, 1901, as to Cuba, and after the 15th
day of March, 1901, as to the Philippine Islands,

ELIHU ROOT,
Secretary of War.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 72.

Havana, Cuba, January 15, 1901.

RULING No. 1.

Cocoa, ground or in paste, tare on.

To all Collectors of Customs:

I have the honor to transmit you herewith the following Ruling,
for your information and guidance:

RULING.

Referring to Disposition III, Rule 5, of the Tariff, under the
heading of "Cocoa", it is hereby ruled that:—

Cocoa, ground or in paste, in double receptacles shall have a tare of 15%.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 73.

Havana, Cuba, January 15, 1901.

RULING No. 2.

Corset Stays.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Corset Stays, of iron or steel covered with tissue (ballenas de acero ó hierro para corsés forradas de tejido) shall be classified under the paragraph corresponding to the tissue without surtax, in the same way as if they composed the entire corset.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 74.

Havana, Cuba, January 16, 1901.

RULING No. 3.

Buttons of Clam Shell.

To all Collectors of Customs:

I have the honor to transmit you herewith the following Ruling for your information and guidance:

RULING.

Ruling No. 40, dated September 1st, 1900, from this Office, is hereby revoked.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 75.

*Havana, Cuba, January 28, 1901.**Correction of Index of Tariff.*

To all Collectors of Customs:

I have the honor to transmit the following Order, for your information and guidance:

" No. 33.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, January 28, 1901.

The Military Governor of Cuba directs the publication of the following corrections in the indexes to the English and Spanish editions of the Customs Tariff, for the information and guidance of all concerned.

J. B. HICKEY,

Assistant Adjutant General.

ENGLISH REPERTORY.

Repertorio Inglés.

PAGE	LINES	
Página.	Líneas.	
97	10, 11, 12, 13, 14, 15, 16 and 17, which now reads as follows:	
	"Goblets—	
	Of ordinary glass.....	10
	Of crystal or glass imitating same.....	11 (a) or (b).
	Tumblers.—(See Goblets).	
	Cups.	
	Of ordinary glass (See Goblets).	
	Of crystal glass imitating same (See Goblets).	
	Of other materials (See Dishes)"	
	are hereby changed to read as follows:	
	"Goblets, of glass.....	11
	Tumblers, of glass (See Goblets).	
	Cups, of glass.....	11
	Of other materials (See Dishes)."	

PAGE **LINES**
Página. **Líneas.**

97 34 and 35, which now read as follows:

 "Tapico.....253
 Flour.....256 (b)."

are hereby changed to read as follows:

 "Taploca.....289"

SPANISH REPERTORY.

Repertorio Castellano.

PAGE Página.	LINE Línea.	STATING Dice.	SHALL READ Léase.	TARES Tara.
3	11	P. N.	P. B.	
4	27	47a	47	
5	33	6	8	PB.
5	48	101b	101 b y 100	
6	4	101b	100	
6	8	106	100	
6	10	106	100	
6	11	106	100	
7	7	P. B.	Ad valorem.	
7	8	P. B.	P. B.	
7	21	46	57	13 7 5
7	41	P. N.	P. B.	
8	53	93a	93d	PB.
9	17	88c	93d	PB.
9	22	92a	92c	
10	42	67	69	13 7 5
10	49	154	156	
12	33	41	41 ó 58	
14	49	79	100	
15	3	21	21a	30 16 16 16
15	6	266	77	PB.
15	7	106	101b y 100	
17	29	47a	74a	PB.
19	40	Algarrobas.	Algarrobas (Forraje.)	
20	37	101b	101b y 100	
21	22	Almohazas 47b.	Almohazas de acero	
			47a.	18 12 6
	30	Alpargatas.	Alpargatas y sandal- ias sin cuero.	Docena. PB.
	34	255d	267	Ad valorem.
22	27	2b	315	"
22	47	316	315	"
23	46	309b	309b ó 228	
24	27	14b	Véase sus materias.	
25	5	52	53b	18 12 6
26	8	215	216 ó 215	
27	21	70	30, 70 ó 301	
	44			PB.

PAGE Página.	LINE Línea.	STATING Dice.	SHALL READ Léase.	TARES Tara.	
28	26	Arneses ords.	Arneses ords, de tiro para carros.		
	39	171	188b	PB.	
30	12	299	299a	PN.	
33	12	31e	21e	30 16 16 16	
33	15	193	195	Ad valorem.	
33	19	194	195	"	
33	27	310	210	"	
35	39	89	86	PB. PB. PB. 17	
36	21	47b	47a	18 12 6	
38	38	201a	201c	15 6 6	
39	16	147	146	Ad valorem.	
39	18	147	146	"	
40	32	10	10 ó 11		
	44	100	98		
41	25	310	24	30 16 16	
42	34			13 7 5	
	47	226	210	Ad valorem.	
49	15	180	Véase cepillos.		
	28	201	201c	18 6 6	
51	9	201a	201a ó b.	PN.	
53	23	41	57 ó 58		
55	35	310	157 ó 310		
58	9	{ Candeleros y Can- delabros.	{ Candeleros (véase palmatorias) Can- delabros á saber:		
60	42			100 p. S	30 p. S
60	45			201b	227
61	27	De amoniaco, potasa.	De amoniaco, sosa.	95E. PB.	
	28	Sosa. 98	Potasa. 98		
62	13	310	315		
64	15	163a	163b	10 3 3	
65	23	162b	163b	10 3 3	
	35	162b	156	10 3 2	
66	37	201c	192	Ad valorem.	
67	37	232	233	Tonelada.	
70	11	Centrifugas con sus máqs.	Centrifugas.		
	50	255d	267	PB.	
73	35	58	30	Ad valorem.	
74	48	267	264	PB.	
76	23	95E	95 F	PB.	
	24	95E	95 F	PB.	
77	8	98	95c	PB.	
	41			Ad valorem.	
78	8	18 12 6		13 7 5	
	9	18 12 6		18 12 6	
	35	18 12 6		13 7 5	
79	24	"		PN.	
79	36	15 p. 0000	20 p. 0000		
79	37	85 p. 0000	80 p. 0000		
80	22	259	260	PB.	

PAGE	LINE	STATING	SHALL READ.	TARES
Página.	Línea.	Dice.	Léase.	Tara.
82	21	69	315	Ad valorem.
	22	70	315	"
	23	47a	315	"
83	11	Excepto.	Incluso.	
84	32	209	210	Ad valorem.
	33	210	209	"
87	11	238a	238	12 12 12 12
88	4	21a	16	PB.
90	47	47b	47a	18 12 6
91	3	47a	53a 6 b	18 12 6
	15	53c	53a	18 12 6
	24	53c	53b	18 12 6
93	19	226	315	
93	23	241	273	
95	28	Frescas 262	Elimínese.	
97	32	Papel para la fabricación de pasta, de relleno.	Papel para rellenos.	
	36	Facturas 189	Facturas (abonos)	
			107	PB.
114	27	146	147	Ad valorem.
115	16	79	335	Libre.
118	29	226	315	Ad valorem.
123	6	202	206	P. B.
126	19	Galvanizado 48	Galvanizado paracer-	
			cas 46	PB.
129	15	47b	47a	18 12 6
129	34	256	256b	PB.
131	14	47a	47	13 7 5
	25	52	51	PN.
131	50	47b	47a	18 12 6
133	4	47b	47a	18 12 6
	53	47b	47a	18 12 6
			47a 6 b	18 12 6
	56	47b		13 7 5
	58	47b	47a	18 12 6
134	28	95d	95c	PB.
140	19	69	68	PN.
	36	259	260	PB.
	37	259	260	"
	38	259	260	"
	39	259	260	"
140	40	259	260	"
	42	259	260	"
	45	259	260	"
	46	259	260	"
	47	259	260	"
	48	259	260	"
140	49	259	260	"
	50	259	260	"
	51	259	260	"
	52	259	260	"

PAGE	LINE	STATING	SHALL READ	TARES
Página.	Línea.	Dice.	Léase.	Tara.
	53	259	260	PB.
	54	259	260	"
	55	259	260	"
	56	259	260	"
141	3	259	260	"
	4	259	260	"
	5	259	260	"
142	30	Rgo. del 100 p S ;	Rgo. del 30 p S	
143	13	315	226	Ad valorem.
148	2	Lacón.	Lacón ahumado.	
	20	16	2b	PB.
150	2	98	100	20 20 20
151	13	50b	69	13 7 5
	14	50a	70	18 12 6
152	36	259	259 ó 260	PB.
153	20	de otro modo 289	Elimfnese.	
	44	156	154	10 3 3
155	37	77	267	PB.
156	33	PN.	Ad valorem.	
				PB.
157	5	2b	2a ó b	12 12 12
158	34	51	211c	Ad valorem.
160	8	Ciprés.	Nogal.	
	33	Nogal.	Ciprés.	
166	22	Aceíte de	Aceíte medicinal de	
166	36	215	215 ó 216	
167	46	332 libre	216	Ad valorem.
169	28	32c	226	
	29	33	226	
	30	34	226	
	32	57	226	
	63	58	226	
	34	56	226	
	35		226	
	36	Véanse sus partidas.	Elimfnese.	
173	3	Aceíte de	Aceíte medicinal de	
174	16	202	201c	Ad valorem.
174	28	33	226	"
	29	34	226	"
	32	57	226	"
	33	58	226	"
176	19	57	58	18 12 6
	20	58	57	13 7 5
178	28	259	260	PB.
183	5	283	82	PB.
188	46	156	154	
189	51	158	158b	10 3 3
	54	159 161	153	10 3 3
190	25	195 ad valo- rem.	161	10 3 3
	51	41 a. b. c.	57	13 7 5
192	6	3	174	
	27	105b	100 ó 106	20 20 20

PAGE Página.	LINE Línea.	STATING Dice.	SHAIT READ Lease.	TARES Lease.
193	40	146	147	Ad valorem.
195	28	288b	298b	PN.
197	28	189	193	
	33	189	193	
	34	189	193	
	35	189	193	
197	49	201c	192	Ad valorem.
199	18	34	214	"
200	17	288	92	PB.
201	6	262	263	Ad valorem.
	7	264	263	"
203	3	32c	47B	13 7 5
	4	34	47B	13 7 5
204	24	98	96a	PB.
207	42	95c	98	"
208	11	106	276	TE.
209	18	Véase la partida correspondiente.	Véase la partida correspondiente á bastones, paraguas, ó sombrillas.	
			57 6 58	13 7 5
211	4	41a. b. 6. c.		18 12 5
212	23	Accesorios pagarán como objetos labrados, por la partida de la materia correspondiente.	Accs., 212 6 213	Ad valorem.
			57 6 58	18 12 6
214	3	48		13 7 5
216	27	47b	47a	18 12 6
217	18	95c	98	PB.
218	8	78a	82	PB.
219	5	Segadoras.	Segadoras (hoz).	
	17	Sembradoras.	Sembradoras de fuerza que no sea animal.	
220	13	47a	226	Ad valorem.
	17	para bebidas gaseosas.	de vidrio ordinario.	
	18	95c	98	PB.
222	44	95c	98	"
224	28	100	99	20 20 20
226	12	Alfombras.	Tejidos de tapicería.	
227	3	162a	162 a ó 163b	
227	20	47b	47a	18 12 6
230	5	Conteniendo hilos.	Cuyos bordados contengan hilos.	
	12	Con hilos.	Cuyos bordados contengan hilos.	
231	10	Alfombras.	Alfombras sin mezcla de lana.	
233	10	en	y	
	25	15 p 8	15 p 8 no destinados á azúcar.	

PAGE	LINE	STATING	SHALL REAL	TARES
Página.	Línea.	Dice.	Léase.	Tara.
234	7	146	147	Ad valorem.
	15	146	147	"
	16	146	147	"
	21	146	147	"
	22	146	147	"
	25	146	147	"
	26	146	147	"
235	37	Broderies.	Elimnese.	
	38	Crochets.	"	
237	29	47b	47 a ó b.	13 7 5
	30	47b	47 a ó b.	" " "
238	11	146	147	
	19	47b	47a	18 12 6
239	12	172	226	Ad valorem.
	22	Tintas de todas clases.	Tintas de escribir, dibujar ó imprimir de todas clases.	
	40	Tintas, &c.	Tintas de escribir, dibujar ó imprimir de todas clases.	
240	25	3	4b	30 16 16
245	42	309a	226	Ad valorem.
249	52	278a ó b	100	20 20 20 20
	53	278a ó b.	100	20 20 20 20
	55	Comunes, blancos y rojos.	Blancos 278a ó b. Comunes rojos á saber:	
251	20	Yeros.	Yeros (forraje)."	

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 76.

Havana, Cuba, January 28, 1901.

CIRCULAR No. 15.

Par. 345 limited to articles without commercial value.

To all Collectors of Customs:

I have the honor to inform you that the Military Governor has decided that no articles can be admitted free of duty under Paragraph No. 345 except those which are found to have no commercial value. The question as to whether such articles have commercial value is to be decided by the Custom House, which decision should be based on the following lines:

Paragraph No. 345 of the present Tariff in its original form,—as adopted somewhat over a year ago,—was intended to cover the cases then arising under Rule 10 in force at that time and to prevent the unnecessary hardship imposed by the application thereof due to the presence in shipments of various kinds of merchandise, of small quantities of advertising matter. The concession in no way contemplated the free admission of anything but the very cheapest forms of advertising matter, coming in the way above described, and such as could be reasonably said to have no commercial value.

It has resulted that the merchants, of this city at least, have been constantly endeavoring to ignore the most important part of the Paragraph,—to wit:—the requirement that these articles shall have no commercial value,—and have been endeavoring to import thereunder large shipments of all sorts of advertising matter having a distinct commercial value, and in some cases to the extent that they have been sold broadcast through the City of Havana.

Another safe guide in deciding these questions is the way in which these articles are imported. If they come as a regular importation of merchandise, either as a part of a shipment of other goods, or as an entire shipment by themselves, regularly invoiced and manifested, they could in no way be held to be merchandise of no commercial value, and should be classified as dutiable under their respective paragraphs.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 77.

Havana, Cuba, February 7, 1901.

Advertising Matter.

To all Collectors of Customs:

I have the honor to transmit the following Order, for your information and guidance:

“ No. 49.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 7, 1901.

The Military Governor of Cuba directs the publication of the following ruling for the information and guidance of all concerned:

Those articles which are excluded from classification under Para-

graph 345 of the Customs Tariff for Ports in Cuba by reason of not complying with the condition that they shall have no commercial value, shall be classified for assessment of duty under Paragraph 315, except where the character of the article as printed matter makes it properly classifiable under the schedule for printed matter.

J. B. HICKEY,
Assistant Adjutant General."

Very respectfully,
Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 78.

Havana, Cuba, February 11, 1901.

Export Duty on Tobacco.

To all Collectors of Customs:

I have the honor to transmit the following Order, for your information and guidance:

"No. 50.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, February 11, 1901.

The Military Governor of Cuba directs the publication of the following order of the President of the United States, for the information and guidance of all concerned.

J. B. HICKEY,
Assistant Adjutant General.

EXECUTIVE MANSION.

Washington, D. C., February 5, 1901.

On recommendation of the Military Governor of Cuba, approved by the Secretary of War, I hereby order and direct that the export rates of duty provided on page 50 of the "Customs Tariff for Ports in the Island of Cuba", promulgated by Executive Order dated March 31, 1900, are hereby amended to read as follows:

EXPORT RATES OF DUTY.

Tobacco:

Manufactured.

a. Cigarettes in boxes.....	thousand.....	\$0.45
b. Tobacco, cut.....	100 kil.....	1.88
c. Cigars.....	thousand.....	0.68

In the leaf or filler tobacco.

- | | | |
|--|--------------|--------|
| a. Harvested in the province of Santiago de Cuba and exported through the custom-houses of Santiago, Gibara or Manzanillo..... | 100 kil..... | \$1.10 |
| b. Other..... | do. | 3.15 |

This order shall take effect on the first day of April, 1901.

WILLIAM McKINLEY.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 79.

Havana, Cuba, February 13, 1901.

CIRCULAR No. 25.

Importation of Plantation Machinery received through Commission Merchants.

To all Collectors of Customs:

In connection with the provisions of Note 2, to Paragraph 215, Page 38 of the amended Customs Tariff for Ports in the Island of Cuba, I have the honor to instruct you as follows:

In the case of a Planter giving an order to a commission merchant in Cuba, for any of the articles mentioned in Note 2. Paragraph 215, above referred to, if the merchant immediately and before the importation of the goods, presents at the Custom House a copy of the planter's order, such articles may be considered by the Custom House as imported directly by the planter, and be entitled to classification under Paragraph 215, on satisfactory proof of their installation in the planter's establishment.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 80.

Havana, Cuba, February 22, 1901

CIRCULAR No. 32.

Advertising matter.

To all Collectors of Customs:

In connection with the classification of advertising lithographs, I have the honor to direct your especial attention to Civil Order No.

49, Headquarters Department of Cuba, published in the GACETA OFICIAL under date of February 8, 1901, with regard to the classification of Articles which are excluded from classification under Paragraph No. 345 by reason of not complying with the condition that they shall have no commercial value.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 81.

Havana, Cuba, March 11, 1901.

Railway material. Date of promulgation of Tariff.

To all Collectors of Customs:

The following Official Copy is respectfully furnished for your information and guidance:

Washington, March 8th, 1901.

Wood, Havana.

Referring to your endorsement of March first on letter Bliss dated February 26th requesting decision of Secretary of War in regard to date of promulgation of tariff referring especially to paragraph three eighteen in connection with certain railroad material Secretary of War decides that March thirty first nineteen hundred is true date of promulgation Cuban Tariff all provisions of tariff may and will remain in force unless amended by proper authority until revision of tariff goes into effect this applies to special exception in paragraph three eighteen.

Edwards.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, Cuba, March 8th, 1901.

Official copy of telegram received respectfully referred to the Collector of Customs for Cuba for his information and guidance.

By direction of the Military Governor:

(Sgd.) *J. B. Hickey.*
Acting Adjutant General.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 82.

Havana, Cuba, March 12, 1901.

Export duty on tobacco.

To all Collectors of Customs:

I have the honor to transmit the following Order, for your information and guidance:

No. 70.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, March 12, 1901.

By direction of the Secretary of War, the Military Governor of Cuba directs the publication of the following order of the President of the United States, for the information and guidance of all concerned.

J. B. HICKEY,
Assistant Adjutant General.

EXECUTIVE MANSION.

Washington, D. C., March 8, 1901.

On recommendation of the Military Governor of Cuba, approved by the Secretary of War, I hereby order and direct that the export rates of duty on tobacco provided on page 50 of the "Customs Tariff for Ports in the Island of Cuba", promulgated by Executive Order dated March 31, 1900, shall be abolished on the first day of April, 1901.

WILLIAM McKINLEY.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 83.

Havana, Cuba, March 13, 1901.

CIRCULAR No. 138.

Permits for importation of explosives.

To all Collectors of Customs:

I have the honor to instruct you that hereafter the special authorization of the Military Governor for the landing of dynamite, gun-

powder and similar explosives, as contemplated by Rule 1, Disposition Fourth, of the Cuban Customs Tariff, must in each case, be secured in advance of such importation. These instructions are intended to supersede Circular No. 256 of June 14, 1899, and all other previous orders or directions in conflict herewith.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 84.

Havana, Cuba, March 16, 1901.

Mineral oils. Tissues.

To all Collectors of Customs:

I have the honor to transmit the following order, for your information and guidance:

No. 74.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, March 16, 1901.

By direction of the Secretary of War, the Military Governor of Cuba directs the publication of the following order of the President of the United States, for the information and guidance of all concerned.

J. B. HICKEY,
Assistant Adjutant General.

EXECUTIVE MANSION

Washington, March 1. 1901.

I hereby order and direct that the "Customs Tariff for Ports in the Island of Cuba," promulgated under my order of March 31, 1900, be and the same is hereby amended as follows:

Paragraph 6 thereof will read as follows:

"6. Crude oils derived from schists, including crude petroleum:
axle grease for cars and carts, G. W., 100 kil.....\$1.40

Provided that:

- a. Crude petroleum to be used exclusively in the manufacture of illuminating gas and only at gas works in Cuba, and used for no other purpose, said gas works to be subject to inspection by the Customs authorities; and provided that the importer gives such bond as may be regarded necessary by the Collector of Customs, G. W., 100 kil.....\$0.70

“For the collection of duty, the following shall be considered as—
 a. Crude oils derived from schists, those obtained from first distillation, distinguishable by their density of from 900 to 920 thousandths of a degree, or from 66 to 57½ of the centesimal aerometer, equal to from 24 degrees and 69 hundredths to 21 degrees and 48 hundredths Cartier.

b. Crude mineral oils mixed with animal oils, as well as crude mineral oils mixed with vegetable oils, when these oils are exclusively destined to lubricating machines, are likewise dutiable according to this number.

c. For rules of clearance of crude petroleum see instructions on page 49.

Paragraph 7 thereof will read as follows:

“7. Petroleum and other mineral oils, rectified or refined, intended for illumination or lubrication, §G. W., 100 kilog. \$3.50
 A product from petroleum known under the name of cordage oil, imported by and used exclusively for cordage works in their manufacture of rope and cordage, provided that the importation be made at the direct demand of the president of the cordage company, and that the latter submit their works at all times to the inspection of the customs authorities, and that the importer give such bond as may be regarded necessary by the acting collector. G. W., 100 kilog. \$0.70

Paragraph 114 will read as follows:

“114. Tissues, plain and without figures, napped or not, weighing ten kilograms or more per 100 square meters, unbleached, bleached or dyed, and

Tissues, plain and without figures, napped or not measuring not over 65 centimeters in width, weighing 8 kilograms or more per 100 square meters, unbleached, bleached or dyed, having:

- a. Up to 9 threads, N. W.,..... kilog. \$0.13.
 - b. From 10 to 15 threads, N. W..... “ 0.17.
 - c. From 16 to 19 threads, N. W..... “ 0.23.
 - d. 20 threads or more, N. W..... “ 0.35.
- “114e. The same tissues, printed or manufactured with dyed yarns: Dutiable as the tissue, with a surtax of 30 per cent, N. W.”

§ All mineral oils not having the properties described in the note to paragraph 6 shall be considered as refined”

This order shall take effect and be in force on and after the first day of April, 1901.

This order shall be duly proclaimed in the Island of Cuba.

WILLIAM McKINLEY.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.

No. 85.

Havana, Cuba, March 21, 1901.

CIRCULAR No 41.

Machetes, classified as agricultural instruments.

To all Collectors of Customs:

The following extract from a letter addressed to a Collector of Customs in Cuba is communicated to you, for your information and guidance in connection with the classification of machetes:

“ Different manufacturers of machetes in Germany, England and the United States have slightly different models. Practically, however, the models given in the catalogue of Messrs Collins, who are the principal manufacturers for export to this Island, may be accepted as a standard, since all of the manufacturers manufacture to meet the local demand, and therefore no model of a given general form of machete will materially depart from the models found in the Collins catalogue. In the 24th edition of that catalogue (1895), the various models appear on pages 16—28 inclusive.

“ Any machete exceeding 28 inches in length may be denied free admission as an agricultural machete, for the reason that observation has shown that agricultural machetes exceeding that length are not imported. Whether machetes of 28 inches or under are to be classed as agricultural implements can be determined only after careful examination of the implement itself, having in mind certain considerations. The machete cannot be passed as an agricultural implement merely on its catalogue number and without actual determination as the result of inspection, because it has occurred in the past that numbers have been changed from the catalogue numbers in order to help the importer.

“ First of all it is to be noted that agricultural machetes are all without ornamentation. Those therefore, with ornamented blades and hilts, and without exception those with guards, are not to be classed as agricultural implements.

“ Again it is to be noted that agricultural machetes, *as a rule*, do not have a straight blade, nor does the blade, whether straight or curved, terminate in a straight point or one closely approximating a straight point, unless some peculiarity of the form or weight of the blade shows it especially adapted for agricultural use, because in the legitimate work of such a machete this point would soon be broken.

“ Finally, classification will be determined by the known habitual use of the particular model presented for classification. To illustrate, it is held that the models shown in the Collins catalogue on

page 16, Nos. 370, 415, 38, 143, 479 and 203 are not agricultural machetes.

" Nos. 623, 460, 23, 323 and 15 are agricultural machetes. Nos. 22, 278 con cabo núm. 2, and 278 cabo núm. 4, are agricultural machetes provided the length does not exceed 22 inches. Beyond that they cannot be so classified.

" Nos. 289, 351 (Page 17,) 66, 254, and 222 are not agricultural implements, although No. 66 with a differently shaped point might be so classified. The others of these numbers are either a side-arm, like 289, or hunting knives, or those used by butchers, in the kitchen, etc.

" Nos. 127, 313 and 128 are agricultural implements.

" Nos. 254, 222, 127, 128, all con mango de madera, are butchers' knives, etc., and not agricultural implements. Nos. 86 con mango de gallo, 86 con cabo de lobo, 326, 216, con cabo de gallo. 376 con cabo de madera, 169, 87 con cabo de chapa. and 87 con cabo criollo. are to be classed as armas blancas, as is likewise No. 39 on page 19.

" Nos. 190 and 190 punta aroma may be classed as agricultural implements up to and including a length of 22 inches; beyond that, not. The same classification applies to No. 34 on page 19, Nos. 45, 44, 43, 42, 41, 33, 32 and 61 are all agricultural implements.

" Nos. 31 and 30 are hunting knives. Nos. 60, 62, 63 and 64 are not agricultural implements, Nos. 51, 50, 49, 48 and 47 are knives used by butchers or for hunting, and are not agricultural implements.

" Nos. 37, 1, 83, 84, 85 and on page 21. Nos. 30, 31, 32 and 33 may be classed as agricultural implements, as likewise No. 34 on page 21, up to and including a length of 22 inches.

" No. 66 on page 22, and No. 9, are not to be classed as agricultural implements.

" No. 152 con cabo num. 2, No. 152 con cabo num. 4, and No. 90 are classed as agricultural implements up to and including a length of 22 inches. Nos. 318, 29, 191, 112, 129, 475, the three numbers 157, Nos. 514, 163 and 123, may be classed as agricultural implements.

" Nos. 284, 164, and 702 cabo forma num. 2, are knives for butchers, hunting and the kitchen.

" Nos. 378, 183, 130, 142, 624, 172, 206, 742, 730, 748 and 542, are classed as agricultural implements.

" The two numbers 287, Nos. 227, 224, 336 and 94 are butchers' knives, or armas blancas. Nos. 165, 228 and 351 are knives for various purposes (not agricultural), and may be used as side arms.

“ Nos. 211 and 110 are agricultural implements.

“ All the numbers on page 26 of the above mentioned catalogue are either side arms, hunting knives, butcher knives, etc., and not agricultural implements.”

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 86.

Havana, Cuba, April 1, 1901.

Corrections in the Spanish Repertory.

To all Collectors of Customs:

I have the honor to transmit the following Order, for your information and guidance:

No. 87.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, April 1st, 1901.

The Military Governor of Cuba directs the publication of the following typographical corrections in the Spanish Repertory of the present Cuban customs tariff. for the information and guidance of all concerned:

SPANISH REPERTORY.

Page	Line	Stating	Should read	Tares
33	19	194	195	Advalorem.
77	53	67b	68	
77	54	67a	68	

J. B. HICKEY,

Assistant Adjutant General.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 87.

Havana, Cuba, April 12, 1901.

RULING No. 4.

Foundry facings (charcoal in powder.)

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Charcoal in Powder, commercially known as foundry facing and used in the casting of iron and steel, shall be classified under Paragraph No. 177 of the Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 88.

Habana, Cuba, April 17, 1901.

CIRCULAR No. 54.

Correction of Circular No. 41, machetes.

To all Collectors of Customs:

I have the honor to direct that the following correction be made in Circular No. 41 of this Office, dated Havana, March 21, 1901, and referring to the classification of Machetes.

In the first line thereof, insert after the word "addressed," the words "from this Office," so that the line shall read:—"The following extract from a letter addressed *from this Office to,*" &c. &c.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

No. 89.

Havana, Cuba, April 18, 1901.

CIRCULAR No. 53.

Starch and soup pastes.

To all Collectors of Customs:

I have the honor to invite your attention to the following correspondence in regard to the classification of starch, which is approved by this Office:

(1st.)

"ADUANA DE LA HABANA.

JUNTA DE APELACIONES.

February 4, 1901.

MAJOR T. H. BLISS,

Collector of Customs for Cuba.

SIR:—

At the present moment there are before the Board various protests referring to the classification of starch, which by the Vista has been appraised under the head of "Alimentary Fæcula". From the investigation made by the Board, the following has been learned of the said substances:

Under three different forms substances can be imported that presents sameness of character which, in its application, can serve the same ends, and one of the substances, according to the form of its preparation, can serve for other purposes.

These three different classes of the same substance are starch, fæcula and dextrina.

The substances obtained from certain vegetables, such as wheat, potatoes, corn, yuca, etc., receive these three names, according to the manner of extracting them; in them characteristics are found general to the three, and peculiar ones to each, thus preventing being confounded with the others. The one which presents a special characteristic, is the one known by the name of dextrina, which, obtained from the same vegetables, first in the form of starch, is afterwards converted into dextrina, treated by the action of heat at high temperature; or, from barley, by a special treatment of fermentation. It can also be obtained by a treatment with sulphuric, nitric or hydrochloric acid. Its special characteristic is that, if a dissolution of dextrina in water is subjected to the action of iodine, it does not change to a blue color, as do the other two.

In view of the above, one readily sees that there can be no doubt as to the classification of this article, but the same does not apply to the other two, as will be seen from the following. The general characteristics of starches and fæculas are, 1st. They can be presented in granular form, masses or as a powder.

2nd. They are soluble in water, forming a viscous paste.

3rd. Its color generally is white, having an insipid taste, and crunches when squeezed.

4th. If the dissolutions in water are subjected to iodines, they color blue.

They can only be distinguished a little with the microscope, be-

cause of starch presenting the form of united needles, but not so with fæculas. The uses to which fæculas and starch can be put are identical; they serve in the manufacture of alimentary pastes; pastrycook's and bakery shops, in the manufacture of paper, cloths, etc.; a correct classification being, therefore, impossible without knowing the use to which it is to be put. The only differential form that can be taken into consideration, in view of its like applications, would be the form or manner of importing it, as it is certain that when it is imported to serve as alimentary products, that is, for pastries, macaroni, etc., it is customary to bring it in barrels, bags holding small quantities, in packages, etc.; and when its importation is made for washing purposes, it is brought in ordinary bags.

If it is desired to only bear in mind if it is, or not, an alimentary product, all starches should be classified as such, as all are starches, and the Custom House not being able to efficiently prove the use for which it is imported, the Board begs that you furnish it with antecedents or rules marking the difference between the one and the other.

Very respectfully,

(Sgd.) *Ignacio Díaz Lopez,*

President of the Board."

(2nd.)

HAVANA CUSTOM HOUSE.

OFFICE OF THE DEPUTY COLLECTOR OF CUSTOMS.

(*Appraisers Division.*)

Havana, Cuba, April 10th, 1901.

13360—3.

Starch.

Major T. H. Bliss,

Collector of Customs for Cuba.

Sir:—

Referring to my endorsement of this date on Correspondence No. 13360—3, I have the honor to submit the following report, after a careful investigation and study of the subject under discussion:

The President of the Board of Appeals requests instructions of rules by which that body can determine when certain starches and fæculas are "for industrial uses", hence dutiable under Paragraph No. 108 of the Tariff, and when they are "for soups and other alimentary purposes" hence dutiable under Paragraph No. 289.

The question is one which has given the Appraisers' Division no little trouble in the past, and it will continue to give trouble in the future until the Tariff in this respect is changed.

The reasons for this are very simple—to wit. In the first place, the *same* starches and *fæculæ* are used for *both* industrial and alimentary purposes; and, secondly, those which *are used for distinct purposes* are so similar in their nature and characteristics, as to make any logical differentiation always extremely difficult, and in many cases absolutely impossible.

Some other guide must be sought, therefore, to decide the classification of these articles. Before recommending the means of accomplishing this, the following descriptions and definitions are given:

Tapioca—a starchy substance presenting irregular, hard, white, rough grains, obtained by heating cassava; commonly used for puddings, etc., and valued as a light, nutritious food for invalids.

Feculæ-exotiques.—By such name is understood all flour and feculæ, crude or toasted, from other countries, except Europe and extracted from arrowroot, dictame, etc.; but mostly from manioc root. This last farinaceous substance is either the root itself made into grated pulp, or the feculæ extracted by a washing process. The pulp is known by the name of "Manioc flour" when it has been crushed and toasted. It is called "couaque" when made or prepared into grains or flakes by an incomplete toasting, and it is called "cassava" when simply dried in cake form. This feculæ dried in the air is designated by the name of "cipipe" or "mousache", and when roasted (or toasted) by the name of "tapioca."

Native Tapioca.—This is obtained by projecting "potato feculæ" slightly moist on copper plates heated red to 100 degrees centigrade.

Tapioca is a farinaceous food substance prepared from cassava starch, the product of the large tuberous roots of the cassava or manioc plant (*manihot ultissima*), native of Brazil. Cassava starch being separated from the fibrous and nitrogenous constituents of the roots, is in a moist condition spread upon iron plates, and with constant stirring exposed to such heat as causes a partial rupture of the starch granules, which agglomerate into irregular pellets, becoming hard and translucent when cooled. In this partly torrefied condition the starch forms the tapioca of commerce, a light, pleasant and digestible food much used in puddings and as a thickening for soups. The French prepare an artificial tapioca from potato starch, mixed with various vegetable substances, for use in soups, etc., which is found in the market under such names as tapioca Crecy, tapioca Julienne, etc., according to the dried vegetables with which the preparations are made.

Starch.—As an economic product, starch in its separate condition is a most important alimentary substance, the chief pure food starches being arrowroot, sago, tapioca and cornflour, the starch of the maize.

In its other industrial relations, starch is used directly as a thickening material in calico printing, for the dressing and finishing of many textiles, for laundry purposes, adhesive paste and powder. Maize, wheat and rice starch are principally employed for the direct applications, and for the dextrin and starch-sugar manufactory, potato starch is almost exclusively used. The laundry starches now in use are principally made from rice and from pulse.

Cassava—is the name given to farinaceous root stocks of two species of euphorbiaceous plants, the bitter cassava (*Manihot ulitissima*) and the sweet cassava (*M. aipi*), both highly important sources of food starches.—The bitter cassava, which is the more important of the two in an economic sense, has been introduced into the most tropical regions, and is extensively cultivated in the East Indian archipelago, from which, as well as from Brazil and other South American states, its starch in the form of tapioca is a staple article of export. The bitter cassava root is fusiform, sometimes attaining a length of three feet and a weight of about thirty pounds. Its sap contains hydrocyanic acid, and being therefore highly poisonous, the root cannot be eaten in fresh condition: while on the other hand the sweet cassava is perfectly innocuous, and is employed as a table vegetable. Exposure to heat dissipates the poisonous principle and the concentrated juice is in that state used as the basis of Cassareep and other sauces. From the bitter cassava root many different food preparations are made in Brazil. The roots are preserved for use by simply cleaning, slicing and drying them; from such dried slices manioc or cassava meal used for cassava cakes, etc., is prepared by rasping. The starch also is separated and used for food under the name of Brazilian arrowroot; and this, when agglomerated into pellets on hot plates, form the tapioca of commerce. Cassava starch has a stellate hilum, which readily distinguishes it under the microscope from other starches.

“El almidón sirve principalmente en la industria y en la economía doméstica para la preparación de engrudos y el apresto de la ropa blanca.—Sirve también para preparar la dextrina y la leio-coma. Reducido á polvo fino, constituye la flor de almidón, flor de arroz, flor de maíz blanco, etc., que se emplea en perfumería.—En terapéutica se utilizan las propiedades analépticas de los dis-tintos almidones ó féculas y se prescriben con frecuencia como medios de alimentación ligera. Así se usan la tapioca, el sagú y el arrow root, ya en forma de gelatinas azucaradas, ya asociadas á los caldos, al chocolate, etc.”

The principal difficulty in this matter has arisen over the classification and determination of the article known as “tapioca”, and

the feculæ or starch of the "yuca" or "manihot". The practice of this Custom House has been to classify the article from its container, general appearance, price, etc., when the invoices presented were genuine; thus, "feculæ" or "starches" imported in large bags roughly packed have been classified under Paragraph No. 108, as being for industrial purposes, and when imported in small boxes or packages, showing clearly that it was for alimentary uses, under Paragraph No. 289. This practice would be easy of application and give no trouble whatever were it not for the fact that all starch having a greater value than $2\frac{1}{2}$ cts. per pound pays more duty when classified under Paragraph No. 289 than under Paragraph No. 108.

The notes of the Provision Department show the following prices:

Tapioca starch in bags from \$0.0163 to \$0.055 per pound.

Potato starch in bags from \$0.01875 to \$0.02625 per pound.

Mexican starch (generally from "yuca" or "manihot") in bags varies from \$0.0244 to \$0.055 per pound.

Starch coming from the United States or England in double containers (paste-board boxes of half pound or more and wooden cases) is valued at \$0.0285 to \$0.0368 per pound.

The commercial article called "tapioca", which comes in packages, generally has a granulated appearance and is more or less resistant to the touch. In such cases it does not offer any difficulty for classification, as it unquestionably goes under Paragraph No. 289 as an alimentary substance; its value also being very high. Of this kind is "Groult's" tapioca with a value of 3.30 francs per kilo.

From the above it is seen that the only difficulty lies in the classification of starch imported in bags when it is worth more than $2\frac{1}{2}$ cts. per pound. To meet these extraordinary conditions under the present Tariff therefore, it is recommended that, for the sake of uniformity in the appraisalment of all doubtful starches and feculæ, whether of yuca, potato, rice, corn, etc., when they are imported in bags or barrels, in bulk, or otherwise roughly packed for apparent industrial uses, they be classified under Paragraph No. 108, leaving it to the Appraisers' Division to carefully watch over the importations and see that a fine grade of alimentary starch or feculæ is not attempted to be so passed.

All others will be placed under Paragraph No. 289.

Very respectfully,

(Sgd.) *W. Morgan Shuster,*
Deputy Collector of Customs."

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 90.

Havana, Cuba, May 8, 1901.

RULING No. 5.

Surgeons operating tables.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Ruling No. 2 of June 28, 1900, is hereby modified to read as follows:

"*Surgeons' operating tables* made of wood, or partially of wood, shall be classified under Paragraph No. 174 of the Tariff:

"All others shall be classified under Paragraph No. 226 of the Tariff".

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,

Collector of Customs for Cuba, and for the Port of Havana.

No. 91.

Havana, Cuba, May 27, 1901.

CIRCULAR No. 71.

Reimportation of sugar bags.

To all Collectors of Customs:

I have the honor to forward herewith for your information and guidance, the following rules approved by the Secretary of the Treasury in Washington, for the identification of sugar bags upon their reimportation into the Island of Cuba:

Rules governing the Free Entry of Bags Exported from Cuba as Receptacles for Sugar, on reimportation empty from the United States.

1. Entries of Sugar bags returned to the port of original exportation in Cuba, must show the fact of regular clearance for the United States by the records of the Customs, and by the declaration of the person making the entry in the form prescribed in paragraph two hereof. But when the reimportation is made into a port other than that of original exportation, there shall be required, in addition to this declaration, a certificate from the Collector of the port where the exportation was made, in the form prescribed in paragraph three, showing the fact of exportation from that port.

2. Oath of importer, agent, consignee or owner on importation of empty sugar bags into Cuba.

I,, do solemnly, sincerely, and truly swear [or affirm] that the bags mentioned in the entry annexed are, to the best of my knowledge and belief, the identical bags exported from Cuba on the day of 19..... in the United States of America.

..... Destined for the port of.....
Sworn to this day of 19.....

..... Collector.

3. Collector's certificate of clearance provided for in paragraph 1.

Port of..... 19.....

This is to certify that there were cleared from this port on the day of 19..... per
whereof was master, for the port of.....
United States, certain bags containing sugar in number,
bearing marks, exported by....., and
consigned to

[Seal] Collector.

4. If the above certificate cannot at once be produced, and the proofs otherwise required be produced, free entry will be permitted on bond being given for the production of the certificate in a sum equal to what the duties would be if the bags were of foreign origin and not re-imported receptacles.

5. To guard against fraud and to insure identity, the Collector shall require, in addition to proofs of clearance, the production of a declaration made by the exporter of the bags in the United States, before the Collector of Customs of the port whence the exportation was made, showing that the bags so exported, were imported from Cuba, giving date, name of importing vessel, consignee, etc.

6. Collectors may waive record evidence of clearance from a port in Cuba, and above declaration, and in lieu thereof, accept other satisfactory evidence as to the identity of the receptacles, in all cases where the value does not exceed one hundred dollars, if satisfied that the failure to produce the record evidence did not result from willful negligence on the part of the importers.

7. Cuban sugar bags and bags of foreign origin not exported from Cuba as receptacles, returned in one consignment must be packed separately in order that the character thereof may be readily determined, and where the two classes of bags are imported together, and so indiscriminately mingled as not to be easily separated, the provisions of paragraph 323 of the Customs Tariff will not apply, and duties will be assessed thereon.

8. In default of the observance of the foregoing requirements, duty will be assessed on the bags as of foreign origin and not returned receptacles.

Note: Until legal sanction can be procured for oaths administered by Collectors of Customs [or deputies] the oath prescribed in preceding Article 2, must be legalized before a Notary Public.

No evidence shall be accepted under preceding Article 6, except such as would be conclusive before a court of law.

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,
Collector of Customs for Cuba,
and for the Port of Havana.

No. 92.

Havana, Cuba, May 27 1901.

CIRCULAR No. 72.

Machetes.

To all Collectors of Customs:

Referring to Circular No. 41 from this Office, dated March 21st, 1901, it is hereby directed that the machetes conforming to the models No. 22, 152 and 278, of Collins' catalogue, 14th edition, 1895, be classified from and after this date, as agricultural machetes.

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,

Collector of Customs for Cuba, and for the Port of Havana.

No. 93.

Havana, Cuba, May 31 1901.

CIRCULAR No. 73.

Foreign built receptacles.

To all Collectors of Customs.

I have the honor to invite your attention to the provisions of Paragraph 323 of the Customs Tariff for Cuba. In accordance with this paragraph, foreign-built receptacles for molasses and certain other imported articles are free of duty only when, after having been imported into Cuba and paid the lawful duty once thereon, they have been exported, and then reimported after positive identification. If such receptacles are of the "manufacture of the Island of Cuba" being returned from a foreign country, they are entitled to free admission only after positive identification.

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,

Collector of Customs for Cuba, and for the Port of Havana.

No. 94.

Havana, Cuba, June 12, 1901.

RULING No. 6.

Shoe lasts.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling:

RULING.

Shoe lasts. (Hormas para zapatos,) shall be classified under Paragraph No. 171 of the Customs Tariff.

Please correct your Repertory accordingly.

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,

Collector of Customs for Cuba, and for the Port of Havana.

No. 95.

Havana, Cuba, June 14, de 1901.

RULING No. 7.

Half finished cotton knitted undershirts.

To all Collectors of Customs:

I have the honor to transmit you herewith, for your information and guidance, the following Ruling, effective on and after this date:

RULING.

Undershirts of Cotton Knitted Goods, consisting of the body complete, all except cutting, and the sleeves complete, except sewing, and constituting a half finished garment, (in all respects like the sample on file with this Ruling in the Appraisers Division) shall be classified under Paragraph 122 of the Tariff, with a surtax of 100 per cent.

Very respectfully,

Tasker H. Bliss,

Brigadier General, U. S. V.,

Collector of Customs for Cuba, and for the Port of Havana.

No. 96.

Havana, Cuba, June 25, 1901.

CIRCULAR No. 90.

Wines, error in Spanish Repertory.

To all Collectors of Customs:

I have the honor to invite your attention to an error in the Spanish Repertory, which however, is so manifest and so plainly at variance with the law as set forth in the body of the tariff itself, that it has probably occasioned no difficulty. Nevertheless, note should be taken of it.

The error occurs under the head of "Vinos", near the bottom of page 249, in accordance with which "Vinos, comunes blancos", are indicated as classifiable under paragraph 279. It will be noted that the tariff law itself makes no distinction of wines according as they are "comunes," or not, excepts so far as such distinction results from the plain classification indicated in the tariff. According to paragraphs 277, 278 and 279, wines are classified under three classes only:

First: All sparkling wines, regardless of their color, or their value, are classified under paragraph 277.

Second: All white wines, (except sparkling wines) regardless of their value, are classified under paragraph 278.

Third: All other wines are classified under paragraph 279.

From the above, it is evident that all white wines are classified under paragraphs 277 and 278, the former receiving the sparkling wines, and the latter, all other white wines.

Red wines are classified under paragraph 278, when they are "vinos generosos", also, when they are dessert or liqueur wines. All other red wines are classified under paragraph 279. No white wines of any kind can be classified under paragraph 279.

In cases of any of the very high priced red wines, (which are seldom imported into Cuba) it is advisable that reference be made by telegraph to this Office, for decision as to whether such a wine can be included in the so-called "Generous", wines, or, in the red dessert or liqueur wines.

It is, therefore, evident that every wine entry should be carefully scrutinized, to see whether the declaration is plain and specific, and (on the supposition that the declaration is correct) justifies classification under the paragraph demanded by the importer. Thus, a declaration of "White wine. . . paragraph 278, a or b", should not be admitted, but the importer should be required to specify that it is a

“White wine not sparkling”, if he demands classification under paragraph 278. Nor, should such a declaration be accepted as “Red wine..... paragraph 279 a or b”, but the importer should be required to declare, that although it is a red wine, it is neither a “vino generoso”, nor a red dessert or liqueur wine. In all such cases, it is desirable to have the brand added, and in any case, the appraiser in making his return, should indicate the brand.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba
and for the Port of Havana.

Such a declaration as “Vino comun” under Par. 279 must not be permitted.

T. H. B.

No. 97.

Habana, Cuba, August 6th, 1901.

RULING No. 9.

Gas oil.

To all Collectors of Customs:

Under date of August 5th, the following cablegram was received from the War Department:

“Bliss Collector of Customs, Havana.

Acting Secretary of War by telegraphic instruction, directs that you classify shipments of gas oil until the taking effect of new Tariffs according to your recommendation to the Department in your cablegram of August second acknowledge receipt.—*Edwards.*”

The recommendation of this office above referred to is as follows:

“Havana, August 2nd.

I recommend adoption of project of Tariff Commissions as follows:—Crude natural petroleum and the product of petroleum known under the name of gas oil to be used exclusively in the manufacture of illuminating gas and only at gas works in Cuba said gas works to be subject to inspection by the Customs authorities and to be used for no other purpose and provided that these oils are imported directly by the gas Company and that the Company gives such bond as may be regarded necessary by the Collector gross weight one hundred kilos seventy cents.”

In accordance with the above the product of the distillation of crude petroleum known as gas oil, imported by a Gas Company in

Cuba, for exclusive use by said Company in manufacture of illuminating gas, will be classified for duty under paragraph No. 6, at 70 cents per 100 kilos.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 98.

Havana, Cuba, August 6, 1901.

CIRCULAR No. 113.

Nitrate of Silver, correction in Spanish Repertory.

To all Collectors of Customs:

Please refer to the Spanish Repertory, page 179, line 38:

“Nitrato de plata fundido (piedra
infernial)..... 100 20 20 20 20”

The same should read:

“Nitrato de plata fundido (piedra
infernial)..... 98 PB PB PB PB”

This for your information and guidance.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 99.

Havana, Cuba, August 9th, 1901.

CIRCULAR No. 114.

Malt for the manufacture of Beer.

To all Collectors of Customs:

Please refer to the Spanish Repertory, page 163 lines 18 & 19:

“Malta para la fabricación de cerveza, partida 82-c.—P. B.”

The same should read:

“Malta para la fabricación de cervez, partida 255-c.—P. B.”

This for your information and guidance.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 100.

Havana, Cuba, August 10th, 1901.

CIRCULAR No. 115.

Limitation of Articles included under Par. 337.

To all Collectors of Customs:

The following suggestions are communicated for the information of Collectors with special reference to the application of paragraph 337 of the Cuban Customs Tariff.

It frequently happens that an institution in Cuba applies to a Collector of Customs for the privilege of free entry under the provisions of paragraph 337. It also frequently happens that in making this application the privilege is claimed on two grounds:

1—That the articles are purchased out of money allotted from the public treasury; 2—That the articles in question are "scientific instruments."

The former ground of claim is of course one with which Customs officers have nothing to do. The law nowhere provides for exemption from duty in case of articles imported from abroad purchased with money allotted from the public treasury. Therefore, a concession on this ground alone must invariably be denied by Collectors of Customs and the interested parties referred to the Military Governor who is the only authority in Cuba that can modify the law or relax its application in a particular case.

The Military Governor has always sustained the view of this office that it is contrary to sound public policy to permit any institution or individual or department of the Government to import articles free of duty merely because they were purchased with public money, although in particular cases and for reasons of its own, the government has allowed such free entry.

This office has held that by the very act of assessment and collection of duty from importers the government has entered into an implied agreement with them not to remit duty except in the cases which are specifically provided for in the tariff law. This view has a special force under the peculiar conditions that have existed in Cuba during the American administration of the Tariff. The Government says to the importer "we will permit you to import foreign merchandise of all kinds provided that you will agree to pay to the government, through the custom house, a certain agreed-upon percentage of its value or a certain amount according to its weight or measurement; and further upon your complying with the conditions laid down by the domestic law we will permit you to sell this merchandise in Cuba at such prices as you may be able to obtain for it: in doing this you need have no fear of interference with your mar-

ket other than as may result from the operation of the paragraphs of the free list." The importers accept this condition. They import merchandise of all kinds and loyally pay their tax at the custom house, and from this tax the government accumulates the revenue of say \$16,000,000.00 per annum. This revenue is immediately distributed among the various agencies of the government for their support. In spending the money it occurs to the various public departments and institutions that receive it that if they can expend it in New York and elsewhere outside of Cuba and import their purchases free of duty, the money will go further than it otherwise would. This is of course true. The necessary effect of a tariff law is to raise the domestic price of imported articles in comparison with other imported articles upon which no import tax is laid.

But there is a manifest absurdity, not to say iniquity, in yielding to the claim of parties who desire to import articles in this way free of duty. The regular importers have imported various articles in the belief that there is a certain market for these articles. One of their most important customers, under existing conditions is naturally the government of Cuba. That the money paid by them in the way of import duties upon these articles should be given to various parties, whether representing the government or not, who are their natural and anticipated customers, in order that the latter may purchase over their heads in foreign countries, free of duty, is, as a rule, indefensible.

Therefore Collectors should not and can not take into consideration a claim for free entry which is based merely upon the ground that the articles in question have been purchased from public funds, whether these articles are scientific instruments or not.

In determining the validity of a claim based on the allegation that the articles in question are "scientific instruments for the use of schools," the guide for Collectors in Cuba should be the same as that for Collectors in the United States, viz:-the well established rule laid down by the Supreme Court in the case of *Robertson v. Oelschlaeger* (T. D. 10603).

In all decisions in the United States, both by the Treasury Department, the Board of U. S. General Appraisers, and the Courts, no distinction is made between "philosophical" and "scientific" instruments, as the same principle of interpretation applies to both.

In the case of *Robertson v. Oelschlaeger* the Supreme Court held that "philosophical apparatus and instruments are such as are more commonly used for the purpose of making observation and discoveries in nature and experiments for developing and exhibiting natural forces and the conditions under which they can be called into activity," and expressly includes "implements such as are usually employed in the trades and professions for performing the operations incidental thereto". Under this decision of the Supreme

Court the following articles are held by the United States Treasury Department "to be philosophical and scientific apparatus, utensils, instruments, and preparations within the meaning of paragraph 638".

The following articles are held to be philosophical and scientific apparatus, utensils, instruments, and preparations within the meaning of paragraph 638:

A model ice machine, designed to illustrate to students in the college lecture room the philosophical principles involved in the manufacture of ice. (T. D. 14725.)

Absolute alcohol. (T. D. 9472, 9767, 10359, 12719, 14261, 14381.)

A scale indicating 1-20 milligram, and a maximum weight of 100 grains. (T. D. 14174, 17929.)

An analytical balance sensible to the seventeen millionth of an ounce. (T. D. 22147.)

Electrical instruments, consisting of a standard resistance, an alternating current wattmeter and a Siemen's wattmeter. (T. D. 16974.)

Chemical laboratory hydrometer, maximum and minimum thermometers, and Kipp's apparatus. [T. D. 14857.]

Telescopes. [T. D. 11407.]

Barometers. [T. D. 11407, 12346.]

Dissecting microscopes, Ruhmkorf coils, and trial boxes. [T. D. 12335.]

Aneroid barometers, spyglasses, telescopes, polymeters, hygrometers and objectives. [T. D. 11697.]

Under the decision of the United States Supreme Court in the Oelschlaeger case. [T. D. 10603] slides imported separately from magic lanterns not entitled to free entry under paragraph 638. [T. D. 11316, 12634, contra T. D. 20006.]

Under the same decision of the Supreme Court the following articles are held by the United States Treasury Department "Not to be philosophical and scientific apparatus, utensils, instruments and preparations within the meaning of paragraph 638":

Arithmometers, which are instruments of an industrial or mechanical nature. [T. D. 21770].

Low priced microscope, gas arm, chemical, scales, influence machine, chemical thermometers, chloroform, antitoxine, alum, cobalt, lithium, manganese, sulphur, caustic, potash, zinc, acid acetate, ether, carbonic acid, ordinary alcohol. [T. D. 21770.]

- Infant incubator. [T. D. 19054.]
 Swedish gymnastic apparatus. [T. D. 18423.]
 Modeling clay. [T. D. 18610.]
 Clay crucibles. [T. D. 15148.]
 India rubber tubing. [T. D. 10683.]
 Sheep imported for a college for scientific investigation. [T. D. 16441.]
 Tiles imported for covering tables on which experiments are performed in a chemical laboratory. [T. D. 12574.]
 A chime of bells. [T. D. 9414.]
 Celluloid labels for plants. [T. D. 11045.]
 Opera glasses. [T. D. 11407.]
 Piano. [T. D. 10334.]
 Photographic lenses and dry plates. [T. D. 10041.]
 Cylindrographs, common lenses, photometers, rectilinear lenses, panoramic cameras used exclusively in photography. [T. D. 11871.]
 Photographic apparatus, objectif, panorthoscopique tris and oblu-
 cators. [T. D. 9530.]
 Ships logs. [T. D. 12012.]
 Cloth intended to be torn in strips for bandages. [T. D. 9971,
 11050.]
 Ambulance for hospital. [T. D. 16355, 18767.]
 Drawing compasses. [T. D. 15237.]
 Electric storage batteries. [T. D. 15464.]
 Glass mortars and pestles. [T. D. 14857.]
 Dynamos. [T. D. 6719, 13784.]
 Photographic lantern slides. [T. D. 12634.]
 Aneroids, levels, clinometers. [T. D. 12346.]
 Ammeters. [T. D. 12347.]
 Voltmeters. [T. D. 12347.]
 Compasses, pocket barometers, pedometers, castometers. [T. D. 12336, 12545.]
 Railroad and rectilinear lenses. [T. D. 12348.]
 Cabinet for college. [T. D. 12135.]
 Model of a human eye. [T. D. 21974.]
 Pocket compasses. [T. D. 12545.]
 Zander's mechanico-therapeutic apparatus. [T. D. 13756.]
 Filters. [T. D. 17447.]
 Fencing outfits. [T. D. 16920.]
 Olive-oil machines. [T. D. 13428.]
 Pantograph. [T. D. 13429.]
 Commercial articles. [T. D. 13824.]
 Oculists' lenses. [T. D. 13777.]

Passometers, mathematical instruments. [T. D. 12455.]

The above rulings of the Treasury Department, as will be plainly seen, includes, as being entitled to free entry, other provisions of the law being complied with, at least one article which is not entitled to free entry into Cuba, viz: Absolute alcohol. This is for the reason that paragraph 638 of the United States Tariff covers, not merely scientific instruments but all scientific apparatus, utensils, instruments and preparations, it having been specifically held that the terms "philosophical and scientific" as used in paragraph 638 of the U. S. Tariff, qualified the words "Apparatus, utensils, instruments and preparations", which immediately follow.

In Cuba it is only scientific instruments which are entitled to the privilege of free entry on compliance with all provisions of the law. Therefore, for the laboratory connected with a school such articles as drugs, chemicals, test tubes and many other articles which are necessary in a laboratory, but which are not scientific instruments, are not entitled to free admission.

Finally it must be noted that articles for which free entry is claimed by a school on the ground that they are scientific instruments it must appear that these articles were directly purchased and imported by the school and not through the agency of some local importer. The law in granting a concession in this case intended that the benefit should go solely and entirely to the school. If a local importer makes the purchase for the school and clears the merchandise at the Custom House it is not possible for the Custom House to know to what extent the school gets the entire benefit of the remission of duty, nor is it possible for the Custom House to know, without resorting to measures which the law never contemplated that it should be forced to use, whether all of the merchandise cleared by the local importer actually goes to the school or not.

Recently several large consignments of supplies for the Medical School of the Havana University were imported by Mr. Manuel Johnson, a wholesale importer of drugs, chemicals, chemical apparatus, etc. The entry was made at the Custom House by Dr. Johnson, accompanied by a certificate of the Rector of the University that the supplies were purchased for that Institution. Entirely aside from the fact that a large part of these supplies were not scientific instruments within the meaning of the law, this office held that none of these supplies were entitled to free entry for the reason that the law did not contemplate that a local wholesale importer should be the medium through which the University should obtain its supplies. This ruling was sustained by the Military Governor.

It is to be noted that Art. 70 of the present Customs Regulations for Cuba does not abrogate any of the provisions in the tariff law. The promulgating orders which repeals all regulations and orders theretofore issued inconsistent with said regulations, does not repeal

any part of the tariff, but only previous regulations and orders for the guidance of customs officers in the administration of the tariff which should prove inconsistent with the new regulations.

Therefore, Art. 70 is to be considered as meaning that no claim for free entry can be considered by the customs officers, which claim is based merely upon the ground that the articles imported were purchased out of Insular funds. If the question be raised that the articles are books, or maps, or instruments within the meaning of paragraph 337, or are articles within the meaning of any of the free paragraphs, the issue thus raised must be determined upon its own merits, regardless of the provisions of Art. 70 of the Regulations.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.
and for the Port of Havana.

No. 101.

Havana, Cuba, August 27, 1901.

RULING No. 10.

Paints of non-metallic base.

To all Collectors of Customs:

I have the honor to transmit to you the following Ruling, for your information and guidance:

RULING.

All *Paints* of non-metallic base which have been prepared in any way, except by simple grinding, shall be excluded from Paragraph 84 of the Tariff.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.
and for the Port of Havana.

No. 102.

Havana, Cuba, September 2, 1901.

Parlor rifles.

To all Collectors of Customs:

The following copy of Civil Order 188, Current Series, Headquarters Department of Cuba, is hereby furnished for your information and guidance:

"No. 188.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, August 15, 1901.

The Military Governor of Cuba, upon the recommendation of the Chief of the Customs Service, directs the publication of the following order for the information and guidance of all concerned.

It is hereby ordered that on and after this date PARLOR RIFLES will be assessed for the collection of duty under Paragraph fifty-five (55) of the Cuban Customs Tariff.

H. L. Scott,
Adjutant General.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 103.

Havana, Cuba, September 9, 1901.

Wrought stone for paving and curbing.

To all Collectors of Customs:

The following copy of Civil Order No. 200, Current Series, Headquarters Department of Cuba, is hereby furnished for your information and guidance:

"No. 200.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, September 3, 1901.

The Military Governor of Cuba directs the publication of the following order, for the information and guidance of all concerned:

"WAR DEPARTMENT.

Washington, September 3, 1901.

By direction of the President it is hereby ordered that Paragraph 2 of the Customs Tariff for Ports in the Island of Cuba be modified by the addition of Subdivision c. to read as follows:

c. Wrought stone for paving and curbing, G. W., 100 kilos. . \$0.05.

This order shall take effect immediately.

This order shall be duly proclaimed and enforced in the Island of Cuba.

G. L. Gillespie,
Acting Secretary of War."

H. L. Scott,
Adjutant General.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 104

Havana, Cuba, September 10, 1901.

Sand.

To all Collectors of Customs.

The following copy of Civil Order No. 199, Current Series, Headquarters Department of Cuba, is hereby furnished for your information and guidance:

"No. 199.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, September 2, 1901.

The Military Governor, upon the recommendation of the Collector of Customs for Cuba, directs the publication of the following ruling for the information and guidance of all concerned:

Siliceous, clean, sharp-grained, coarse sand shall be classified under Paragraph 331 of the Cuban Customs Tariff.

H. L. Scott,
Adjutant General.

No. 105.

Havana, Cuba, September 10, 1901.

CIRCULAR No. 124.

Leather Belting.

To all Collectors of Customs:

I have the honor to invite your attention to the foot note on page 38 of the Customs Tariff, in connection with paragraph 202, wherein "leather belting, when not imported as a part of machinery, shall be dutiable under this paragraph".

The Spanish Repertory on page 85, calls for,
 "correas de cuero para maquinaria, 226 ad val",
 which agrees with index to the English Tariff, and is evidently in
 conflict with the foot note above referred to.

These conflicts in the Repertory and Index, (both of which are
 merely advisory) are not valid, and leather belting when not im-
 ported as a part of machinery, should be classified under paragraph
 202.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba,
 and for the Port of Habana.

No. 106.

Havana, Cuba, September 16, 1901.

CIRCULAR NO. 125.

Fire arms.

To all Collectors of Customs:

In further modification of Circular No. 317, dated Havana, Cuba,
 September 20th. 1899, I have the honor inform you, by order of
 the Military Governor, that you are now authorized to allow the
 importation of fire arms for sporting purposes, (including revol-
 vers) together with the ammunition and appliances for use with
 the same.

Inasmuch as the above practically removes all restrictions upon
 the importation of fire arms, since it is impossible to determine
 under ordinary circumstances, whether a rifle is imported for the
 purpose of shooting game or not, it is considered very desirable to
 keep special note of the amount and character of the importations
 under the above authority. You will please, therefore, at the end
 of each month, submit to this office a statement of the number and
 character of fire arms imported through your port during the
 month.

Very respectfully,

Tasker H. Bliss,
 Major, Collector of Customs for Cuba.
 and for the Port of Habana.

No. 107.

Havana, Cuba, September 28, 1901.

Tariff Modifications.

To all Collectors of Customs:

I have the honor to transmit herewith, for your information and guidance, the following Order:

"No. 206.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, September 28, 1901.

By direction of the Secretary of War, the Military Governor of Cuba directs the publication of the following order for the information and guidance of all concerned.

EDWARD CARPENTER,

1st. Lieut., Artillery Corps.

Acting Aide-de-Camp.

"WAR DEPARTMENT.

Washington, September 21, 1901.

By direction of the President, it is hereby ordered and directed that Group 2, Class XI, paragraphs numbers 214 to 226 inclusive, and paragraphs numbers 286 and 318 of the "Customs Tariffs for Ports in the Island of Cuba," promulgated by Executive Order dated March 31, 1900, be modified so as to read as follows:

GROUP 2.

APPARATUS AND MACHINES.

NOTE.—For the classification of parts of machinery the following rules must be observed:

1. A separate piece of a machine is understood to be any object which is not expressly specified by name under some heading of the tariff, and which by its shape and by the manner in which it is presented for clearance in the custom-house, can have no other use than to form part of a machine which, if imported completely finished, would be assessed for duty under one of the machinery paragraphs of the tariff.

2. Tubes, bar, axles, screws, bolts, sheets, plates, boiler-bottoms, wire, and other articles expressly taxed in the tariff must pay duty accordingly, though they be destined to machinery.

	3. Tools, instruments, and utensils employed in the arts, agriculture, and industry can not be considered as parts of machinery for the application of duty, and must pay according to the materials of which composed.	
214.	All weighing machines, including scales and detached parts thereof.....per cent ad valorem.	20
215.	Machinery and apparatus for making sugar and brandy. † §per cent ad valorem.	10

NOTE.—The articles included in paragraph No. 215, which shall be imported within twelve months from the date of the promulgation of this order, shall be entitled to a rebate of fifty per cent of the duty specified in said paragraph, under such conditions and guarantees as the Chief of the Customs Service, with the approval of the Military Governor, may direct. This concession is limited exclusively to those articles enumerated in subdivisions *a* and *b* of note § to paragraph No. 215.

216.	Agricultural machinery and apparatus † * *per cent ad valorem.	10
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NOTE.—The articles included in paragraph No. 216, which shall be imported within twelve months from the date of the promulgation of this order, shall be entitled to a rebate of fifty per cent of the duty specified in said paragraph under such conditions and guarantees as the Chief of the Custom Service, with the approval of the Military Governor, may direct.

217.	Steam motors, stationary.....per cent ad valorem.	20
218.	Marine engines; steam pumps; hydraulic, petroleum, gas and hot or compressed air motors ††.....per cent ad valorem.	20
219.	Bollers: ††	
220.	Locomotives and traction engines.. do	20
221.	Turntables, hydraulic cranes and columns.....per cent ad valorem.	20
222.	Machines of copper and its alloys; detached parts of the same metals ††.....per cent ad valorem.	20
223.	Dynamo electric machines, inductors and detached parts thereof.....per cent ad valorem.	20
224.	Sewing machines and detached parts thereof.....per cent ad valorem.	20
225.	Velocipedes, bicycles, and detached parts and accessories thereto, including bicycle lamps.....per cent ad valorem.	20
226.	Machines and apparatus, other, or of material not specially mentioned, also detached parts of all kinds other than of copper or its alloys §§.....per cent ad valorem.	20

GROUP 7.—(CLASS XII.)

286.	Coffee in the bean or ground; chicory roots and chicory. T. (Disp. III, rule 5).....100 kil.	\$12.15
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SPECIAL PROVISION.

318.	The following articles, when imported direct by a steam or street railroad company of the Island of Cuba, for the exclusive use of said railroad within twelve calendar months from the promulgation of this order, shall be entitled to entry at 5 per cent duty ad-valorem, under such conditions and guarantee as the Chief of the Customs Service may exact or direct:	
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This concession to railway material is limited exclusively to the following enumerated articles;—

Passenger coaches, complete, erected or knocked down;

Freight cars, complete, erected or knocked down;

Pine wood prepared specially for freight cars;

Locomotives and tenders, locomotive boilers and locomotive furnaces, locomotive boiler plates and tubes, locomotive and tender frames, and tanks for locomotive tenders;

Turntables, transfer bridges, iron or steel bridge work riveted or rolled, iron or steel rails, points, crossings, signals, gate crossings and metal ties;

Trucks for cars, tenders and locomotives, complete, and parts thereof;

Splices, fish-plates, fish-plate bolts, spikes, frogs, semaphores, switches, steam shovels complete, rock-crushers complete, steam hammers complete;

Dumping cars, hand cars, small motor cars, railway velocipedes, derrick railway cars complete, ballast cars;

Air brakes, automatic couplings, railroad ties of wood;

Castings and springs for railway cars, coaches, tenders and locomotives;

Electric motors and dynamos and machinery, exclusively used for furnishing power and light for railways.

If at any time after importation the electric plant is used to furnish power or light for any other purpose it shall thereby become liable to duty under the respective paragraphs of Group 2, Class XI.

Stationary pumps and boilers for repairing shops, including transmission shafts, pulleys and belting for same.

This order shall take effect October 1st., 1901.

This order shall be duly proclaimed and enforced in the Island of Cuba.

Wm. CARY SANGER,

Acting Secretary of War."

‡ For the application of duty it should be observed:

a. That the machine must be complete. Complete machines include tubes (fuses), belting, etc., which form an integral part of such machines, but no spare parts.

b. That spare parts are dutiable according to No. 222 when of copper, and to No. 226 in all other cases.

c. That to be considered as complete, machines must be imported in one sole shipment, machines imported in two or more shipments shall be liable to the duties stipulated in Nos. 222 and 226, except in the case when a previous and special authorization has been granted by the Chief of the Customs Service.

§ This paragraph includes:

a The following articles whoever be the importer:

Weighing machines (platforms) for weighing sugar cane.

Complete machines of every kind for grinding cane.

Cane shredders;

Sugar clarifiers;
 Complete apparatus for diffusion;
 Purifying apparatus;
 Filters and filtering apparatus;
 Apparatus called "trenes jaimaquinos," complete;
 Furnaces for making animal black;
 Steam desiccators (trampas) and granulators;
 Centrifugal machines, mixing and lifting (subidores) machines; with their motors;
 Vessel called "bombonas" and "cachimbas";
 Skimmers, distributors and sugar molds;
 Apparatus or vessels ("tachos") acting in vacuum; also their machines, pipes and cocks, of copper or iron; polarimeters;
 Skimming pails (cachaceras);
 Sugar crushers;
 Cars (porta-templa);
 Sulphurous gas apparatus;
 Dumping apparatus for cars (porta-templa);
 Cane transporting apparatus;
 Furnaces for burning bagasse;
 Automatic circulator and regulator for vacuum kettle apparatus;
 Apparatus for compressing sugar.

b. Also the following articles when they are imported directly by or for planters, on proof of the installation thereof in their establishments:

Beltings for granulators; centrifugals and lifters (subidores);
 Tubes;
 Flues.
 Cocks;
 Shafts, crowns, and rolls for sugar mills;
 Boilers;
 Steam plows;
 Donkey engines with or without pumps;
 Carts for the conveyance of cane and the output of the works;
 Stills;
 Gasometers for lighting the works;
 Electric plants and apparatus for use exclusively in lighting the works of a sugar estate of farm;

NOTE.—If the electric plant or apparatus is for any other use than that pertaining to a sugar plantation or farm, it will be dutiable under paragraph No. 223.

Wind-mills;
 Fire brick for the installation of boilers and furnaces;
 Portable rails;
 Plantation railways;

NOTE.—By railways are understood the articles and materials mentioned for railways under the special provision to paragraph No. 318 and which are intended for the exclusive use of railways for sugar plantations.

** The machines and apparatus mentioned in this paragraph are those employed by farmers and agriculturists for preparing the ground and gathering the crop; also those employed in order to clean the crops and improve them without essentially changing their nature.

†† Articles corresponding to paragraphs Nos. 218 and 219, and which are expressly imported by ship-owners, and on proper verification, intended for use in the repair of registered steam vessels of this Island, will be dutiable at the rate of 8 per cent ad valorem.

‡‡ Machines and separate pieces of same, of coppers and its alloys, with parts or other materials, shall also be taxed under this heading, provided the above metals predominate in weight.

§§ It will be necessary to prove to what manufacture or to what industry spare woolen hose and filters are destined in order to be assessed according to this number.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 108.

Havana, Cuba, October 3, 1901.

CIRCULAR No. 128.

Concessions granted in Civil Order No. 206 limited to specifically enumerated Articles.

To all Collectors of Customs:

I have the honor to invite your especial attention to entries of merchandise made at your Custom House under the paragraphs of the tariff as amended in Order No. 206 from Headquarters Department of Cuba, dated September 28th, 1901.

You will observe that in the rules laid down in the new law, in respect to paragraphs 215 and 318, that the concession granted applies only to certain specifically enumerated articles. A great deal of unnecessary expense by the government with unnecessary waste of time on the part of all concerned, has been caused by the admission of entries at Cuban Custom Houses, in which an importer has been allowed to declare his merchandise otherwise than in the terms of the tariff.

If a merchant claims that an article imported by him is covered by some special concession in the tariff, he must so declare his article as to show that it comes within the limits of the concession. In short, the general principle governing all declarations is, that the terms of the declaration made by the importer should justify the paragraph of the tariff under which he asks classification. In order that classification under paragraph 215 or paragraph 318 may be justified, the article or articles declared must be included in the list of articles specifically named in the tariff in connection with said paragraph. An importer cannot be permitted to make a declaration in such general terms as "Machinery for making Sugar," or "Material for Railways." It is perfectly evident from the terms of the tariff that many articles may be imported which are directly or indirectly connected with the manufacture of sugar, or with the operation of a railway, for which the Government does not intend to grant any concession.

Therefore, when any importer claims classification under paragraph 215, he must declare under oath, (that it is to say, he must declare the machine by *name*), that the machine entered by him is one of the articles named in the explanatory foot note to paragraph 215, as modified by the above mentioned order. In the same way, in making a declaration under paragraph 318, he must declare under oath, that the article in question is one of those specifically named in said paragraph. This declaration is, of course, subject to the determination of the appraiser and the Collector.

You will please give without delay, detailed instructions to all parties making entry of sugar machinery or railway material at your Custom House, so that their entries may be made in good form. In view of the liberality of the Government in cutting the duty in two upon the enumerated articles, the Custom House can, with even more propriety than ever, exact of importers absolutely accurate declarations.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 109.

Havana, Cuba, October 7, 1901.

CIRCULAR NO. 129.

Newspapers and periodicals.

To all Collectors of Customs:

I have the honor to state in a recent importation of Spanish illustrated papers, the Collector of Customs at a port in Cuba assessed duty thereon, which assessment was made a matter of protest to this Office. The decision in the case, for your information and guidance, was as follows:

Newspapers and periodicals are entitled to free entry into the ports of Cuba as being of "no commercial value," it being understood that the term "periodicals," embraces only unbound or paper covered publications, issued within six months of the time of entry, containing current literature of the day, and issued regularly at stated periods, as weekly, monthly or quarterly.

The phrase "current literature of the day," excludes unbound or paper covered novels, poetical works, historical works, etc., even though they may be issued regularly at stated periods.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

. No. 110.

Havana, Cuba, October 8, 1901.

CIRCULAR No. 130.

Skins, correction in Spanish Repertory.

To all Collectors of Customs:

Please refer to the Spanish Repertory, page 197, and make the following corrections:

Page.	Lines.	Reads.	Should read.	
197	12	de adorno ó abrigo		
	13	sin curtir ó curti-		
	14	das, con ó sin confeccionar.... 193	195	Adval.
197	21	de adorno en tiras,		
	22	con forros hilvanados de acolchados		
	23	de algodón.. 193	195	Adval.
197	36	todas las de adorno		
		ó abrigo.... 193	195	Adval.

This for your information and guidance.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 111.

Havana, Cuba, October 17, 1901.

CIRCULAR No. 133.

Nomenclature of cattle.

To all Collectors of Customs:

For the information and guidance of Collectors of Customs and in order to avoid confusion in the classification of cattle, I have the honor to give the following Spanish nomenclature which it is desired should hereafter be adopted at all customs ports in the Island of Cuba.

All bovines up to one year, "terneros," or "terneras," according to sex; up to two years, "añojos;" up to three years or more "novillos," or "novillas;" "toros," if bulls; "bueyes," if imported for working purposes, and "vacas," if for breeding cows.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 112.

Havana, Cuba, October 18, 1901.

CIRCULAR No. 134.

Reservoirs for syrup or molasses.

To all Collectors of Customs:

In order to correct an error in printing in Order 206, from the Headquarters Department of Cuba, dated September 28, 1901, you are hereby instructed, under authority from the Military Governor, to add the words "reservoirs for syrup or molasses" to sub-division (a) of note § to Paragraph 215 (see amended copy of order transmitted herewith.)

In the classification and assessment for duty of reservoirs for syrup or molasses you will be guided accordingly.

Very respectfully,

Tasker H. Bliss.

Major, Collector of Customs for Cuba
and for the Port of Havana.

No. 113.

Havana, Cuba, October 21, 1901.

CIRCULAR No. 136.

Railway ties of wood.

To all Collectors of Customs:

I have the honor to invite your attention to the following:

You will notice that in the modification of Paragraph 318 of the Cuban Customs Tariff, published in Order No. 206, of September 28th. 1901, provision has been made for railway ties of wood in paragraph 318. It is to be understood, however, that those railway ties of wood which heretofore may have been classified under paragraph 343, are not by the new order, to be carried to paragraph 318.

Railway ties of wood which, by complying with the requirements of paragraph 343, have heretofore been passed free of duty, will continue to be passed free of duty.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 114.

Havana, Cuba, October 26, 1901.

CIRCULAR No. 137.

Classification of fire-arms.

To all Collectors of Customs:

In connection with the recent order of the Military Governor permitting the importation of fire arms into the Island of Cuba, I have the honor to communicate to you the following for your information and guidance in connection with the classification thereof:

All small arms, including pistols and revolvers, will be classified under Paragraph 54-c of the Tariff.

All long arms, including all kinds of rifles, and detached parts thereof, except barrels, will be classified under Paragraph 55 of the Tariff.

The paragraph in the Spanish Repertorio under the head of "Armas de fuego" is modified accordingly.

Very respectfully.

Tasker H. Bliss,

Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 115.

Havana, Cuba, November 5, 1901.

Free entry of Christmas presents for soldiers and employes of the United States.

To all Collectors of Customs.

I have the honor to transmit to you the following Tariff Circular for you information and guidance:

TARIFF CIRCULAR,
No. 120. }

WAR DEPARTMENT,

WASHINGTON, November 5, 1901.

By direction of the President, it is ordered that the existing tariffs and regulations governing importations into Cuba and the Philippine Islands be and they are hereby modified so far as to allow the free entry of packages and articles clearly intended as Christmas presents for the officers and enlisted men of the United States Army and Navy now serving in Cuba and the Philippine Islands, and for other employes of the Government in those islands.

Customs officers will take due care that no abuse of this privilege is allowed and that a reasonable limit shall be placed upon the quantity and value of articles sent to any one address.

All such goods will be transmitted to the proper commanding officers for distribution and delivery.

This order will take effect immediately and will cease to operate after the 15th day of January, 1902, as to Cuba, and after the 15th day of March, 1902, as to the Philippine Islands.

ELIHU ROOT,

Secretary of War.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 116.

Havana, Cuba, November 18, 1901.

CIRCULAR No. 143.

Interpretation of Civil Order 206.

To all Collectors of Customs:

It having been brought to the attention of the Collector of Customs for Cuba that there is some misunderstanding as to what interpretation should be placed on Civil Order No. 206, from Headquarters Department of Cuba, dated September 28, 1901; you are hereby informed that all articles comprised in the note to paragraph 215, as amended by Civil Order No. 206, are entitled to the rebate of 50%, provided all of the conditions imposed by that order are complied with. This rebate has been in force since October 1, 1901.

Very respectfully,

W. H. Hay,

Captain, 10th Cavalry, U. S. A., Acting
Collector of Customs of Cuba, and for the Port of Havana.

No. 117.

Havana, Cuba, November 30, 1901.

CIRCULAR No. 120.

Free entry of Christmas presents.

To all Collectors of Customs:

Referring to Tariff Circular No. 120, dated at the War Department, Washington, November 5th, 1901, I have the honor to inform

you that until further orders, the phrase "for other employes of the Government", in the first paragraph thereof, is held to apply to *American* employes of the *Government of the United States*, who happen at this moment to be serving in Cuba, but who are liable at any moment to be transferred to any other place; that therefore, it applies to *American* employes of the Quartermaster's Department, the Subsistence Department, the Signal Corps, the Adjutant General's Office, and the like. Employes of the Cuban Government are not intended by the order to receive the privilege herein mentioned.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 118.

Havana, Cuba, November 30th, 1901.

CIRCULAR No. 147.

Correct translation of Note at paragraph "a" of Sub-division "a".

To all Collectors of Customs:

You are informed that in future the first line of the note to Paragraph "a" in note to sub-division "a" of Paragraph 215, page 9 of Order No. 206, Headquarters Department of Cuba, September 28th, 1901, will be interpreted as reading:

"Aparatos ó tachos al vacío y sus *Máquinas*, tubos, fluses y llaves de cobre ó hierro; polarímetros".

The word "bombas", as it stands in the printed order in Spanish, is an erroneous translation of the word "machines" which appears in the English form.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 119

Havana, Cuba, December 3, 1901.

CIRCULAR No. 149.

Concessions to sugar machinery. Crystallizers. Conductors of bagazo.

To all Collectors of Customs:

I have the honor to communicate the following for your information:

I. From communications received at this Custom House from one or more Custom Houses at sub-ports, it would appear that there is an impression in some quarters that certain machinery and apparatus for the manufacture of sugar and brandy which is not entitled to appraisal at 5% ad valorem by reason of not being specifically mentioned in the foot notes to Paragraph 215 as given in Order 206, may be appraised at 10% ad valorem. This impression is incorrect. Paragraph 215 provides for all machinery and apparatus for the manufacture of sugar and brandy. The foot note marked § on page 8 of the Spanish form of Order 206, or on page 2 of the English form of Order 206, specifies the articles which are to be included in Paragraph 215. Another note provides that such articles assessable under Paragraph 215 shall receive a concession of 50% (that is, shall be appraised at 5% ad valorem) during the period of twelve months, counting from the time when said Order 206 became effective. Therefore, during that period of twelve months, all machinery and apparatus classifiable under Paragraph 215 is dutiable at 5%. If it is not dutiable at 5%, it ceases to be classifiable under Paragraph 215, and must be carried to some other paragraph of the Tariff.

II. It is hereby ordered that crystallizers (cristalizadoras) are classifiable under Paragraph 215, in connection with the note for aparatos ó tachos al vacío y sus máquinas.

III. It is hereby ordered that conductores de bagazo are classifiable under Paragraph 215, in connection with the note for aparatos traspbordadores de caña.

IV. As it was not intended in framing Order 206 to deprive electrical machinery, which performs in the sugar mill the same functions as steam machinery, of the concession granted in said Order, it is hereby ordered that an electrical motor imported by a sugar planter, and on proof of installation by him in his mill, and which is designed to furnish power for the operation of sugar machinery, shall be classified for duty under foot note "b" to Paragraph 215, in the same manner as a boiler with its tubes, fluses and cocks, which furnish power for the same purpose.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port Havana.

No. 120.

Havana, Cuba, December 4, 1901.

RULING No. 11.

Manufactured wood.

To all Collectors of Customs:

I have the honor to transmit to you the following ruling, for your information and guidance:

R U L I N G.

In the case of wood or lumber which is manufactured or prepared in any manner for use in the erection of a building, the various pieces will be classified under the respective paragraphs of Group 1, Class IX, provided they are specifically referred to therein.

Thus wood prepared in the form of rafters, and boards, for use in the erection of a house, are properly classifiable under Par. 166 (a).

If planed or dovetailed for flooring, they are properly classifiable under Par. 166 (b).

If prepared in the form of shingles, Par. 166 (b).

Wood manufactured or prepared in other forms, for use in the construction of a house, such as columns, cornices, etc., which do not form a complete article in themselves and must necessarily be used in connection with other pieces for the construction of a house, is held not to be properly classifiable under the paragraphs of Group 2, Class IX which relate to complete and definite manufactures of wood.

Therefore, such manufactures of wood as columns, cornices and other parts of a knocked down house which cannot properly be classified under the various paragraphs of Group 1 of Class IX, are properly classifiable under Paragraph 315 at 25% ad valorem.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 121.

Havana, Cuba, December 17, 1901.

CIRCULAR No. 152.

Compasses, change in the Spanish Repertory.

To all Collectors of Customs:

The following classifications of compasses are communicated to you for your information and guidance:

- Compasses of iron or steel (not apparatus), and clearly for use in the arts, trades and professions. Par. 47-A.
- Compasses of copper, or alloys of copper, and other common metals, not coated or ornamented with another metal or porcelain. Par. 69.
- Compasses of copper, or alloys of copper and other common metals, gilt or nicked, but not coated or ornamented with gold, silver or other precious metal. Par. 70.
- Compasses (all kinds) gold or silver plated. Par. 30.
- Compasses, nautical for mariners, not gold or silver plated. Par. 315.
- Compasses coming in cases [estuches] with ruler, divider, liner, drawing pencil, arch rule etc., and known collectively as a "drawing outfit", "mathematical set," "geometrical set" etc. Par. 315.

The classification of compasses on page 82 of the Spanish Repertory should be changed accordingly.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba,
and for the Port of Havana.

No. 122.

Havana, Cuba, January 24, 1902.

RULING No. 1.

Cotton blanket, surtax on.

To all Collectors of Customs:

I have the honor to transmit to you herewith, for your information and guidance, the following ruling:

RULING.

Cotton blankets, single or in pairs, hemmed or not, shall be subject to a surtax of 30%.

Very respectfully,

W. H. Hay.
Captain 10th U. S. Cavalry, Acting Collector
of Customs for Cuba.

No. 123.

Havana, Cuba, February 12, 1902.

RULING No. 2.

Vainiletina.

To all Collectors of Customs :

I have the honor to transmit to you herewith, for your information and guidance, the following :

RULING.

The chemical product known as "vainiletina", having resulted to be, after chemical analysis, vanillin, will be classified under Paragraph 284 of the Customs Tariff, at 25% ad valorem.

Very respectfully,

W. H. Hay,

Captain 10th. U. S. Cavalry, Acting Collector
of Customs for Cuba.

No. 124.

Havana, Cuba, March 13th, 1902.

CIRCULAR No. 13.

Carriages as household articles.

To all Collectors of Customs :

For your information and guidance in future cases which may arise, I have the honor to invite your attention to the practice in the United States in regard to the admission into that country free of duty of carriages and buggies which have been used abroad for over one year by the owner, as household effects under the provisions of paragraph 662 of the tariff act of 1883.

The Supreme Court in the case of *Arthur v Morgan*, 112 U. S. 495, held that an imported carriage under the above circumstances was free of duty, and Mr. Justice Blatchford, who delivered the opinion of the Court, said :

"A carriage is peculiarly a family or household article. It contributes, in a large degree, to the health, convenience, comfort, and welfare of the householder or of the family. The statute is not limited to articles of household furniture, or to things whose place is necessarily within the four walls of the house."

Therefore, it is held by this Custom House that a carriage or buggy, the property of a bona fide immigrant coming to settle in the Island of Cuba, bearing evidence of having been used for one year,

when imported together with his household furniture, may properly be admitted free of duty under the provisions of paragraph 325 of the Cuban Customs Tariff.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 125.

Havana, Cuba, March 19, 1902.

RULING No. 3.

Lamp black.

To all Collectors of Customs:

I have the honor to transmit to you herewith, for your information and guidance, the following ruling.

RULING.

From and after this date common lamp black or "humo negro" shall be classified for duty under paragraph 85 (a) of the Cuban Customs Tariff, by assimilation to "carbón animal."

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 126.

Havana, Cuba, April 4, 1902.

CIRCULAR No. 21.

Method of ascertaining weight of champagne in bottles.

To all Collectors of Customs:

I have the honor to inform you that careful tests made at the Havana Custom House show that the method indicated in the Tariff for ascertaining the weight of champagne on which to assess duty works a great hardship to the importers. You are, therefore, authorized whenever an importer may request it, to actually determine the weight of champagne bottles and the amount of contents by opening one per cent of the bottles, the amount of loss to be sustained by the importer. Great care will be taken in opening the bottles to see that none of the contents escape and invalidate the measurement. However, when the importer so prefers, he may abide by the method indicated in the Tariff.

Very respectfully,

Tasker H. Bliss,
Major, Collector of Customs for Cuba.

No. 127.

Havana, Cuba, April 5, 1902.

RULING No. 4.

Paper for wrapping Pineapples.

To all Collectors of Customs:

I have the honor to transmit to you herewith, for your information and guidance, the following Ruling:

RULING.

From and after this date *Paper* corresponding to the sample herewith, imported largely for the purpose of wrapping pineapples, will be classified under paragraph 153 of the Cuban Customs Tariff.

Very respectfully,

Tasker H. Bliss,

Major, Collector of Customs for Cuba.

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No. 140.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 9, 1902.

The Military Governor of Cuba directs the publication of the following

REWARD:

A reward of \$3,000.00, U. S. Cy., will be paid by the Military Government of Cuba, or its successor, for information which shall lead to the arrest and conviction of the murderer or murderers of **JOSE VEGA**, a Spanish subject and late resident of the town of San Juan y Martínez; murdered April 28th, 1902.

H. L. SCOTT,
Adjutant General.

No. 141.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 9, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Secretary of Justice:

Mr. *Rafael M. Portuondo* having tendered his resignation as Fiscal of the Audiencia of Puerto Príncipe, on account of the holding of said office being incompatible with that of Representative to which he has been elected, same is hereby accepted, effective May 5, 1902.

II.

Mr. *Francisco Guiral* is hereby appointed Fiscal of the Audiencia of Puerto Príncipe.

III.

Upon the recommendation of the Secretary of Public Instruction:

Dr. *Rafael Tristán y Valdés*, is hereby appointed Professor of Calisthenics, Institute of Santa Clara, vice Dr. *Rafael Martínez Ortiz*, resigned.

H. L. SCOTT,
Adjutant General.

No. 142.

HEADQUARTERS DEPARTMENT OF CUBA.*Havana, May 10, 1902.*

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following order:

I. On and after May 19, 1902, the jurisdiction over the Customs Service of Cuba shall be vested in the Secretary of Finance, subject to such modification as may hereafter be legally made.

The actual exercise of the functions hereby devolved upon the Secretary of Finance will begin at such time as the Executive of the Republic of Cuba, or the Secretary of Finance with the approval of said Executive, shall appoint the officials necessary for carrying out the following provisions. Subject to the foregoing, all functions heretofore exercised by the Collector of Customs for Cuba shall be performed by the Secretary of Finance either directly or through such officials as he may designate; and in the existing Customs Regulations the words "Secretary of Finance" will be understood to be meant wherever there now appear the words "Collector of Customs for Cuba" or "Chief of the Customs Service."

On and after May 20, 1902, and until such time as it may be otherwise provided for, the Secretary of Finance will perform the functions now imposed by law upon the Military Governor in respect to protests.

II. With the termination of the present Military Government the title of the existing Customs Regulations shall be "CUSTOMS REGULATIONS OF THE REPUBLIC OF CUBA PRESCRIBED FOR THE INSTRUCTION AND GUIDANCE OF OFFICERS OF CUSTOMS," and the title now appearing upon page 1 of these Regulations as published by the War Department in Washington under date of June 22, 1901, as well as in the corresponding Spanish translation, shall be stricken out.

III. On the termination of the present Military Government the distinctive signal (referred to in Chapters XIX and XX of the Customs Regulations) prescribed for vessels engaged in the coasting-trade of Cuba, and all regulations relating exclusively to said distinctive signal, shall be abolished, and thereafter all Cuban vessels, duly registered, enrolled, or licensed, shall fly the flag of the Republic of Cuba.

IV. There shall be created in the office of the Secretary of Finance a Division to be known as the "Division of Customs." To this Division shall be transferred the following bureaus and divisions now forming part of the office of the Collector of Customs for Cuba:

The Revenue Cutter Division;
 The Bureau of Special Agents;
 The Statistical Bureau;
 The Bureau of Revision of Classifications;

The Bureau of Disbursing Officer of the Havana Custom House and the Cuban Customs Service, and of the Property Clerk of the Cuban Customs Service.

The Correspondence Division heretofore carried on the rolls of the Cuban Customs Service shall be transferred to the rolls of the Havana Custom House.

The Statistical Bureau will remain under its present Chief and Assistant Chief, with their present rate of compensation, until completion of the statistical reports of the Customs Service up to and including the nineteenth day of May, 1902.

Payments to all employés of the Cuban Customs Service who are not carried upon the rolls of any custom house (such as special agents, officers and crews of revenue cutters, etc.) will be made on the proper vouchers by the proper bureau of the above Division in the Office of the Secretary of Finance. By the same bureau will be made all payments to the personnel of the Havana Custom House on rolls and vouchers duly certified by the Collector of Customs for the Port of Havana. In the same way, upon vouchers duly certified by said Collector, will be made all payments for the authorized purchase of material and supplies for the Havana Custom House. All property pertaining to the Havana Custom House will be accounted for by the Collector of Customs, either directly or by a duly bonded official designated by him.

LEONARD WOOD,
Military Governor.

No. 143.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 10, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. A Special Fund, with separate account, for the purposes specified in this Order, shall in the future be made and kept by the Ayuntamientos of fines imposed in Correctional Proceedings for crimes (*delitos*) and misdemeanors (*faltas*), paid into their Treasuries.

2. The expenses of the Correctional Courts specified by Order No. 43, series of 1901 shall be defrayed from said Fund, balances

being accumulated and forwarded by Municipal Mayors, with duplicate statements thereof, to the Treasurers of the respective Fiscal Zones, within the first five days of October, January, April and July of each year.

3. Fiscal Zone Treasurers shall forward said funds to the Treasurer of Cuba, between the fifth and fifteenth of the aforesaid months, who will make a special Fund thereof, with separate account; same to be at the disposition of the Government for expenses of the Municipal and Correctional Courts and incidental expenses of the Department of Justice.

4. Ayuntamientos which have received such fines as Receipts not available for either regular or extraordinary expenditures of their Budgets, will at once comply with the provisions of this Order.

5. Ayuntamientos which have received such fines as Special Receipts for similar expenses of their Budgets, will create a Special Fund therewith, retaining same in their Treasuries until the end of the current Fiscal Year; however, they shall not use such funds for extraordinary expenses except when they lack absolutely any other resources available therefor.

6. Ayuntamientos receiving such fines as regular income to cover expenses of the same nature in their Budgets, will not comply with this Order until the end of the current Fiscal Year.

II.

In order to regulate in accordance with Order No. 55, series de 1902, these Headquarters, the collection and application of funds proceeding from the Hygiene Service:

I. Funds derived from the Hygiene Service of the City of Havana will be deposited each day in the Treasury of the Ayuntamiento of the city and they shall not be used for any purpose other than expressly determined in Order No. 55, current series.

II. The refundment of monies thus deposited will only be made on an express order of the President of the Hygiene Commission.

III. In accordance with Order No. 112, current series, the Municipal Treasurer will keep in his accounts a special one of Deposits of Hygiene funds.

IV. The Chief of the Special Hygiene Service must render accounts in accordance with paragraph (b) Article 15, Order 55, to the Special Commission created by said Order, specifying in the same the receipts and expenditures by items, and accounting therefor in the same manner as done by Ayuntamientos according to Order No. 112, current series.

V. The Special Hygiene Commission shall publish each month the balance in the account of the preceding month, in the Official Gazette, and the Municipal Treasurer shall also publish the balance of the special account of receipts derived from said branch.

VI. When in other Municipal Districts of the Island this service is in charge of the Special Hygiene Commission the precepts of this order shall be applied to same. When it is in charge of the respective Mayors a special account shall also be kept, but all monies shall be received and disbursements made directly by the Municipal Treasurer, in the manner provided by Order No. 112, current series, and the funds will be kept in the Treasury of the Ayuntamiento as Receipts derived from the Hygiene Service.

III.

1. The Secretary of Justice having submitted to the Military Governor for approval the new By-Laws and Regulations of the Notarial College of Havana, adopted by that body at a special meeting held in this city on the first day of December, 1901, the said By Laws and Regulations are hereby approved as submitted.

2. Paragraph 2 of Article III, Order No. 92, series 1902, is hereby repealed.

IV.

Upon the recommendation of the Secretary of Justice:

1. Mr. *Ignacio Almagro*, Secretary of the Civil Chamber of the Audiencia of Havana having tendered his resignation, same is hereby accepted.

2. Mr. *Enrique Almagro y Elizaga* is hereby appointed Secretary of the Civil Chamber of the Audiencia of Havana and shall take possession of said office within five days from the publication of this Order in the GAZETTE OF HAVANA.

H. L. SCOTT,

Adjutant General.

No. 144.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 10, 1902.

The Military Governor of Cuba, as an act of special consideration and encouragement for women to take higher courses in the University of Havana, authorizes *Julia Martínez, Blanche Z. de Baralt, Isabel Ariza and Micaela de los Reyes y Galindo* to take their exam-

ination in Pedagogy, Philosophy and Belles Lettres in said University during the present school year ending October 1, 1902.

H. L. SCOTT,
Adjutant General.

No. 145.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 10, 1902.

The Military Governor of Cuba directs that all Customs Houses of the Island of Cuba be closed on the 18th, 19th and 20th of May, 1902, and that no work be performed therein or by the employees thereof other than absolutely necessary for the entry and clearance of vessels arriving and departing on said days.

H. L. SCOTT,
Adjutant General.

No. 146.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 10, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Upon the recommendation of the Secretary of Justice:

The period allowed by Art. XII, of general pardon Order 97, current series, these Headquarters, for the Courts of Justice to grant the clemency authorized therein, is hereby extended one month.

II.

Upon the recommendation of the Secretary of Justice:

1. A Real Property and Mercantile Registry is hereby established in the principal town of the judicial district of Guane.

2. The territorial jurisdiction of said Real Property and Mercantile Registry shall include all the territory of said judicial district.

3. Said Real Property and Mercantile Registry shall be of the third class and Two Thousand (2,000) dollars is fixed as the bond to guarantee the discharge of the duties thereof.

4. The appointment of the person who shall fill said office shall be made in the manner provided by the Mortgage Laws in force.

5. All former provisions contrary to this Order are hereby revoked.

6. The Secretary of Justice shall take the necessary steps to cause the enforcement of this order and shall decide any questions arising from such enforcement.

III.

....

Upon the recommendation of the Secretary of Justice and in compliance with the request of the Secretary of Public Works:

1. All fines for violations of the Police Law of Railroads and Regulations for Engineers imposed under Correctional Procedure, shall be paid into the Treasury of Cuba, through the Treasurers of the respective Fiscal Zones, and credited by him to the fund appropriated for maintenance of the Railroad Inspection, Island of Cuba.

2. This Order will take effect on the date of its publication and all fines of such nature not yet paid into Municipal Treasuries shall be subject to its provisions.

IV.

Upon the recommendation of the respective Audiencias and in accord with the report of the Secretary of Justice the following appointments are announced:

To be Municipal Judge of Los Palacios, *Francisco Albisu Díaz*,

To be Substitute Municipal Judge of Tapaste, *José Sigler y González*.

To be Substitute Municipal Judge of Arroyo Naranjo, *Nicolás Coronado y González*.

To be Municipal Judge of Bainoa, *Eduardo Tosar*

To be Municipal Judge of Perico, *Justo Márquez Amat*.

V.

Upon the recommendation of the Secretary of Public Instruction:

The rights or faculties conferred by the titles of Land Surveyor and Land Appraiser issued in the Island of Cuba, are the following:

To make plans of, divide, measure and appraise rural properties, whatever their extent may be.

H. L. SCOTT,

Adjutant General.

No. 147.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 10, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

The penal action pending against *Ricardo Pollo y Núñez* is hereby declared ended, effective May 9, 1902.

II.

Upon the recommendation of the Secretary of Justice:

Full pardon is hereby granted to *Primitivo Díaz Lázaro*, now in the Jail of Havana, of the remainder to be served of the sentence passed upon him by the Audiencia of Havana on December 11, 1901, for swindling.

H. L. SCOTT,

Adjutant General.

No. 148.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 13, 1902.

Whereas, the Seventh clause of the Transitory Rules contained in the Constitution adopted by the Constitutional Convention of Cuba provides as follows:

"All laws, decrees, regulations, orders and other rulings which may be in force at the time of the promulgation of this Constitution shall continue to be observed in so far as they do not conflict with the said Constitution, until such time as they may be legally revoked or amended", and

Whereas, certain of the laws, decrees, regulations, orders and other rulings made and promulgated by the Military Governor of Cuba and now in force are in terms specifically applicable and apparently limited to the Military Government and the officers thereof;

Now, therefore, to the end that the foregoing provision may be fully operative, and that none of the matters and things to which said laws, decrees, regulations, orders and rulings relate shall be or appear to be, without regulation and control after the termination of the Military Government and pending action thereon by the government established under the said Constitution when the same shall have taken effect,

It is hereby declared and ordered that each and every of the said laws, decrees, regulations, orders and other rulings made and promulgated by and under the Military Government of Cuba shall be deemed to be general and continuing in its character, and to be applicable to and binding upon all officers of the Government of Cuba under whatsoever names or titles who shall succeed the officers of the Military Government, and to continue in force and effect under whatsoever government shall exist in Cuba until such time as it may be legally revoked or amended pursuant to the provisions of the Constitution aforesaid.

LEONARD WOOD,

Military Governor.

No. 149.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 13, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me hereby declare that the building known as the School of Arts and Trades, located on Belascoain Street, city of Havana, has been constructed solely for the benefit of said School and is hereby definitively assigned to the same, for its uses and purposes.

LEONARD WOOD,

Military Governor.

No. 150.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 13, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

Lieutenant *Matthew E. Hanna*, is hereby relieved as Commissioner of Public Schools, Island of Cuba, to take effect May 17th, on which date Mr. *Eduardo Yero y Buduén*, appointed by Order 110, c. s., these Headquarters, will assume office.

In relieving Lieutenant *Hanna* from this duty to which he was assigned on December 8, 1900, the Military Governor desires to express his sincere appreciation of the high and efficient character of the services which he has rendered to the Military Government and to the people of Cuba in the effective and permanent organization of the public school system.

II.

Upon the recommendation of the Secretary of Public Instruction :

Mr. *Pedro Roig y Tejera* is hereby appointed Professor of Class A—Preparatory Course, Institute of Santiago de Cuba.

H. L. SCOTT,
Adjutant General.

No. 151.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 13, 1902.

The Military Governor of Cuba directs the publication of the following order :

1.

1. The penal action pending against *Emilio Fernández* in the Court of Examination of the Eastern District of Havana is hereby declared ended.

2. Full pardon is hereby granted to *Benito Rey*, sentenced by the Audiencia of Santiago de Cuba to three years, four months and eight days of imprisonment for discharging firearms.

3. The penalty of two months imprisonment imposed by the Audiencia of Santiago de Cuba on *Samuel Hudson Wise* is hereby remitted.

II.

The Secretary of Justice is hereby charged with the enforcement of this order.

H. L. SCOTT,
Adjutant General.

No. 152.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 13, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Public Instruction, directs the publication of the following order :

I. Order 43, current series, these Headquarters, is hereby amended as follows:

1. Where said order reads:

“Municipal District of Guanajay; to comprise the municipal districts of Mariel, Cabañas and Guanajay,” it is amended to read:

“Municipal District of Guanajay; to include the Municipal Districts of Mariel and Guanajay.”

2. Where said order reads:

“Municipal Districts of Artemisa, Bahía Honda, Consolación del Norte, Consolación del Sur, Guane, Mantua, San Juan y Martínez, San Luis and Viñales; to include, respectively, the Municipal Districts of the same names,” it is amended to read:

“Municipal Districts of Artemisa, Bahía Honda, Cabañas, Consolación del Norte, Consolación del Sur, Guane, Mantua, San Juan y Martínez, San Luis and Viñales; to include, respectively, the Municipal Districts of the same names.”

3. Where said order reads:

“Municipal Districts of Agramonte, Guamacaro, Jagüey Grande and Pedro Betancourt; to include, respectively, the Municipal Districts of the same names,” it is amended to read:

“Municipal Districts of Agramonte, Bolondrón, Guamacaro, Jagüey Grande and Pedro Betancourt; to include, respectively, the Municipal Districts of of the same names.”

4. Where said order reads:

“Municipal District of Abreus; to include the Municipal District of Abreus and Castillo de Jagua, Cayo Carenas, Caimanera, Calisito, Charcas, Guasimal, Aguada de Pasajeros, Real Campiña, Venero, Jagüey Chico, Convento, Yaguaramas, Guayabales, Matún and Cayamas wards, Municipal District of Cienfuegos,” it is amended to read:

“Municipal District of Yaguaramas; to include Caimanera, Calisito, Charcas, Guasimal, Aguada de Pasajeros, Real Campiña, Venero, Jagüey Chico, Convento, Yaguaramas, Guayabales, Matún and Cayamas wards, Municipal District of Cienfuegos.”

5. Where said order read:

“Municipal District of Cienfuegos; to include the part of the Municipal District of said name not annexed to the Municipal District of Abreus, excepting that part included within the limits of the city of Cienfuegos,” it is amended to read: “Municipal District of Cienfuegos; to include the part of the Municipal District of Cienfuegos not included in the Municipal District of Yaguaramas, excepting that part included within the limits of the city of Cienfuegos.”

6. Where said order reads:

“Municipal District of Rodas; to include the Municipal Districts of Cartagena and Rodas,” it is amended to read: “Municipal District of Rodas; to include the Municipal Districts of Abreus, Cartagena and Rodas.”

II. The Municipal Districts mentioned in this Order are those which existed on January 23, 1902.

III. The Commissioner of Public Schools is charged with the execution of this Order and will, therefore, issue the instructions deemed necessary for its immediate and effective enforcement.

H. L. SCOTT,
Adjutant General.

No. 153.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 14, 1902.

The Military Governor of Cuba directs the publication of the following communication addressed to the Senators and Representatives elect of the Cuban Congress, convened in the City of Havana on May 5, 1902:

HEADQUARTERS MILITARY GOVERNOR OF CUBA.

Havana, May 5, 1902.

To the Senators and Representatives elect of the Cuban Congress.
GENTLEMEN:

I have the honor, in the name of the President of the United States of America, and as Military Governor of the Island of Cuba, to welcome you and most earnestly wish you every success in the great work upon which you are soon to enter.

You have been convened solely for the purpose expressed in paragraph II of Order No. 101, dated Havana, April 14, 1902, and no legislative power will be vested in the Congress until after the formal transfer of the government to the government elect, which transfer will take place at noon, May 20, 1902.

You are requested to notify me officially, at the earliest possible date, who have been elected President and Vice President of Cuba, and who Senators and Representatives, in order that I may transmit this information to the President of the United States.

It is important that this action be taken without delay in order that the President may be officially informed as to the personnel of the government elect.

Upon the completion of this duty the Congress will adjourn to meet at noon, May 20, 1902.

With expressions of the highest esteem,

Very respectfully,

LEONARD WOOD,

*Brigadier General, U. S. Army,
Military Governor of Cuba.*

H. L. SCOTT,

Adjutant General.

No. 154.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 14, 1902.

The Military Governor of Cuba directs the publication of the following regulations for the Revenue Cutter Service of the Island of Cuba:

REVENUE CUTTER SERVICE OF THE ISLAND OF CUBA.

REGULATIONS.

ARTICLE I.

1. The general duties of the Revenue Cutter Service are as follows:
 - a. The protection of the customs revenue.
 - b. The assistance of vessels in distress.

- c. The enforcement of the laws pertaining to quarantine.
- d. The enforcement of the navigation and other laws governing merchant vessels.
- e. The protection of the sponge and turtle fishing grounds.
- f. The protection of wrecked property.
- g. The suppression of illegal traffic in fire-arms, ammunition and spirits.
- h. The suppression of mutinies on board of merchant vessels.

ARTICLE II.

2. All officers of the Revenue Cutter Service of Cuba shall be appointed by the head of the Department of Finance, subject to an examination to determine fitness.

3. All applications for appointment to the position of either captain or engineer of the Revenue Cutter Service of Cuba must be accompanied by such license as master or engineer as the applicant may hold, and in no case will such applicant be appointed to the position of captain or engineer unless his license is of greater tonnage than the tonnage of the revenue cutter to which he may be assigned.

4. The number of officers, both line and engineer, shall be determined by the head of the Department of Finance, same not to exceed such as the exigencies of the public service may require.

ARTICLE III.

5. The head of the Department of Finance will assign a station to each vessel of the Revenue Cutter Service of Cuba, define and limit her cruising grounds, and designate some port within those limits to be the headquarters.

6. No officer commanding a revenue cutter shall, without first obtaining authority therefor from the head of the Department of Finance, cruise beyond the limits of his station, unless compelled to do so by accident, stress of weather, or other exigency of the service. Should such necessity arise he will, as soon as practicable, report the facts of the case to the head of the Department of Finance.

7. All officers of the Revenue Cutter Service of Cuba will be assigned to duty by the written orders of the head of the Department of Finance.

8. Officers shall promptly acknowledge the receipt of all orders,

and immediately after reporting in obedience thereto, communicate the fact and the date of reporting to the head of the Department of Finance.

9. Officers on detached service or on leave of absence will immediately inform the head of the Department of Finance of their intended place of residence, and notice must be given of any contemplated change before it shall have been made.

10. An order from the head of the Department of Finance to an officer requiring him to proceed to any point, but fixing no date and not expressing haste, shall be obeyed by leaving within four days after its receipt. If the order reads "without delay", he shall leave within forty eight hours; if "immediately", within twenty four hours; if the order is by telegraph, within twelve hours. And all officers shall indorse on their orders the date and hour of their receipt.

11. An application for the revocation, modification or qualification of orders to proceed will not justify any delay in their execution if the officer ordered be able to travel. Except on the ground of illness, or other equally cogent reason, orders and assignments will not be revoked, modified or qualified at the suggestion or solicitation of the officer affected; and any attempt to alter or evade them, except on the grounds before specified, through political or other influence, being regarded as prejudicial to good order and discipline, will be disapproved by the head of the Department of Finance and will be noted to the discredit of the officer so offending.

12. Application for assignment to duty or for revocation of orders shall be made by the officer himself in an official manner and through official channels, and shall state the precise reasons for making the application.

13. When an officer reports for duty in accordance with written orders, he shall present the orders to the officer to whom he reports.

14. Officers shall indorse upon the orders of those who report to them the fact that the person ordered has reported for duty, and the date and place at which he so reported.

15. Commanding officers of Revenue Cutters shall report to the head of the Department of Finance the date, time and place when a junior has reported for duty in obedience to orders from the head of the Department of Finance.

16. Orders detaching an officer from any station or duty will be forwarded through the commanding officer, who shall deliver the orders to the officer for whom they are intended, indorsing thereon the date and place of their receipt, and of their delivery.

17. No commanding officer shall have authority to detach an officer from his command, and no officer shall have authority to

annul, revoke or countermand an order issued by the head of the Department of Finance nor to order an officer to perform any duty unconnected with the Service.

18. The head of the Department of Finance may permit officers of the same grade to exchange stations or duties when such exchange is desired by both officers. But this privilege will not be accorded unless good and sufficient reasons are set forth in the applications, which must in all cases be addressed to the head of the Department of Finance. Should such privilege be granted the exchange shall be effected promptly and without expense to the Government.

19. Officers of the Revenue Cutter Service of Cuba shall be known as officers of the line and engineer officers.

20. Officers of the line shall take precedence in all case where the relative grade of the officers serving together is the same.

21. Officers of the same grade shall take rank in their respective corps according to the dates of their appointments.

22. Officers shall perform such duty as may be assigned to them by the head of the Department of Finance.

23. Engineer officers shall, under the commanding officer, have all necessary authority within their particular department for the due performance of their respective duties, and they shall be obeyed accordingly by their subordinates. They shall not have authority to exercise command except in the absence of all line officers.

24. The crew shall consist of seamen, firemen and cooks.

25. The head of the Department of Finance shall create such additional ratings as the exigencies of the service may require, he will also determine the number of men constituting the crew of each revenue cutter, all the foregoing to be subject to the restrictions of law.

26. Each vessel of the Revenue Cutter Service of Cuba shall be an independent command and, except as provided hereafter, the commanding officer of one cutter shall have no authority over, nor control the movements of another cutter or the officers thereof.

27. When, under special instructions from the head of the Department of Finance, two or more cutters shall be ordered to perform any special service in which unity of action may be necessary, the senior commanding officer present shall, unless otherwise ordered by the head of the Department of Finance assume command of all the vessels and direct their movements in which case all other commanding officers present are required to obey his instructions.

28. If in the performance of the duties mentioned in the preceding paragraph it should become necessary, or be desirable to land men from each of the vessels or from any two, the senior line officer

detailed for such duty shall have charge of the entire force and his orders shall be promptly obeyed by all officers and men under him irrespective of the vessels to which they may be attached.

29. In no case shall any person who, by proper authority may be a passenger on board of a revenue cutter, control, or attempt to control, either by seeking to influence, suggest or otherwise interfere with the movements of the vessel or the discipline of the crew.

30. Officers entrusted with the command of vessels, or with the command or direction of any expedition or duty, whatever their rank, must, while in such command or direction, have full command, authority, and precedence over all officers and persons of whatever rank, serving in such vessels or expedition, or in the execution of such duty. This authority and precedence will descend to the officer or person on whom such command or direction may devolve by reason of the death, disability or absence of the person otherwise in command or direction.

31. The efficiency of the Service requires of the commanding authority, besides the general duties of command and direction, the additional duties of organization, police and inspection; all these appertain to and go with command. As the officer in charge of the police of the ship and the execution of all provisions made for her general good condition, appearance and safety, his duties are constant and call him everywhere, and give him charge of, and authority over, the details necessary to the proper performance of his duties. To this authority all officers and persons are required to yield full and prompt acquiescence.

32. The commanding officer of a vessel of the Revenue Cutter Service is not authorized to delegate his power, except for the carrying out of the details of the duties to be performed by his authority. The command is his, and he can neither delegate the duties of it to another, nor avoid its burdens, nor escape its responsibilities.

33. Every officer in charge of a department has the general right, at all proper times, to communicate and confer with the commanding officer concerning any matter relating to his department, and his duty to do so is absolute whenever he thinks it necessary for the good of his department, or of the Service.

ARTICLE IV.

34. The uniforms prescribed by the head of the Department of Finance for the officers and men in the Revenue Cutter Service of Cuba, and no other shall be worn by the officers and men.

35. All persons belonging to the Revenue Cutter Service of Cuba shall conform strictly to such regulations for uniform as may be published from time to time by the head of the Department of

Finance. Every person belonging to the Service is strictly forbidden to wear any uniform other than that to which his grade entitles him.

36. Commanding officers shall ascertain and report to the head of the Department of Finance on the first of every month whether any officer or enlisted man under his command is unprovided with a complete outfit of uniforms.

37. The commanding officer shall prescribe daily the uniform for the officers and men under his command.

38. The uniform for the officers of the Revenue Cutter Service of Cuba shall consist of the following:

a. Captains at \$1,500.00 salary. Coat dark blue serge according to pattern filed in the office of the head of the Department of Finance. One half inch gold stripe around each sleeve three inches from the lower edge. One quarter inch gold stripe around each sleeve one quarter inch above the half inch stripe. A gold star on each sleeve one inch above the quarter inch stripe. On each side of the collar one silver bar and behind the bar a gold fowl anchor with a silver star embroidered across the shank of the anchor.

b. Trousers. Plain blue serge.

c. Cap. Regulation blue cap with black braid band with half inch gold chin strap according to pattern filed in the office of the head of the Department of Finance. The cap device to consist of two fowl gold anchors crossing, with a silver star embroidered on the anchors at the place of crossing, the latter surmounted by a silver eagle.

d. Captains at \$1200.00 salary shall wear the same uniform as Captains at \$1500.00 salary with the exception of the bars on the collar and the quarter inch stripe on the sleeves which are omitted, the gold star on the sleeve being placed one inch above the half inch gold stripe.

e. Engineers at \$1200.00 salary shall wear the same uniform as Captains at \$1200.00 salary with the exception of the gold stars on the sleeves which are omitted, and under the gold half inch stripe on each sleeve a three quarter inch red stripe projecting one eighth of an inch on each side of the gold stripe.

f. In addition to one complete blue uniform, every officer shall possess two pairs of white duck trousers and one white cap which shall be of the same form as the blue cap and have the same black braid band and cap device which is specified in the blue cap.

g. Each seaman shall be provided with one blue uniform and cap and two suits of white working clothes together with two white navy hats, a black silk neckerchief and one pair of black shoes, all

according to pattern filed in the office of the head of the Department of Finance.

h. Each fireman shall be provided with one blue uniform and cap and two suits of white working clothes together with two white navy hats, a black silk neckerchief and one pair of black shoes. In addition the firemen shall be provided with two suits of blue overalls. On the left sleeve on all uniforms, the firemen shall wear one red stripe, one half inch wide and three inches long, placed four inches above the wrist-band, all according to pattern filed in the office of the head of the Department of Finance.

i. The cook shall be provided with a plain blue suit of clothes with plain blue yachting cap and one pair of black shoes. For use in the galley he shall be provided with three white aprons.

k. Officers shall be provided with one pair of black shoes which shall be worn with the blue uniform and one pair of white shoes which shall be worn with white trousers.

39. Officers on duty on board ship shall at all times wear the uniform of their respective grades.

40. In port officers may wear plain clothes when temporarily away from their vessels except on occasions of official ceremony or when it may be necessary for the interests of the service to wear uniforms.

41. Uniform blouses must at all times be worn buttoned.

42. The uniforms prescribed by the head of the Department of Finance shall at all times be worn by the enlisted men.

43. Each article of clothing must be legibly marked with the owner's name.

44. Commanding officers must themselves conform to the regulations for uniform, and are required to see that such regulations are at all times strictly observed by those under their command. On the first day of every month the commanding officer shall inspect the clothing of all enlisted men for the purpose of ascertaining whether each enlisted man is provided with the uniforms prescribed by the head of the Department of Finance, that the uniforms are in accordance with those regulations, that they are neat and clean, and that each article is marked with the owner's name.

ARTICLE V.

45. When an officer is assigned to the command of a vessel of the Revenue Cutter Service about to be placed in commission he shall at once, in company with the engineer officer who is to have charge of the engineer department, personally inspect her throughout, thor-

oroughly informing himself as to her condition, arrangements, and equipment. He shall then have the officers and crew mustered on deck and in their presence read the order assigning him to the command, take formal charge of the vessel and place her in commission by hoisting the ensign and pennant.

46. An officer on assuming command of a revenue cutter that is fitting out shall ascertain her condition at once and note the changes being made or that have been made in her hull, machinery and equipment. He shall particularly notice her outfit and ascertain if any defects exist in her machinery, pumps, boilers, sluice gates, valves and cocks, water-tight bulkheads, access to bottoms and bilges, apparatus for extinguishing fires, ventilation, spars, guns and their appurtenances, ammunition and ordnance stores, navigation supplies and instruments, provisions and medical outfit. He shall have all parts of machinery and all spare articles examined to see if the same are suitable for the purpose intended. He shall satisfy himself that the boats are in good condition, and that they are properly supplied with oars, rowlocks, and other necessary fittings, and that the hoisting gear is efficient.

47. When an officer is ordered to the command of a revenue cutter already in commission, the officer whom he is to relieve shall have all hands mustered on the deck and the commanding officer shall read to the officers and crew his orders and assume command. The officer relieved shall transfer to him every article that pertains to the commanding officer and shall give him all the information in his possession that will be of service in the administration and command of the vessel. Before taking command he shall make a thorough personal inspection of the ship and report the result to the head of the Department of Finance. He shall at once make himself familiar with the details of the material and personnel of his command. If the vessel be not ready for active cruising he shall get her ready as quickly as possible, making requisition for the articles necessary to render her efficient. As the commanding officer is at all times held responsible for all the public property on board of the vessel he has command of, he will, before relieving his predecessor, check up on the property book all the unexpendable property and on finding same correct make out a property return in triplicate all three copies of which he will sign himself and cause his predecessor to do the same. One copy will be sent to the head of the Department of Finance, one he shall deliver to his predecessor, and the third copy he shall retain himself.

48. When a commanding officer is detached and about to be relieved in command, he shall, before the transfer is effected, make a thorough inspection of the vessel in company with his successor, and point out to the latter any defects, giving reasons for the same, and explain fully any peculiarities in the construction or arrangement of the vessel. The result of the inspection with such com-

ments as are deemed pertinent, shall be forwarded to the head of the Department of Finance. The return of public property, corrected to date and certified by him, shall be produced and, if satisfactory, receipted by his successor; if not satisfactory the latter shall state in what particular it is not so, and the officer relieved shall make such explanation as he may consider necessary, each over his own signature. The commanding officer about to be relieved shall deliver to his successor the original copies of all unexecuted orders. He shall also deliver to him copies of all general regulations or orders that are in force aboard, all documents received for his guidance in command, and such other official correspondence and information concerning the vessel and her qualities, the officers and crew, as may be of service to his successor. Under no circumstances shall he carry away the original letters, documents, or papers concerning the vessel or her officers and crew, without leaving authenticated copies of the same. He shall turn over to his successor the keys of the magazine, and all articles of the vessel's outfit in his possession. He shall sign the ship's log, steam log, and all other books and papers requiring his approval up to the date of his relief. After the foregoing formalities have been completed, all hands shall be mustered and the officer about to be relieved shall read his orders of detachment and turn over the command to his successor. The latter shall then read his orders of command and assume charge.

49. After assuming command, the commanding officer of a vessel of the Revenue Cutter Service, shall use every exertion to render and keep the vessel efficient for her employment, and shall make a detailed report of her condition to the head of the Department of Finance whenever he submits the return of public property, and at such other times as the Department may require or he may think necessary.

50. The organization of the vessels of the Revenue Cutter Service shall be governed by the laws of the Republic of Cuba properly applicable to it, and by regulations and orders from superior authority consistent therewith; and all routine orders of the commanding officer shall be in accordance with the same.

51. The commanding officer shall be held responsible for the discipline and government of the officers and others under his command, and to this end he is required and strictly enjoined to show in himself a good example of honor, patriotism, and subordination, and to be vigilant in inspecting the conduct of all persons within his command, and to guard against and suppress all dissolute and immoral practices.

52. The commanding officer shall not exceed the number of men allowed by the complement of the vessel in any rating, except by authority of the head of the Department of Finance.

53. The commanding officer shall cause a file of all general

orders, circulars and other official matter of like tenor, issued by the head of the Department of Finance, to be kept where it is accessible to the officers attached to the vessel at all reasonable times.

54. Should the commanding officer deem it necessary to issue other orders than those contained in these regulations for the general police and discipline of his command, he shall himself prepare the same, which must not conflict in any particular with said regulations.

55. The commanding officer shall issue all general orders relative to the duties of the vessel or the officers and crew, and in all respects keep the former informed of his methods of performing duty in order that in his absence these may carry out his wishes.

56. The commanding officer shall, as soon as possible, make out such general station bills as the exigencies of the vessel under his command may require and see that the officers and crew are informed of such station bill.

57. The commanding officer shall be held accountable for all evolutions of the vessels under his command.

58. The commanding officer shall be regarded as on duty at all times, and is always responsible for the proper management and safety of the vessel whether there be a pilot on board or not, he shall not allow a pilot to run the vessel into what he may consider a position of danger. He shall use all proper means to preserve the health of the crew and will, if necessary, from time to time consult with the Marine Hospital surgeon on the station in regard to sanitary measures to be adopted for that end.

59. The commanding officer, shall, so far as it is in his power, keep the vessel thoroughly clean throughout, well ventilated, dry and well lighted. He shall require the men to wash daily, and, when possible, supplies of fresh water shall be allowed for that purpose, and for washing clothes. He shall encourage and insist upon cleanly personal habits, and require the men to keep the hair and beard neatly trimmed.

60. The commanding officer shall inspect the men's clothing at least once a month in order to ascertain that it is clean, properly marked and of uniform pattern. He will permit nothing but the regulation uniform to be worn, and in arranging the dress for the day he shall prescribe such as will not injuriously affect the health. Every reasonable opportunity and facility shall be given the crew to make, mend, mark, and wash their clothing. Clothing and bedding shall be aired as often as the weather or service will permit, the latter not less than once a week, each piece being separately shaken out and hung up. Mattress covers must be washed frequently and blankets shall be washed as often as necessary.

61. The commanding officer shall see that all cooking and mess utensils are kept clean; that the food is wholesome and well cooked; and that the water is pure.

62. The commanding officer shall establish hours for messing, having a due regard to the duties of the ship and the health of the crew. The crew shall not be disturbed during meal hours when it can be avoided and visitors shall not be conducted through the messing spaces of the men during meal hours.

63. The commanding officer shall see that the crew is not exposed to the sun, or the night dews, when such exposure is injurious and can be prevented. Men who get wet shall be permitted to change their clothing as soon as possible.

64. The commanding officer shall, if possible, avoid visiting or calling at any port or place where there is an infectious disease, or where a contagious disease is prevalent; but should he for any reason be compelled to go to a port or place so infected, he shall restrict the amount of leave ordinarily given, or refuse leave altogether, if he deem such a course necessary to preserve the health of the crew.

65. Should any revenue cutter have had communication with, or have visited, any infected port, or have any disease on board subjecting her to quarantine, the commanding officer shall cause the quarantine flag to be hoisted to warn all persons from attempting to communicate with her.

66. The commanding officer shall afford all the assistance in his power to the local authorities to enforce their quarantine laws.

67. The commanding officer shall give particular attention to the enforcement of the regulations for the care and preservation of iron and steel vessels, and also to the regulations regarding the painting of Revenue Cutters.

68. The galley fire shall be extinguished at 8 P. M., unless specially authorized by the commanding officer to be continued longer.

69. All lights except those in the cabin or designated as standing lights shall be extinguished at 9 P. M.

70. There shall be at all times during the night a sufficient number of standing lights throughout the open parts of the vessel to enable the officers and crew to turn out and repair to the upper deck, or to attend to any duty arising from a sudden emergency.

71. The uncovered lights shall never be left unattended in any part of the vessel, nor shall such lights be used in the holds or store-rooms. Covered lights shall always be so secured as to prevent breaking or capsizing.

72. During rainy or cloudy weather, and at other times, if nec-

essary, when the duties of the vessel will permit, sufficient artificial light shall be supplied on the berth deck for the crew to read and write.

73. Such lights only as are deemed advisable by the commanding officer shall be used when for any purpose it may be thought necessary to conceal the position or movements of the vessel.

74. The commanding officer shall see that the laws regarding the display of running and anchor lights are strictly complied with, except as provided in the preceding section.

75. Except in cases of emergency, coal shall not be taken on board wet, or in a condition that might render it dangerous, and the bunkers containing such coal shall be carefully watched. Coal remaining on hand when a new supply is taken in, should, if possible, be so stowed as to be used first. Coal must be kept as dry as possible. Special precaution must be taken to prevent the leakage of water into the bunkers. Coal bags that have been used should be examined periodically, as coal dust remaining in them may produce spontaneous combustion.

76. The commanding officer shall take the following precautions regarding inflammable and dangerous articles :

a. Oil, tallow, and cotton waste, shall be stowed in metallic tanks, which must be kept as far from the boilers as possible. Waste and other similar articles saturated with oil or grease must be destroyed immediately after use.

b. Oiled or painted canvass and other oiled or painted fabrics must not be stowed below, and when not in daily use must be frequently examined. Great care must be exercised when using a lantern in the paint locker.

c. The commanding officer shall not permit any private property in the nature of inflammable liquid or oil, explosives, or other dangerous stores liable to spontaneous combustion, to be placed on board. Private ammunition must be stored in places provided for the ship's ammunition of a similar character.

77. Spirits of turpentine, alcohol, and all varnishes and liquid driers shall be drawn from the cans only in daylight and then only in quantities for immediate use.

78. Only such oils as are authorized to be used shall be received on the vessel for any purposes whatever.

79. The commanding officer shall see that every proper precaution is taken to guard against fire. He will have the force pumps and hose, and all other apparatus for extinguishing fire kept constantly in order and ready for instant use, and the crew well drilled at their fire stations. He will cause special care to be taken of the

steam pumps, and will always have them tried at fire quarters, when under steam.

80. The commanding officer shall require efficient means to be constantly kept in readiness for rescuing any one who may fall overboard.

81. Unless prevented by inclement weather, or some urgent necessity, the commanding officers shall have quarters for inspection once a week. On Sundays there shall be a general muster and inspection at 9:30 A. M. at which he shall make a personal inspection of the vessel throughout. When inspecting the engineer department he shall be accompanied by the engineer officer.

82. The commanding officer shall not permit the magazine to be opened without his knowledge and consent.

83. The commanding officer shall frequently go over all parts of his cruising grounds, and particularly into the harbors, that he may become a competent pilot for that section of the coast. So far as it is possible, and is consistent with the due performance of his duties, he should cruise over the district assigned to his supervision in daylight, to the end that he may see and know what is being done on the station.

84. The aiding of vessels in distress being one of the important duties of the Revenue Cutter Service, the commanding officer is enjoined to use every means at his command to relieve such vessels and assist their crews, but in this work he will use sound discretion and not uselessly and unnecessarily jeopardize his vessel and the lives of his officers and crew in his zeal to render assistance. He must respond promptly to all appeals for help, and must in all cases stand by a disabled or distressed vessel, which is in any danger, until she is released or it becomes evident that she is beyond help of the kind that can be afforded by a revenue cutter. In case of the wreck of a vessel, he shall render all the assistance in his power to the crew, and save and protect such of her cargo and fittings as he can. In extending assistance to vessels, however, he shall not interfere with private enterprise, though he may assist private effort, and it shall be his duty to do so when he deems it necessary.

85. In cruising along the coast, the commanding officer shall cause a vigilant lookout to be kept for distress signals and wrecks. As a general rule, he shall cruise his vessel within sight of land, that stranded craft may be seen. On hearing of the stranding or wreck of a vessel on his station, it shall be his duty to proceed with all dispatch to the place where such stranding or wreck is reported to be and give such assistance as the case demands or as lies in his power. He shall promptly investigate the truth of reports and rumors of distress to vessels within the limits of his cruising grounds. He shall be particularly alert during and immediately after stormy weather, and shall, as soon as a storm or gale has somewhat abated,

and shows signs of subsiding, put to sea if in port, and cruise over his station, running close along shore and keeping a bright lookout in all directions for disabled vessels.

86. The commanding officer shall, to the best of his ability, enforce the provisions of law regarding navigation and the customs-revenue. Whenever he deems it necessary to the due execution of these laws, he shall cause to be boarded and searched any vessel, except men-of-war and dispatch boats of foreign nations, within the jurisdiction of the Island of Cuba or within twelve miles of the coast thereof, which is bound to a port in the Island of Cuba. Should the vessel to be examined be under way, she may be compelled by force to heave to if she refuse to do so on being requested. He shall not permit a foreign customs officer, or any other person representing a foreign state, to make any examination whatsoever on board of the ship or boats under his command, nor any of the officers or crew to be taken out of them, so long as he has power to resist. He shall take pains that the same vessel is not boarded unnecessarily often. When the boarding officer is satisfied that a vessel has been recently boarded by an officer of the Revenue Cutter Service, that her papers are regular, and that there is no ground to suppose that she is violating any law of the Island of Cuba, he shall use his own judgment as to re-examining her. In the matter of boarding, particularly as regards coastwise vessels, a wise discretion should be exercised by the commanding officer so as not to needlessly embarrass or incommode vessels in their usual and legitimate vocations. Boarding, therefore, at unreasonable times, except when absolutely necessary, should be avoided. Commanding officers should also bear in mind that the Revenue Cutter Service is charged with other important duties in the interests of the Government, and they should endeavor to maintain the efficiency of the service as a whole according to the requirements of law and regulation, and not neglect one essential for the supposed benefit of another.

87. The commanding officer shall, as far as possible, when not at sea, keep the vessel where she can be readily communicated with by the head of the Department of Finance that timely notice may be given of any wreck or disaster within the cruising grounds or immediate chase can be given such other vessel as may have been reported for violation of the laws of the Island of Cuba.

88. The commanding officer shall confer with the collectors, or other chief officers of the customs, at the ports visited by him, and extend to those officers all the aid in his power with the forces under his command in the due execution and enforcement of the laws.

89. The commanding officer shall extend aid to the officers of merchant vessels in suppressing mutinies on board their craft, taking such steps, not inconsistent with law, as the particular case may require.

90. No revenue cutter shall be used for towing private craft, except in cases of distress or seizure. The commanding officer however shall not permit undue advantage to be taken of a master whose vessel is in a position from which she can be extricated without great risk or expense to the relieving vessel, or is otherwise in distress.

91. The commanding officer shall not use his vessel for any other than public purposes, nor divert her from her legitimate duties to convey any person or persons from one place to another unless it be for the benefit of some branch of the Government and with the previous authority of the head of the Department of Finance.

92. Should a Revenue Cutter seize a vessel for any cause whatever, the commanding officer may put her in charge of members of his crew and order her to proceed to some particular port; or he may take her in tow to such port; or he may if necessary, take all the crew on his vessel and send her to port in charge of members of his crew.

93. In case of seizure being made for violation of any law falling within the jurisdiction of the customs authority, the prize shall be turned over to the nearest Collector of Customs. Seizures made for violation of any law over which the customs authority has no control, shall be turned over to the nearest Captain of the Port. In every case the commanding officer shall promptly telegraph full particulars relating to the seizure to the head of the Department of Finance.

94. The commanding officer shall make careful trials of the vessel under steam under varying conditions of wind and tide. He shall inform himself thoroughly as to her qualities and fitness for every service, and of the length of time she can keep at sea under full steam, and also when running at the most economical speed. He shall inform himself of the daily consumption of coal for steaming at various rates of speed, and shall ascertain in particular the most economical speed of the vessel consistent with the proper performance of duty. In all ordinary cruising the most economical speed shall be maintained; should the commanding officer deem it necessary to increase the speed for any purpose whatever, the fact, with the reason therefor, must be noted in the log.

95. The commanding officer shall see that all the small arms of the vessel are constantly kept in good order, and shall himself inspect them at least once a month. The guns, gun mounts, and all the implements belonging to them are to be frequently overhauled, and kept in good order for service.

96. The commanding officer shall see that all the boats of the vessel are kept in good condition, are properly fitted, and have all the necessary appliances for performing efficient service.

97. The commanding officer shall see that the limbers are kept clear and the bilges clean and free from water. Every possible means must be taken to obtain a free circulation of air, and all offensive matter must be removed from the limbers. Hatches are to be kept off whenever the duties of the vessel and the weather will permit.

98. The commanding officer shall grant such liberty to the crew as is consistent with these regulations and the due performance of duty and the safety of the vessel.

99. The commanding officer shall be held to a strict accountability for all provisions and other supplies and outfits delivered on board the vessel under his command. He shall make out all the returns of expenditures, all requisitions for supplies, all accounts rendered against the vessel, and all other returns or reports required under the regulations.

100. The commanding officer shall see that all the daily, weekly, monthly, quarterly, and other official papers and writings required by these regulations are promptly and correctly prepared and forwarded to the head of the Department of Finance. All requisitions, bills, vouchers, and other official papers required to be submitted to the head of the Department of Finance shall be approved, certified to, or otherwise indorsed, by the commanding officer before being forwarded.

101. The commanding officer shall see that all official letters or orders received by him, or authenticated copies thereof, are kept in books for that purpose, and also copies of all official letters sent to him. There must be no exception to this rule. The official letters and orders from the superior authority concerning the vessel, her duties, and her officers, go to make complete the ship's record and must invariably be entered upon the ship's books.

102. The commanding officer shall use the utmost economy and care in all matters relating to the expenses of the vessel, or to the public service. He shall regard himself as responsible for the economical maintenance of the vessel, and shall require from all under his command a rigid compliance with the regulations in relation to the receipt, conversion, and expenditure of public stores.

103. The commanding officer shall investigate in person all offenses and award all punishments.

104. The commanding officer shall note any irregularities on the part of his officers and crew while in port, and is strictly enjoined to observe, and cause those under his command to observe, the sanitary and other laws and regulations of the port.

105. The commanding officer shall be responsible for a strict compliance with the rules for preventing collisions at sea. He shall also require all other vessels to do so and report any violations to the home port of the vessel so offending.

106. The commanding officer shall never, without the authority of the head of the Department of Finance relinquish the command of his vessel.

107. Commanding officers falling in with one another will, when practicable, compare general orders, circulars, etc., in order to inform themselves of any changes or alterations that may have been made, and to possess themselves of information to the latest date.

108. The commanding officer shall make out a deviation table which must be frequently verified and kept correct by swinging ship.

109. The commanding officer shall cause a constant lookout to be kept for derelicts and other dangers to navigation and shall, if possible, remove same. Obstructions that he can not remove with such appliances as are furnished him, shall be at once reported to the head of the Department of Finance with such recommendations regarding the manner of removing them as he may deem expedient. Should he discover any hidden or other danger not charted he will locate same by observations or cross bearings and at once report the circumstances with all particulars, to the head of the Department of Finance.

110. The commanding officer shall see that the vessel is properly supplied with charts and light and buoy lists of the section of the coast which he patrols, and that they are kept corrected to date. He shall carefully preserve all information that he may receive, or be able to procure, concerning the safe navigation of the vessel.

111. The commanding officer shall assist the commerce and navigation of the Island of Cuba with all the means at his command consistent with law and these regulations.

112. The commanding officer shall see that his vessel is properly supplied with good running lines and hawsers, and that they are so stowed as to be immediately available in an emergency and that she is otherwise prepared to aid vessels in distress. When assisting vessels, the lines and hawsers of the vessel assisted will be used, if they have such as are suitable for the work to be done and can be handled as readily as those of the cutter.

113. In every case in which a revenue cutter incurs any necessary expense, or sustains damage, while assisting vessels in distress, the owners of the vessel may be required to indemnify the Government of the Island of Cuba for the same. To this end the commanding officer shall forward to the head of the Department of Finance an accurate estimate in duplicate of such expenses and damages, together with a full statement of the circumstances under which they were incurred. One copy of this statement (which must include the name, nationality, and hailing port of the vessel assisted, her captain's name, the port or place to which she is bound,

and the name of her owner and consignee) will be forwarded by the head of the Department of Finance to the owners together with the estimate of damages in making the claim against her owner; the other copy will be retained by the head of the Department of Finance.

114. When vessels in distress, or their crews, are supplied with provisions or other articles of public property from Revenue Cutters, receipts in triplicate shall, if circumstances permit, be taken for such articles from the parties receiving them; if, however, no receipts can be procured from the parties receiving them, then the commanding officer of the Revenue Cutter shall cause a detailed list, in triplicate, of the articles, specifying the quantity of each to be made out and certify same. One copy of each receipt or list he shall retain, the other two he shall forward at once to the head of the Department of Finance together with the "Report of Assistance rendered." He shall enter on the log a full and particular account of all assistance rendered, and of all other important services rendered.

115. Commanding officers are forbidden to receive money, or an order for money, for any damage or expense incurred by Revenue Cutters in aiding vessels in distress. But provisions, coal and other like supplies, expended in assisting other vessels, may be received in kind, if the owners or masters of such vessels prefer to reimburse the Government of the Island of Cuba in that manner.

116. In the event of a collision between a Revenue Cutter and any other vessel, the commanding officer shall at once offer such assistance to the other vessel as he may be able to render. If the collision is so serious or under such circumstances as not to admit of immediate repair with the resources at hand, he shall immediately investigate the matter, ascertain as nearly as possible the loss or damage to each vessel, and endeavor to fix the responsibility. If the collision result in the loss of life, or damage to person or property he shall make a report by telegraph of the facts to the head of the Department of Finance giving the number of lives lost, if any, and the probable amount of damage to each vessel respectively, together with a description of the vessel with which the collision occurred, if obtainable, the nature of her cargo, the names and residence of her owner or owners, consignee, and master, the port from which she last sailed, and to what port she was bound when the accident happened.

117. The commanding officer in case of shipwreck, or other disaster whereby the vessel may be lost, shall remain by her with his officers and crew as long as practicable, and make every effort to save the log book and other valuable books and papers, and as much other property as possible. He shall repair without delay to the most convenient port with his officers and crew and as soon as practicable make a report of the circumstances attending the

disaster to the head of the Department of Finance, giving such particulars as will enable the latter to take immediate and effective action. In all cases in which it becomes necessary to abandon the vessel, the commanding officer should be the last person to leave her. He shall use every effort to preserve discipline and prevent any irregularities which might give cause of complaint to the inhabitants where he lands.

118. When serious damage is received by the vessel under his command by the reason of collision, grounding, fire, or accidents to the hull, spars, machinery or boilers, or other important casualties of whatever nature, he shall make an investigation of the matter and forward the result to the head of the Department of Finance in a clear, complete and concise form, with a full statement of the circumstances attending the casualty, the nature and extent of the injuries received, the probable cost of repairs and length of time necessary to make the same, and to whom, if anyone, fault is to be attributed. Every accident of the kind, whether involving an investigation or not, shall be made the subject of a full report.

119. The commanding officer shall cause a complete and correct log book to be kept daily and forward an abstract of same every day, if in port, to the head of the Department of Finance; if at sea, then he shall prepare the daily abstracts and mail these at the first port touched. These daily reports must briefly give a full account of all the movements of the vessel, also state the amount of coal in the bunkers and the amount at the various coaling ports on his station, the name of all vessels boarded, where these had cleared from and whither bound, as well as the cargo found on board. In addition to the above, the daily report will also give all matters of importance that may have come under the observation of the commanding officer during the preceding twenty four hours.

120. Revenue Cutters shall receive no passengers on board without the permission of the head of the Department of Finance or as provided for in case of distressed seamen and shipwrecked persons, nor shall he permit a passenger to interfere in any manner in the management of the vessel except as heretofore stated.

121. No woman shall be permitted to reside on board of a Revenue Cutter nor shall any be permitted to remain on board over night.

122. The names of all authorized passengers and the dates of arrival on board and departure from the vessel must be entered on the log.

123. The presence of authorized passengers on board shall not under any circumstances be allowed to divert the vessel from her legitimate duties, and commanding officers are required to comply fully with the law upon this subject.

124. Commanding officers will collect from passengers the daily

per capita ration allowance in case they serve meals to such passengers.

125. Commanding officers shall always receive on board distressed seamen and shipwrecked persons when it can be done without endangering the health of his own officers and crew. Their names shall be entered in the log book and they shall be furnished with rations until landed at the nearest port; they must conform to the regulations of the vessel while on board.

126. No commanding officer shall, without authority from the head of the Department of Finance make or allow to be made, any changes or alterations in the internal arrangements, decks, cabins, or staterooms of the vessel, or in the armament, masts, yards, or rigging, or in the machinery, except in cases of absolute necessity and there is not time to communicate with the head of the Department of Finance. When such changes or alterations are made without authority previously obtained therefor, he shall report the fact to the Department at the first opportunity, stating particularly the necessity requiring the immediate performance of the work, and he shall carefully note and report the effects which such changes or alterations have produced in the qualities, performances, and efficiency of the vessel which would in his opinion, render her more efficient, or improve her qualities in any particular, and, if practicable, state the probable cost of such changes and alterations. He shall, as far as possible, and when in accordance with the interest of the Government, cause all repairs to the hull, machinery, spars, boats, and all other articles of equipment and outfit to be made by the ship's company.

127. Commanding officers shall be vigilant and firm in the performance of their duties, and act at all times with proper discretion in executing the provisions of law, the enforcement of which is charged to the Revenue Cutter Service, by employing all proper and legal means at their command, but without injury to commerce and navigation, or encroaching upon the legal rights of individuals.

128. When a commanding officer is detached from a vessel, or shall leave a station either with or without his command, he shall see that all bills against the vessel are properly paid before taking his departure from such vessel or station.

129. At the close of each month the commanding officer shall forward to the head of the Department of Finance the ship's payroll in triplicate, certifying to all signatures. He shall send in his requisition for all such supplies and stores as he will require during the succeeding month. He shall also at the end of each month forward to the head of the Department of Finance vouchers and bills in triplicate for ration money at the rate of fifty cents per day per man on board during the month.

130. In case of urgent necessity the commanding officer is au-

thorized to purchase on his station such supplies as the exigencies of the service require. For all such purposes he shall secure from the vendor triplicate bill, receipted by the vendor, and cause said vendor to sign three blank vouchers. All such three copies of bills and vouchers shall at once be forwarded to the head of the Department of Finance for payment. In case the vendor is a co-partnership then the firm name must be signed to the receipts and blank vouchers as well as the individual name of the member of the firm signing same, who must state that he is a member of said firm. In the case of corporations the officer of said corporation signing the receipts must sign the corporation name and also his own name stating office he holds. In such cases where a sworn statement has not been filed by said corporation with the head of the Department of Finance showing that said officer is authorized to sign for said corporation then three copies of a sworn statement must be attached to the bills and vouchers distinctly setting forth the right the signing corporation officer has to sign in the name of the corporation.

131. Property returns in triplicate shall be made out by the commanding officer at the end of each quarter, two copies to be forwarded to the head of the Department of Finance and one to be retained by him.

132. Commanding officers shall cause the steering gear to be carefully attended to that it may at all times be in perfect condition.

133. Anchors and such portions of the chains as are visible shall be kept well blacked.

134. All such work as may require the vessel to remain at anchor for some time should, when possible, be done when the engines and boilers are being cleaned and repaired and the vessel is, on that account, compelled to remain in port.

135. Air ports, when at sea, shall not be permitted to remain open when there is probability that the sea enter to a dangerous extent.

136. The commanding officer shall fill all vacancies caused in his crew from discharge, resignation, death, or desertion.

137. The commanding officer shall see that proper provision is made and comforts provided for sick and disabled officers and men under his command. When the ailment is of such nature as to require the attendance of a physician he shall apply for the desired medical aid and relief to the Marine-Hospital Surgeon at the first port he may reach where one is available, and, if necessary, send the disabled person to the Marine Hospital. When immediate medical aid is considered absolutely essential for any member of the crew who has been disabled in the line of duty, and the attendance

of a surgeon of the Marine-Hospital Service cannot be procured, the commanding officer, may for the time being, call in the services of a private physician.

138. Vouchers, covering the expenses of such services and the necessary medicines, properly certified, and accompanied by a full statement of the circumstances, shall be forwarded to the head of the Department of Finance.

139. The commanding officer shall not permit the men of the engineer force while on watch in the engine room to be interfered with.

140. The engineer officer shall be given every reasonable and proper facility to clean the boilers and to keep the machinery and its dependencies in efficient condition, and to this end he will afford monthly or bimonthly occasions for hauling fires and thoroughly cleaning that Department. The commanding officer shall use discretion and care in regard to the time for permitting the vessel to be disabled by hauling fires, and, as a rule, select a calm period and safe place. Fires shall not be hauled during heavy or threatening weather.

141. Commanding officers shall at all reasonable times paint vessel when she requires it, break out and air the holds, overhaul and care for the chain cable, keep the boats in order and do all other necessary work that may be required in order that the vessel may at all times present a neat and trim appearance. He shall cause all cables and hawsers to be thoroughly examined each quarter, and oftener if necessary in order to prevent deterioration and insure the efficient condition. At such examinations particular attention shall be paid to the chain cables; they must be scaled and cleaned of rust and other foreign matter; the shackles, shackle bolts, and forelock pins shall be carefully examined and, if necessary, new wooden pins put in and such parts as require it must be coated with blacking, tallow, or white lead.

142. The log shall be kept in civil time. At the beginning of each day the location of the vessel and the day of the week, the day of the month, and year must be given, the time at anchor and under way, the distance cruised, coal expended, coal on hand, the names of vessels boarded, reported and assisted, the number of lives saved, discharges of members of the crew and enlistment of new men, and any other matter of importance. The name and residence of each officer and enlisted man shall be entered on the first page of the log book, also the date when each joined the ship, was detached, or discharged.

143. The commanding officer shall cause a vigilant lookout to be kept on all vessels in sight, at anchor or under way, to see that they do not violate or infringe on any of the navigation, customs-revenue, or other laws of the Island of Cuba, and he shall be partic-

ularly attentive to the display of anchor or running lights. Should any vessel be discovered infringing the laws in any particular, he shall immediately cause such vessel to be boarded and take such steps as the case may demand.

144. At all times the engineer shall be given ample notice of the intention to get under way or of the probable time of anchoring, docking, or stopping the engines for any length of time that he may make suitable preparations therefor.

145. When at anchor in a strong tideway or during heavy winds every precaution shall be taken by the commanding officer, such as having a drift lead on the bottom and, if possible, by bearings on shore, to ascertain at once if the vessel drag.

ARTICLE VI.

146. The Chief Engineer officer ordered to the charge of the machinery of a Revenue Cutter fitting out, shall on joining the vessel, at once examine and make himself familiar with the engines and boilers and their dependencies, the steam pumps, and all other machinery of whatever description, belonging to the vessel, and shall also carefully examine the tanks, coal bunkers, store-rooms, and all other apartments that come under his care. Should he discover any defects or deficiencies, he shall make immediate report of the fact in writing to the commanding officer. While fitting out, he shall give careful attention to all matters and things that pertain to that department, and see that all work done and supplies furnished are according to contract.

147. When ordered to the charge of the machinery of a Revenue Cutter in commission, he shall, as soon after reporting on board as possible, and in company with the officer whom he relieves, or the officer in charge for the time being, make as thorough an examination and inspection as can be made at the time of the engines and boilers and their dependencies, the steam pumps, and all other machinery of whatever description belonging to the vessel, and also of tanks, coal-bunkers, store-rooms, and all other rooms and spaces in the department. The officer to be relieved shall point out to his successor all the peculiarities of the engines, their dependencies and appurtenances, and give him such information regarding them and the engineer force as may be of use or service to him in their control and management; and shall explain and account for all defects and deficiencies that are known. The officer on assuming charge shall exert himself to become acquainted as soon as possible with everything pertaining to his department, and with the experience and capabilities of each man under his control.

148. All defects or deficiencies that lessen, or tend in any manner to lessen the vessel's effectiveness must be forthwith reported, in writing, to the commanding officer.

149. He shall be responsible for the care, good order, preservation, and working of the engines and their dependencies, of the boilers, steam pumps, and all other machinery of whatever description belonging to the vessel; for the cleanliness, good condition and efficiency of all pipes, cocks, and valves within his compartments connected with hand pumps; and for the care, good condition, and cleanliness of machinery, bulkheads, coal-bunkers, shaft alley, store-rooms, tool rooms, engine and fire room hatches, and all other rooms and spaces within his department, as well as those accessible only through his compartments. He shall see that the suction and bilge wells are kept free of dirt.

150. He shall make out such watch, quarter, station, fire, and cleaning bills for his department as may be required and submit them to the commanding officer for his approval. These bills shall show the stations and duty of each officer and man of the department under all conditions of service, and shall be posted in a conspicuous place in the engine room.

151. He shall report all neglect of duty or other breach of discipline in the fire or engine room to the commanding officer, and shall at all times keep the latter informed of the capabilities of the enlisted men in his department, and of their behavior and amenability to discipline.

152. He shall make requisitions for the fuel, stores, and supplies needed in his Department, submitting them to the commanding officer who shall forward them, together with the requisitions for all other supplies, to the head of the Department of Finance.

153. He shall prepare that part of the return of public property which relates to his department and he will be personally held responsible for all property entrusted to his care.

154. He shall keep a strict account of, and be responsible for, the proper use and economical expenditure of all fuel, stores, supplies, and other articles belonging to the engineer department, and shall report to the commanding officer each day's expenditure of fuel together with the amount of fuel remaining in the bunkers.

155. He shall frequently examine the coal bunkers to see if the amount of coal on hand corresponds with that charged in the steam log, and in case there is a discrepancy, he shall immediately report the same to the commanding officer.

156. He shall see that his department is always supplied with the necessary tools and articles to make repair, and in such quantities as circumstances may require.

157. In the stowage and care of the supplies and outfit of his department, and in the handling of lights, he shall see that every precaution is taken against accidents by fire.

158. He shall exercise a vigilant supervision over every part of his department and see that it is kept in order; that the steam pump and hose, and all other appliances within his compartments for extinguishing fire, are ready for instant use, and that the men thoroughly understand how to handle them.

159. He shall see that the water in the boiler is carried at a proper height and density.

160. He shall instruct the firemen so as to qualify them to manage the engines and dependencies in case of necessity or emergency.

161. Except in cases of emergency, he shall never light, spread, or haul fires without orders from the commanding officer; and the engines must never be moved with steam except in obedience to a signal from, or with the knowledge of the commanding officer.

162. He shall be in the engine room when running through narrow channels or intricate passages, working amongst a fleet of vessels, in getting under way or coming to anchor, mooring or unmooring, going alongside of or getting away from the docks, when going into or out of port, and at all times when the working of the engines requires careful attention or when he may think his presence necessary.

163. The responsibility for duties performed in the engine room rests on the engineer; should he at any time consider the officer or man on watch in the engine room irresponsible or incompetent to properly and safely perform the important duties devolving upon him, he shall relieve him without further delay.

164. He shall make frequent and thorough inspections of all parts of his department, and see that it is maintained in the highest state of efficiency. Any accidents that may occur or defects or deficiencies that may be discovered shall be at once reported to the commanding officer.

165. Immediately on coming to anchor, or on the discontinuance of steaming, he shall report to the commanding officer all such repairs as are needed, distinguishing between those that require immediate attention and those that, though necessary, may be deferred for a time, and stating the probable length of time that will be required to complete them.

166. Whenever practicable, and the interests of the Government will not suffer thereby, all repairs to the machinery and its appurtenances must be made by the engineer's force. The engineer officer in charge shall not, however, put any of the machinery out of use for the purpose of making repairs without the authority of the commanding officer; nor shall he without such authority begin any work in his department that will necessitate the stopping of the

engines, or, if at anchor, that will detain the vessel in port or prevent getting her under way.

167. If at any time the machinery is, in his judgment, driven too hard, or an undue strain is brought upon any of its parts, he shall report the fact to the commanding officer.

168. He shall give particular attention to the cleanliness of his department and specially to the good condition of the engines and their dependencies, which must at all times be kept well lubricated, and, on the coming to anchor, be immediately cleaned and oiled.

169. He shall keep the steam log, and see that all work and occurrences of importance in his department, as well as the performance of the engines, the state of the weather and sea, the distance run, are duly noted in the remarks.

170. When a revenue cutter is employed in assisting a vessel in distress, he shall enter in the steam log an accurate account of fuel and other supplies consumed and expended while so employed, and shall report the same in writing to the commanding officer.

171. When a vessel is ordered out of commission, he shall, before reporting his department ready, have the iron or steel bright work of the engines well cleaned, and then painted or covered with white lead or tallow. Packing, except metallic, must be removed from rods not of brass or cased with brass. All rods, the surface of the shaft under the clutch coupling, and the interiors of all steam cylinders and valve chests must be thoroughly cleaned and covered with black lead and tallow. Bearings must be well oiled and the holes plugged with waste and tallow, the engines being first turned one revolution, and the pistons, valves, and the sliding part of the shaft coupling being brought to rest on well leaded surfaces. The water cylinders and channel ways of all pumps and condensers must be drained and cleaned. The boilers must be washed out with fresh water and dried, and, unless beyond repair, the water bottom and legs scraped and painted. The gauges and oil cups must be closed and properly secured. The store-rooms must be cleaned.

172. Should it be necessary, for any cause whatever, to stop the engines, he shall, if possible, first report to the commanding officer, who will thereupon, or as soon thereafter as the position of the vessel and other considerations will permit, give the proper signal. If the circumstances be such as to require immediate action, the engineer officer shall govern himself accordingly, making a full report to the commanding officer as soon as practicable, stating the necessity that compelled a departure from the general rule, and the probable length of time before the engines can again be put into operation. He shall report to the commanding officer when the machinery is in order, and shall not start the engines until the proper signals are received from deck.

173. On receiving instructions to be ready for getting under way at a given time he shall personally see that all necessary preparations in his department are promptly made, that the fires are in good condition, and that no delay is occasioned by lack of steam. When all is ready he shall report the fact to the commanding officer.

174. When given notice of the intention to anchor, or to discontinue, even for a short time, the use of the engines, he shall so regulate the production of steam as to avoid, if possible, the necessity of blowing off when the engines are stopped.

175. At all times when under way he shall give the strictest attention to the working of the engines and their dependencies. He shall see that sufficient water is carried in the boilers, that the density of the water, is not too great, and that the furnaces are kept properly cleaned and the fires in good condition.

ARTICLE VII.

176. Each officer of the Revenue Cutter Service shall make himself familiar with the laws relating thereto, and with such regulations and general orders for the government of the service as may from time to time be issued by the head of the Department of Finance.

177. Any officer of the Revenue Cutter Service who may be required to take official action under any regulation of the service, or any law governing or referring thereto, who may desire instructions or explanations as to the force, meaning, or effect of such law or regulation, shall address his communication of inquiry to the head of the Department of Finance.

178. Frequent opportunity shall be given the crew for washing clothes. Clothing shall be washed early in the morning, unless during rainy weather some other time would be more convenient and only on the days designated by the commanding officer.

179. All washing and other cleaning of decks shall be done at an early hour in the day, and an effort made to have them dried down before breakfast.

180. Officers are prohibited from borrowing money or accepting deposits from, or having any pecuniary transactions with, enlisted men.

181. No officer shall accept or receive any pay or gratuity whatever for any aid or service rendered a vessel by a Revenue Cutter without permission of the head of the Department of Finance.

182. No article of public property shall ever be appropriated to the private use of any person not in distress. On every occasion in which public property is expended in cases of distress for private

use, the commanding officer shall report the fact, together with all the attending circumstances, to the head of the Department of Finance and shall be careful to make the best security obtainable for indemnity to the Government.

183. All persons employed in the Revenue Cutter Service are prohibited from having any interest whatever in purchases or contracts for the supplies of the Service, or in any work pertaining to it, nor shall they take or receive, directly or indirectly, any pay, emolument, or gratuity of any kind whatsoever from any contractor or other person furnishing supplies, nor act as an agent or attorney for any such person.

If any person belonging to, or employed in, the Revenue Cutter Service have knowledge of any fraud, collusion, or other improper conduct on the part of any agent, contractor, officer or other person employed in matters connected with said service, he shall, without delay, report the fact, in writing, to the proper authority, specifying the particular acts of misconduct and the means of proving them. Anonymous correspondence will not receive consideration.

185. Presents from inferior officers, or from crews to the superiors, in the way of compliment, and all votes, resolutions, or testimonials, whether of praise or censure, from inferiors to superiors, are forbidden.

186. Discussion or criticism of officers by their brother officers, whether superiors or inferiors, in the presence of attendants, or any of the crew, is strictly forbidden.

187. No person of the Revenue Cutter Service shall use any language which may render, or tend to render, officers or crew dissatisfied with the service or their duties, or to diminish their confidence in or respect for their superiors, and it shall be the duty of every officer who may hear any such language to use his best endeavors to suppress it, and to report it immediately to the commanding officer, or, if the offense be committed by the commanding officer, to the head of the Department of Finance.

188. Combinations for the purpose of remonstrating against orders, or for complaining of details of duty or service are forbidden.

189. No person serving in any Revenue Cutter or belonging to the Revenue Cutter Service, shall utter any seditious, treasonable, or mutinous words, or shall conceal or connive at any mutinous, treasonable, or seditious practices, or shall treat with contempt his superior, being in the execution of his office; and every person in the Revenue Cutter Service, being witness to any mutiny or sedition, shall do his utmost to suppress it.

190. Commanding and other officers shall discourage and suppress talebearing on shipboard among themselves or in the ship's company. Frivolous complaints and fault-finding must be discour-

tenanced. Officers shall not take notice of information of an anonymous character, or which may come to them in surreptitious or underhand manner.

191. Gambling and profane swearing are strictly prohibited on board all vessels of the Revenue Cutter Service.

192. Intoxication, the excessive drinking of intoxicating liquors, or other conduct bearing to the destruction of good morals, by persons in the Revenue Cutter Service, on board vessels to which they are attached, or on special or detached duty, is strictly prohibited. It is the duty of all commanding officers to adhere closely to this regulation and to enjoin its careful observation upon those serving under them.

193. Should an officer incur debts without a reasonable expectation of discharging them, or should he leave a station on which he has been serving, without paying, or providing for the payment of every debt he may have incurred, his conduct shall be forthwith reported to the head of the Department of Finance by the commanding officer when such conduct is brought to the latter's attention. Commanding officers themselves shall be held strictly accountable for any infraction of the provisions of this paragraph on their part, and it shall be the duty of a subordinate to report to the head of the Department of Finance any violations in the premises that may come to his knowledge.

194. No person in the Revenue Cutter Service serving on board ship shall engage in trade for profit, or introduce any article on board for the purpose of such trade without authority from the head of the Department of Finance.

195. All persons belonging to the Revenue Cutter Service are strictly forbidden to publish or to cause or permit to be published except as required by their official duties, any information concerning the acts or measures of any department or officer of the government, or any comments or criticisms thereon, without the consent of the head of the Department of Finance, and they are forbidden to publish any matter of a scandalous nature that reflects discredit on the service or its officers. No person in the Revenue Cutter Service shall act as correspondent of a newspaper without the express authority of the head of the Department of Finance.

196. No vessel of the Revenue Cutter Service shall be cruised solely with the view to covering distance, but for the purpose of the active and vigilant performance of her duties only, in the clear, faithful, and effective execution of the laws, and in completely fulfilling all the objects for which the service was established.

197. Officers of the Revenue Cutter Service shall afford all the aid in their power, not inconsistent with their official duties, to the civil authorities in executing process in harbors, roadsteads, and

adjacent coasts against persons charged with the violation of the laws of the Island of Cuba, and at the request of the master or other officer in charge of any vessel, shall use all the force at their command, if necessary, in quelling mutiny on board such vessel.

198. It shall be the duty of the officers and other persons employed in or by the Revenue Cutter Service to use their utmost exertions to detect, apprehend, and bring to punishment all offenders against the laws of the Island of Cuba, and to assist, so far as is consistent with the due performance of their other official duties, all persons legally appointed for that purpose.

199. If murder, felony, or other crime be committed on board of any Revenue Cutter, the commanding officer shall invoke the aid of, and deliver the offender to, the civil authorities, to whom he shall afford all the facilities in his power. If the felony or other crime be committed at sea, he shall confine and safely guard the offender until he can deliver him to the proper authority.

200. No person belonging to the Revenue Cutter Service shall take out of any siezed vessel or prize any money, plate, goods, or any part of her cargo, nor take or remove any part of her rigging, stores, or outfit, unless it be for the protection or preservation of the same, or unless it should be absolutely necessary for the immediate use of the vessel making the seizure (in which case it shall be the duty of the commanding officer to have made an accurate list, in detail, of the property or articles removed); but the whole, without fraud, concealment, or embezzlement, must be brought in and delivered to the proper authorities.

201. No person in the Revenue Cutter Service shall make any claim for salvage while serving on a Government vessel for the services he has performed in connection with that vessel. Claims for salvage shall be made only when the salvor has performed a personal service outside of his legitimate duties.

202. No person of the Revenue Cutter Service shall receive directly or indirectly any compensation as an informer arising under any of the laws of the Island of Cuba.

203. An officer who actually makes a seizure of goods smuggled or in the act of being smuggled is entitled to compensation, whether acting by direction of a superior officer or not.

204. All articles and goods seized for violation of revenue laws shall be turned over to the Collector of Customs of the district in which seized.

205. In the distribution of the lawful compensation which may be awarded by the head of the Department of Finance for the detention and seizure of goods smuggled or attempted to be smuggled, all officers attached, at the time of the discovery and seizure, to the

vessel to which the discovering officer belongs, shall share in proportion to their salaries.

206. An officer of the Revenue Cutter Service shall not hold any other office of profit under the government, or be an owner, in whole or in part, of any vessel, or an agent, attorney, or a consignee of vessels or cargoes, or be directly or indirectly concerned in the importation of goods for sale in the Island of Cuba.

207. Officers, while on duty or otherwise, shall make the subject of special report to the head of the Department of Finance any matters that come under their notice which may be of interest or value as forming a part of the records of the service.

208. Each officer of the Revenue Cutter Service shall be furnished with a copy of these regulations.

209. The distinctive mark of a Revenue Cutter in commission, other than the ensign, is the pennant at the masthead.

210. A Revenue Cutter shall not dip her ensign unless in return for such compliment. When any vessel salutes a Revenue Cutter by dipping her ensign, the salute shall be returned dip for dip.

211. A commanding officer of a Revenue Cutter shall call upon the collector of customs of the port at which the vessel arrives, as soon as the vessel is properly moored or anchored to tender his services or to receive such information of an official character as the Collector of Customs may see fit to give.

212. The complements of all vessels employed in the Revenue Cutter Service will be determined by the head of the Department of Finance, from which there shall be no departure under any pretense.

213. No person under the age of fourteen years, no insane or intoxicated person, no person known to have committed an infamous crime, and no person physically unqualified shall be enlisted in the Revenue Cutter Service.

214. No person under the age of twenty one years shall be enlisted without the written consent of the parent or guardian of such person.

215. Enlistment for duty on Revenue Cutters shall be for the term of one year. An enlistment may be terminated at any time by the head of the Department of Finance or by the commanding officer, when urgency is necessary.

216. Absence without leave for a period of three days in the case of an enlisted man shall be regarded as desertion and such man shall forfeit all pay due him.

217. Absence from the vessel without leave for twenty four

hours or more shall be checked on the payrolls against the offender's wages and a corresponding amount deducted therefrom.

ARTICLE IX.

218. All persons in the Revenue Cutter Service are required and strictly enjoined to, properly observe and obey the lawful orders of their superiors, and to use their utmost exertions to carry such orders into effect with promptitude and zeal. They shall show to their superiors all proper deference and respect.

219. Superiors of every grade are forbidden to oppress or maltreat those under their command by tyrannical or capricious conduct, or by abusive language. Authority over subordinates will be exercised with firmness, kindness, and justice and each person shall set an example of morality and devotion to duty.

220. Punishments not being practical on board of vessels of such small tonnage as those constituting the Revenue Cutter Service, commanding officers are authorized to discharge enlisted men from the service for such violations of the regulations as will warrant such action.

221. Violations of the regulations on the part of the officers of the Revenue Cutter Service shall be reported to the head of the Department of Finance who will take such action in the matter as the circumstances may call for.

ARTICLE X.

The head of the Department of Finance may from time to time direct the Chief of the Revenue Cutter Division to act as inspecting officer, in which case the latter shall visit such vessel and station as the head of the Department of Finance may designate. He shall thoroughly inspect the condition of the hull, spars, rigging, boats, and machinery of the vessel, and all her equipments. He shall cause to be produced for his personal inspection all books, papers, nautical instrument, arms and other movable articles of public property, and note whether the same are in accordance with the inventory, or properly accounted for. He shall cause the officers and crew to be mustered in his presence and see that all hands are present or accounted for, and he shall also listen to and investigate any complaints made by subordinates. He shall ascertain whether proper discipline has been and is maintained, and the regulations prescribed for the government of the service properly observed and enforced; also if there has been any wasteful expenditure of stores or unnecessary consumption of fuel. After completing such inspection he shall make a full and detailed report in writing to the head of the Department of Finance.

223. Commanding officers are required to afford every facility to the inspecting officer to enable him to carry out this regulation.

ARTICLE XI.

224. When a Revenue Cutter or her machinery requires repairs, the fact must be reported by the commanding officer of the vessel to the head of the Department of Finance, setting forth the actual state or condition of the defective part or parts so far as can be ascertained, the probable length of time it will require to do the work, and the probable cost.

225. When the head of the Department of Finance shall have decided by whom the repairs shall be made, if by contract, a written contract in triplicate will be executed all three copies of which must be attached to the vouchers issued in settlement of same before payment can be ordered.

226. In drawing up contracts for work of repairs and materials, it must be specifically stipulated that no work is to be done, labor or materials furnished, nor any other expense incurred which is not specifically authorized by the contract; and that neither the commanding officer nor the chief engineer shall authorize any additional work to be done or labor or materials to be furnished. It must be also stipulated in the contract that in the event of disagreement between the contractor and the government, the work is to cease without further or additional expense to the government that may have been already incurred for authorized labor and materials to that time, and the vessel is then to be considered as being entirely subject to the disposition of the head of the Department of Finance without appeal.

227. Commanding officers of Revenue Cutters will, unless specifically otherwise directed by the head of the Department of Finance, superintend all works of repair, alteration, and refitting of the vessels under their command, and the chief engineer will supervise the repairs of engines and boilers.

228. The officer superintending any repairs must inspect all materials that may be offered; receive such only as may be found to be of good and suitable quality for the purpose, and reject all which are not of good quality, or which are unsuited to the repairs at hand.

229. Any collusion, fraud, or willful neglect of duty on the part of the superintendent of work or repairs, will subject him to dismissal and loss of all pay due him at the time, and to such further punishment as the law may inflict.

230. Certifying officers or persons will be held strictly accountable for the correctness of the matters certified to, and for the proper care and use made of articles received by them for public use.

231. In case of actual emergency the commanding officer is authorized to make any repairs that the emergency requires, reporting immediately to the head of the Department of Finance the steps taken and the reasons therefor. The reasons must be such as to show that an emergency existed.

232. The force of the vessel shall be utilized in the work of repairs as far as possible.

233. Should it appear at any time that material changes in the work, or further repairs are necessary, the officer in charge shall report the facts without delay to the head of the Department of Finance and await instructions.

234. The utmost diligence is to be exacted of all concerned in the repairs of vessels in commission. A careful and systematic economy shall be observed in the purchase of material for repairs.

ARTICLE XII.

235. The commanding officer shall give strict attention to the following subjects in the care and preservation of iron or steel vessels.

a. Corrosion at the water line, and of underwater exterior of the vessel, including valves, propellers, rudder, and all other fittings that are accessible.

b. All parts of the topsides and inner hull.

c. The efficiency of all steam and hand pumps, testing them frequently for draining the bilges and for fire purposes.

d. Frequent inspection of all compartments.

e. That there is kept on hand a sufficient quantity of cement, composition, and paint, such as is used to prevent corrosion. When places showing corrosion are detected, they should be carefully scaled, dried, and coated with anticorrosive material.

f. That due recommendation is made to the head of the Department of Finance when the vessel needs docking.

g. That the surfaces of coal bunkers, which are subject to excessive abrasion, are kept properly painted and free from corrosion.

h. That rubber gaskets of manholes, hatches, air ports, etc., shall be neither painted, greased, nor oiled.

i. That an iron or steel vessel is never moored for any extended time alongside of or close to a vessel sheathed with copper.

k. That great care is observed that no loose articles of copper or bronze, filings of the same, or rust scale are allowed to rest on the bottom in immediate contact with the iron or steel.

l. That the leaden pipes, strainers, or such other parts in the bilges are kept in good condition.

m. That whitewash is never applied to any of the iron or steel parts of the vessel.

ARTICLE XIII.

236. Commanding officer shall be governed by the following rules in painting ship:

a. Unless the authority of the head of the Department of Finance is previously obtained they shall make no alterations in the outside paintwork of a vessel which shall tend to materially change her general appearance. Nor shall they, without permission, make any decided change in the paintwork of interior apartments.

b. In repainting a vessel the hull outside above the loadwater line shall be white.

c. The bulwarks inside shall be white.

d. The spars shall be either kept bright or painted yellow oxide.

e. The decks shall be either bright or lead color.

f. Trunk and smoke-stack shall be yellow oxide.

g. All hatch combings, skylights, davits, and boats shall be white.

h. Covering board and guard to be of red oxide.

i. All anchor gear to be black.

k. Name of vessel in plain lettering shall be painted in black on the stern.

l. All holds red leaded and painted white.

m. Cabins, crew's quarters, and galley to be white. Ceiling of engine room to be white, sides and bunkers lead color.

ARTICLE XIV.

237. The cylinders, receivers, and steam jackets must be gradually and thoroughly heated by opening connection between the boilers and engine as soon as the fires are lighted before steam or full pressure is admitted to them.

238. The greatest care must be exercised that water rams are guarded against by carefully draining all pipes while raising steam.

239. Water must not be allowed to accumulate in the jackets or receivers, but must be kept at such height in the traps as will

give assurance that it is escaping from the jackets and receivers as rapidly as it is formed, and care shall be taken that steam is not being blown through traps.

240. No tallow or oil of vegetable or animal origin shall be used for the lubrication of cylinders and valves, but mineral oil only shall be used for this purpose.

241. As little oil as possible shall be used for interior lubrication; this prohibition is intended to apply to every steam cylinder on the ship, for whatever purpose intended.

242. The cylinders, piston rings, piston springs, followers, follower-bolts, main and cut-off valves, shall be examined at least once in three months, and their condition noted in the steam log.

243. When not under steam, the engines and main valves are to be moved every day, when possible, the fact being noted in the steam log.

244. All holding down bolts shall be examined at least once in three months, and care taken that the nuts of pillow-block bolts do not become set fast.

245. The tubes of surface condensers shall be examined at least once in six months and kept clean. If not examined, the reasons for the omissions are to be stated on the steam log. If any considerable amount of steaming has been done the condensers shall be examined before the expiration of the time mentioned.

246. The valves of air and circulating pumps shall be examined frequently.

247. Special mention shall be made in the steam log of the condition of the boilers and the means which have been employed for their preservation.

248. No tallow, or oil of vegetable or animal origin shall be allowed to enter the boilers.

249. The boilers, when empty, are to be kept dry by such means as are at the disposal of the engineer.

250. The exteriors are to be kept as dry as possible, and nothing wet or combustible is to be stored over or around them.

251. The bilges in the fire room are to be kept dry and well painted with red lead.

252. Sudden changes of temperature in the boilers are to be avoided.

ARTICLE XV.

253. The pay of the officers and enlisted men of the Revenue Cutter Service is regulated by law.

254. The pay of all persons in the Revenue Cutter Service commences on the date of their appointment and ceases on and includes the day of their discharge.

255. Each person in the Revenue Cutter Service serving on board of a Revenue Cutter is entitled to one commutation of ration at the rate of fifty cents per day.

256. The officers and crew shall be paid monthly by the head of the Department of Finance upon a payroll made out in triplicate according to the prescribed form, certified by the commanding officer, showing the amount due to each person.

257. The ration allowance for the officers and crew shall be paid monthly by the head of the Department of Finance to the commanding officer upon a voucher made out in triplicate, according to the prescribed form, certified by the commanding officer, showing the actual number of men serving on board during the month, which number must be verified by the pay roll for the corresponding month.

258. The payments of salaries of officers and crew are to be made on board the vessels to which they belong and only to the officers and others entitled to receive the same.

259. In making out pay-rolls care shall be taken that the names in the column marked "Name" shall correspond accurately with the signatures set opposite to them.

ARTICLE XVI.

260. Applications for leave of absence must be made to the head of the Department of Finance.

261. Commanding officers shall not grant to officers under their command a leave of absence longer than twenty four hours.

262. No commanding officer shall leave his vessel for a longer period than twenty four hours.

263. Requests for leave on account of ill health or disability must be accompanied by a certificate of a physician.

264. Officers temporarily on sick leave shall report the state of their health to the head of the Department of Finance every fifteen days.

265. A temporary leave of absence, not to exceed thirty days in any fiscal year may be granted to an officer in the Revenue Cutter

Service at the discretion of the head of the Department of Finance when the exigencies of the public service will permit.

ARTICLE XVII.

266. All reports, letters, or communications of commanding officers called for in these regulations shall be mailed to the head of the Department of Finance.

267. All official communications shall be written on the official paper provided by the Customs Service.

268. Every letter shall be paged and shall be formulated in the following manner :

- a. The name of the vessel, place where written, and the date.
- b. The name of the office addressed and its address.
- c. Sir :
- d. The Subject matter.
- e. Respectfully.
- f. Signature of the writer with his official designation.

269. All papers shall be so folded, from the bottom to the top of the page, as to conform as nearly as possible to the standard size, which is three and one half inches in width by 8 inches in length.

270. The first indorsement upon a communication shall commence one inch from the top, writing from the free edge of the fold, and shall be formulated as follows :

- a. The name of the vessel, place where written, and the date.
- b. The name of the writer with his official designation.
- c. A brief of the subject matter in regular sequence, showing all the separate parts and the names of persons and firms referred to.
- d. The number of enclosures.
- e. Ruled lines shall be drawn to divide the four subjects named above.

f. No paper shall be attached in any way for additional endorsement until the whole back of the letter sheet is covered, and then, if necessary, a sheet three and a half inches by eight inches, with a flap for attachment, may be fastened in such manner as not to cover a previous indorsement.

271. The following rules shall be observed relative to official communications :

a. Communications must be written in a legible hand and in concise terms.

b. Signatures must be distinctly legible.

c. Abbreviations of words will be avoided.

d. Enclosures shall be properly endorsed and numbered and referred to by their numbers.

e. Separate letters shall be written on separate subjects unless the subjects are of like nature,

f. Letters shall be written on one side of the paper only.

272. In forwarding returns, requisitions, vouchers, reports, and accounts on prescribed forms, no letter of transmittal or advice shall be sent unless it contains additional information or explanation.

273. Every person in the Revenue Cutter Service making an official communication of any kind to any superior authority, other than his immediate commanding officer, shall send the same unsealed, to his commanding officer, to be, by him remarked upon and forwarded. No written communication shall be received as official which is not thus forwarded through the prescribed channels, and with the indorsement of the officers through whom forwarded.

274. All officers through whom communications from subordinates are sent for transmittal to higher authority shall forward the same, if in proper form and language, as soon after their receipt as practicable, and invariably state their opinions in writing by indorsement or otherwise in relation to every subject presented for decision. The term "forwarded" by itself shall be affixed only to such papers as require no action by the head of the Department of Finance or other authority.

275. All official letters addressed to subordinates on board ship will be forwarded through the commanding officer.

276. In the transmission of official mail matter free of postage, the following rules shall be observed:

a. Officers of the Revenue Cutter Service may send official mail matter between themselves, or to other officers of the Government by using a penalty envelope.

b. Official mail matter may be transmitted under cover of the penalty envelope by officers of the Revenue Cutter Service to private individuals.

c. The penalty envelope may be enclosed with returned address by an officer of the Revenue Cutter Service to private individuals for use in furnishing information in replying to communications on official business.

277. All important information which the Government should possess without delay shall be promptly reported by telegraph by the commanding officer to the chief of the Revenue Cutter Division. The telegraph, however, shall not be used when communications by mail should answer the purpose.

ARTICLE XVII.

278. No contract made or entered into by any officer of the Revenue Cutter Service for work, labor, materials, or supplies of any kind, will be binding until it shall have been approved by the head of the Department of Finance or written authority obtained by him to enter into such contract.

279. All requisitions for supplies shall be made out in duplicate by the commanding officer, one copy to be forwarded to the head of the Department of Finance and the other to be retained on board on file.

280. Unless otherwise directed by the head of the Department of Finance, requisitions for supplies will be made out not to exceed once a month.

281. All bills must be made out in detail, giving dates, quantity and unit of price of each article, and the gross amount of each item carried out in the column of amounts.

282. Each copy must be receipted for by the vendor in accordance with these regulations and must be certified to by the commanding officer.

283. All bills and vouchers must be submitted in triplicate.

284. All articles of supplies, outfits and other public property, not expendable, on board of Revenue Cutters are to be accounted for by the commanding officer; and the value of all articles not satisfactorily accounted for will be checked against the pay of the officer responsible for them.

PAY TABLE OF THE REVENUE CUTTER SERVICE.

Capt. of Rev. Cut. Baracoa.....	\$1500.00	per annum.
Capt. of all other Cutters.....	1200.00	" "
Engineers.....	1200.00	" "
Firemen.....	480.00	" "
Scamen.....	420.00	" "
Cooks.....	480.00	" "

H. L. SCOTT,
Adjutant General.

No. 155.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 15, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of, and hereby re-enact in such form as to enable their continued enforcement pending such action as the Congress of Cuba may take thereon, the following provisions of law relating to Immigration, which have been in force in Cuba since April 14, 1899, by authority of the President's order adopting and making effective in Cuba the provisions of the immigration laws of the United States.

LAWS REGULATING IMMIGRATION.

Section I. All idiots, insane persons, paupers or persons likely to become a public charge; persons suffering from a loathsome or dangerous and contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, or persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of, or the result of, such political offenses, or whose sentence has been remitted on condition of their migration, and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come, unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes or to the class of contract laborers described in the following Sections, are excluded from admission into Cuba, and upon arrival shall be sent back to the nations to which they belong and from whence they came. Nothing under this paragraph shall be construed to apply to or exclude any person convicted of a political offense, notwithstanding said political offense may be designated as a felony, crime, infamous crime or misdemeanor involving moral turpitude by the laws of the land whence he came or by the Court convicting him, and in case that the Secretary of Finance shall be satisfied that an immigrant has been allowed to land contrary to the prohibitions set forth in this law, he is authorized to cause such immigrant, within the period of one year after landing or entry to be taken into custody and returned to the country from whence he came, at the expense of the owner of the importing vessel.

The importation into Cuba of women for the purpose of prostitution is forbidden, and all contracts and agreements in relation thereto made in advance or in pursuance of such illegal importation and purposes, are hereby declared void and whoever shall knowingly and wilfully import or cause an importation of women into Cuba for

the purposes of prostitution, or shall knowingly or wilfully hold or attempt to hold any woman to such purposes in pursuance of such illegal importation and contract or agreement shall be deemed guilty of a felony and on conviction thereof shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

Section II. Every vessel arriving in Cuba may be inspected under the direction of the Collector of the Port at which it arrives. if he shall have reason to believe that any such obnoxious persons as hereinbefore referred to are on board, and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be ascertained by him to be of either of the classes whose importation is forbidden. Such person or persons shall not be permitted to land except in obedience to a judicial process issued pursuant to law.

If any person shall feel aggrieved by the certificate of said inspecting officer stating him or her to be within either of the classes whose immigration is forbidden and shall apply for release or other remedy to a Court of First Instance, then it shall be the duty of the Collector at said port of entry to detain said vessel until a hearing and determination of the matter before said Court is had, (to the end that if the said inspector shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel and shall not thereafter be permitted to land,) unless the master, owner, or consignee of the vessel shall give bond as security, to be approved by the said Court hearing the cause, in the sum of \$500 for each such person permitted to land, conditioned for the return of such person within six (6) months from the date thereof to the country whence his or her immigration shall have taken place, if the Inspector is sustained, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of said forfeiture shall be paid over to the Collector of the Port of arrival and applied by him, as far as necessary, to the return of such person or persons to his or her own country, within the said period of six months. And for all violations of this law the vessel, by the acts, omissions, or connivance of the owner, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture and may be proceeded against as in cases of frauds against the revenue laws for which forfeiture is prescribed by existing law.

Section III. It shall be unlawful for any person, any partnership or corporation in any manner whatsoever to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens and any foreigner or foreigners into Cuba under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of

such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in Cuba.

Section IV. All contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any persons, company, partnership or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of labor or service, by any person in Cuba previous to the immigration or importation of the person or persons whose labor or services is contracted for in Cuba shall be utterly void and of no effect for every violation of any of the provisions involved. The person, partnership, company or corporation violating the same by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or aliens, foreigner or foreigners, into Cuba to perform labor or service of any kind, under contract or agreement, express or implied, parole or special, with such alien or aliens, foreigner or foreigners, previous to becoming a resident or citizen of Cuba, shall forfeit any pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by Cuba or by any person who shall bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount which are now recovered in the Courts of Cuba, the proceeds to be paid into the Treasury of Cuba, and separate suits may be brought for each alien or each foreigner being a party to such contract or agreement as aforesaid, and it shall be the duty of the Fiscal of the proper Audiencia to prosecute every such suit at the expense of Cuba.

The master of any vessel who shall knowingly bring into Cuba in such vessel, and land, or permit to be landed, from any foreign port or place, any alien, laborer, mechanic or artisan who, previously to embarking on such vessel, had entered into a contract or agreement, parole or special, express or implied, to perform labor or service in Cuba, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such alien, laborer, mechanic or artisan so brought as aforesaid, and may also be imprisoned for a term of not exceeding six months.

Section V. Nothing in the foregoing provisions shall be so considered as to prevent any citizen or subject of any foreign country, temporarily residing in Cuba, either in private or official capacity, from engaging under contract or otherwise persons not residents or citizens of Cuba to act as private secretaries, servants or domestics, for such foreigner temporarily residing in Cuba as aforesaid; nor to ministers of any religious denomination, nor to persons belonging to any recognized profession, nor to professors for colleges and seminaries; nor shall these provisions be so construed as to prevent any person or persons, partnership or corporation from engaging under contract or agreement, skilled workmen in foreign countries, to per-

form labor in Cuba, in or upon any new industry not at present established in Cuba, *provided* that skilled labor for that purpose cannot be otherwise obtained; nor shall the provisions of these paragraphs apply to professional actors, lecturers or singers, nor to persons employed strictly as personal or domestic servants, *provided* that nothing in these paragraphs shall be construed as prohibiting any individual from assisting any member of his family from any foreign country to Cuba for the purposes of settlement.

Section VI. It shall be deemed a violation of the foregoing paragraphs to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country, and any alien coming to this country in consequence of such advertisement shall be treated as coming under contract as provided for in the foregoing paragraphs.

No steamship or transportation company or owners of vessels shall directly or through agents, either by writing, printing, or representation, solicit, notify or encourage the immigration of any alien into Cuba except by ordinary commercial letters, circulars, advertisements, or representations stating the sailings of their vessels and the terms and facilities of transportation therein; and for the violation of this provision any such steamship or transportation company and any such owners of vessels and the agents by them employed shall be subjected to the penalties imposed in paragraph Second, Section IV of this Law.

Section VII. None of the foregoing paragraphs shall apply to Chinese persons, the immigration of whom is prohibited, and during such prohibition it shall not be lawful for any Chinese laborer to come from any foreign port or place to Cuba.

The master of any vessel who shall knowingly bring to Cuba on such vessel, and land, or attempt to land, or permit to be landed, any Chinese laborer meaning both skilled and unskilled, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500.00 for each and every such Chinese laborer so brought into Cuba, and may also be imprisoned for a term not exceeding one year.

Any Chinese person found unlawfully within Cuba shall be caused to be removed therefrom to the country whence he came and at the cost of Cuba, after being brought before some judicial officer or tribunal in Cuba and found to be one not lawfully entitled to be or to remain in Cuba, and in all such cases the person who brought or aided in bringing such person to Cuba shall be liable to the government of Cuba for all necessary expenses incurred in such investigation and removal, and Cuba shall pay all costs and charges for the maintenance and return of any Chinese persons having the certificate prescribed by law as entitling such Chinese person to come into Cuba who may not have been permitted to land from any vessel by reason of any of the foregoing provisions.

Section VIII. The prohibition of importation of Chinese, shall apply to all subjects of China and Chinese, but shall not apply to diplomatic officers of the Chinese Government or other governments traveling upon the business of their government, whose credentials shall be taken as an equivalent to a certificate which will be required of merchants or other persons traveling for pleasure or business, and setting forth such facts as well as the character and estimated value of the business and a description of said merchant or person. The secretaries, the body and household servants of diplomatic officers of the Chinese Government or other governments traveling upon the business of their Government, and Chinese laborers and merchants who were in Cuba on April 14, 1899, and have since then continued to be residents thereof, who may now reside therein or abroad and are able to establish their identity, are also exempted from the provisions applying to other Chinese persons.

IMMIGRATION REGULATIONS, FOR THE ISLAND OF CUBA.

Section I. The Department of Immigration of the Island of Cuba shall be under the charge of the Department of Finance, which is hereby charged with the duty of executing and causing to be executed the provisions of the Immigration Laws and Regulations, and with the supervision over the Affairs of Immigration of the Island of Cuba.

The Secretary of Finance shall establish such regulations and rules and issue from time to time such instructions not inconsistent with the laws in force as he shall deem best directed to protecting the Island of Cuba and immigrants into the Island of Cuba from fraud and loss and for carrying out the provisions of the Immigration Laws of the Island of Cuba, and he shall prescribe all forms of bonds, entries and other papers to be used under and in the enforcement of the various provisions of the said Laws.

Section II. Collectors of Customs will collect a duty of one dollar for each and every passenger who shall come by steam or sail vessel, from any foreign port to any port of Cuba, except citizens of the United States and residents or natives of said Island of Cuba. The said duty shall be paid to the Collector of Customs of the port to which such passenger shall come, or if there be no Collector at such port, then to the Collector of Customs nearest thereto, by the master, owner, agent or consignee of every such vessel within twenty-four hours after the entry thereof into such port. The duty of one dollar imposed in this Article shall be a lien upon the vessels which shall bring such passengers into Cuba and shall be a debt in favor of Cuba against the owner or owners of such vessels and the payment of such duty may be enforced by any legal or equitable remedy.

Section III. All such moneys collected must be deposited and

accounted for as prescribed for customs collections in the Customs Regulations for Ports in Cuba.

Section IV. Collectors of Customs are charged, within their respective districts, with the execution of the laws pertaining to immigration, and all importation of laborers under contract or agreement to perform labor in Cuba. They will employ all customs, immigration, and other officers assigned to them for duty, in the enforcement of the immigration acts; and all such officers are hereby designated and authorized to act as immigration officers.

Section V. Whenever it shall be necessary, in making the examination of immigrants, to temporarily remove them from the vessel upon which they arrive to a desirable place provided for the examination, such immigrants shall not be regarded as landed so long as they are undergoing the examination and are in charge of the officers whose duty it is to make such examination; and such removal shall not be considered a landing during the pendency of any question relating to such examination, or while awaiting their return as provided by law.

Section VI. The Collectors of Customs shall enter of record the name of every immigrant found upon examination to be within either of the prohibited classes, with a statement of the decision in each case, and at the same time give notice in writing to the master, agent, consignee or owner of the vessel upon which said immigrant arrived, together with the grounds of refusal to land such immigrant, that said vessel is required to return such immigrant to the port whence he came.

Section VII. The regular examination of immigrants under the special inquiry required by these Regulations will be separate from the public, but any immigrant who is refused permission to land, or pending an appeal in his case, will be permitted to confer with friends or counsel in such manner as the Collector of Customs may deem proper.

Section VIII. Any immigrant claiming to be aggrieved by the decision of the inspection officers may appeal therefrom, and such appeal shall stay his deportation until decision be had thereon. Such appeal shall be in writing and shall specify the grounds of appeal, and shall be presented to the Collector of Customs, who shall at once forward such appeal to the Collector of Customs for the Island, with all the evidence in the case and his views thereon.

Any Inspector dissenting from a decision to admit an immigrant may appeal therefrom, which appeal shall be in writing and specify the grounds thereof, and shall be forwarded by the Collector of Customs to the Collector of Customs for the Island, in like manner as in cases of an appeal by an immigrant.

Section IX. Upon a decision of the appeal the immigrant shall

be at once landed or deported in accordance with such decision, and, in case landing is refused, the master, agent, consignee, or owner of the vessel by which the immigrant arrived shall be notified of such decision by the Collector of Customs, and that the immigrant will be placed on board said vessel, to be returned, as aforesaid.

Section X. The expenses of keeping and maintenance of such immigrants as are ordered to be returned pending the decision on their right to land and the subsequent expenses for the keeping and maintenance of those ordered to be returned, and the expense of their return, shall be borne by the owner or owners of the vessel on which they came.

Section XI. At least twenty-four hours before the sailing of the vessel upon which the immigrants are ordered to be returned, the master, agent, consignee, or owner of such vessel shall notify the Collector of Customs of the proposed hour of sailing, who shall, immediately preceding the sailing, place on board all immigrants to be returned by said vessel as aforesaid, and in case any master, agent, consignee, or owner of such vessel shall refuse to receive such immigrants on board, or shall neglect to retain them thereon, or shall refuse or neglect to return them to the port from which they came, or to pay the costs of their maintenance while on land, such master, agent, consignee or owner shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than three hundred (\$300) dollars for each and every offense, and any such vessel shall not have clearance from any port of Cuba while any such fine is unpaid.

Section XII. No vessel bringing immigrants in the steerage, or in apartments other than the first and second cabins, from ports where contagious or infectious diseases are prevailing, shall be admitted to entry, unless it appear by the certificate of the consular officer at such port that the said immigrants have been detained at the port of embarkation at least five days under special medical observation in specially designated barracks or houses set apart for their exclusive use, and that their clothing, baggage, and personal effects have been disinfected before being placed on board, by one of the following methods:

- (a) Boiling in water not less than thirty minutes.
- (b) Exposure to steam not less than thirty minutes, the steam to be of a temperature not less than 100° C. (212° F.), not greater than 115° C. (230 F.), and unmixed with air.
- (c) Solution of carbolic acid of a 2 per cent strength. This method (c) may be applied only to leather goods, such as trunks, satchels, boots, shoes; to rubber goods, etc., the articles to be saturated with the solution.
- (d) Articles that would be destroyed or injured when subjected

to any of the above methods, may be disinfected by immersion in a solution of bichloride of mercury, 1 part in 2,000, until all parts are thoroughly saturated, due precaution being taken against mercurial poisoning.

The above restrictions will also be applied to vessels bringing immigrants from non-infected ports but who come from infected localities.

Section XIII. There shall be delivered to the Collector of Customs at the port of arrival, by the master or commanding officer of the vessel, lists or manifests, made at the time and place of embarkation of such immigrants, which shall, in answer to questions at the top of said lists or manifests, state as to each of said passengers:

- (a.) Full name.
- (b.) Age.
- (c.) Sex.
- (d.) Whether married or single.
- (e.) Calling or occupation.
- (f.) Whether able to read or write.
- (g.) Nationality.
- (h.) Last residence.
- (i.) Seaport for landing in Cuba.
- (j.) Final destination in Cuba.
- (k.) Whether having a ticket through to such final destination.
- (l.) Whether the immigrant has paid his own passage or whether it has been paid by other persons, or by any corporation, society, municipality, or government.
- (m.) Whether in possession of money, and if so, whether upward of thirty dollars and how much, if thirty dollars or less.
- (n.) Whether going to join a relative, and if so, what relative, and his name and address.
- (o.) Whether ever before in Cuba, and if so, when and where.
- (p.) Whether ever in prison, or alms-house, or supported by charity.
- (q.) Whether a polygamist.
- (r.) Whether under a contract, expressed or implied, to perform labor in Cuba.
- (s.) The immigrant's condition of health, mentally and physically, and whether deformed or crippled, and if so, from what cause.

Section XIV. Said immigrants shall be listed in convenient groups and no one list or manifest shall contain more than thirty names. There shall be delivered to each immigrant or head of the family, prior to or at the time of embarkation, or at some convenient time on the voyage before arrival as may be found most convenient, a ticket on which shall be written his name and a number or letter designating the list and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or of the officer, first or second, below him in command, and of the surgeon of said vessel or other medical officer; therefore the above affidavits must be attached to each list or manifest, which lists or manifests must be kept separate and not fastened together.

In case there is a surgeon sailing with the vessel, that officer must sign and verify each list or manifest and the verification by another surgeon will not be in compliance with the law.

Section XV. In case of the failure of said master or commanding officer of said vessel to deliver to the said Collector of Customs lists or manifests, verified as aforesaid, containing the information above required as to all immigrants on board, there shall be paid to the Collector of Customs at the port of arrival the sum of ten dollars, for each immigrant qualified to enter Cuba, concerning whom the above information is not contained in any list as aforesaid, or said immigrant shall not be permitted so to enter Cuba, but shall be returned like other excluded persons.

LEONARD WOOD,
Military Governor.

No. 156.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 15, 1902.

The Military Governor of Cuba directs the publication of the following order:

Dr. *F. E. Menocal* is hereby detailed as Assistant to the Chief Quarantine Officer of the Port of Havana and especially designated to continue in charge of the Quarantine Station at Triscornia and act as Commissioner of Immigration of the Port of Havana. Dr. *Menocal* will continue in general charge, under the Department of Finance, of all matters pertaining to Immigration except collection of the capitation tax and other matters strictly pertaining to customs service.

H. L. SCOTT,
Adjutant General.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 15, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government, directs the publication of the following Order:

I. The Ward "Las Pozas," Municipality of Cabañas, Judicial Circuit of Guanajay, whose territory lies within "Caimito" river and the left margin of "San Miguel" river, and which formerly comprised wards "Mulata" "Pueblo de Pozas" and "Corralillo," in the abolished Municipality of Bahía Honda, is hereby detached from said Municipality and added to the Municipality of Consolación del Norte. Hereafter river San Miguel shall be the boundary of Cabañas and Consolación del Norte.

The Ayuntamiento of Consolación del Norte will provide the division in wards of its territory in order that the Assistant Mayor's offices be situated in the proper places for the convenience of the residents of the respective districts.

II. Sugar Estate Concepción and its annexed coffee plantation Santísima Trinidad, belonging to Mrs. Ines Gallardo and having 8 caballerias lying within the Municipality of Artemisa. 32 within that of San Antonio de los Baños and 20 within that of Alquizar, are hereby added to the Municipality of Alquizar.

III. The portion of territory bounded by "Río del Medio," "Santa Lucía," "Viajacas," "Nombre de Dios" and "Matahambre" is hereby detached from the Municipality of Viñales and added to that of Pinar del Río. The Ayuntamiento of Pinar del Río and Viñales will adopt measures to settle their respective boundaries.

IV. In addition to paragraph (b) Article I, Section I and Article III, Section II, Order 23, c. s. it is ordered:—

(a) Approving the opinion of the majority of the Commission appointed by the Department of State and Government the boundaries of the Municipalities of Jaruco and Guanabacoa as specified in the record of proceedings of the meeting held at Campo Florido on March 16-1902 are hereby fixed as follows:

"From the mouth of Río Guanabo following its stream to "Paso del Chiquero," hence Eastward running on the path bounding North lands belonging to Antonio Perez Oliva and Sugar Estate "Tivo-Tivo," (that are joined to Guanabacoa), as far as the boundary of "Tivo-Tivo" and the "Trinidad" (this joined to Jaruco) as far as Quesada belonging to Agustín Fernández; hence following this boundary to Herminia Quesada de Odoardo as far as river La

Pita and following its stream as far as the point where it joins to Arrovo del Jobo, Western boundary of San Juan Nepomuceno and and following as far as the public highway of Tapaste, limit of the Municipalities of Guanabacoa, Jaruco and Tapaste, in conformity with the proposed division."

(b) The capital site of the Municipality of Bauta now at Punta Brava is hereby transferred to the town of Hoyo Colorado.

V. Wards "Jabaco," "El Asiento," "Venturilla," formerly belonging to the abolished Municipality of Agramonte, and the portion of ward "Guamajales" added to Agramonte when the Municipality of El Roque was abolished, by Order No. 494, Series of 1900, are hereby added to the Municipality of Jaguey Grande, Judicial Circuit of Colón.

VI. The portion of ward "Claudio Batalla" comprising estates "Silverio," "D. P. Hernández," "Ponce" and "Santo Domingo" and others, said portion of territory that is bounded by the public road that intersects the branch of railroad from Navajas to Jaguey comprising in a square the Crimea station and running into Jaguey Grande towards the demolished Sugar Estate Adelaida, and that heretofore formed part of the Municipality of Pedro Betancourt,—formerly Cristina de Macurijes—is hereby added to Jaguey Grande, Judicial Circuit of Colón.

VII. The Ward "Río Auras" (which formerly belonged to the Municipality of Sabanilla) is hereby detached from the Municipality of "Unión de Reyes" and is added to that of Bolondrón, both Municipalities belonging to the Judicial District of Alacranes.

VIII. The estates "González" pasturefield "Piedras", "San Miguel de Azopardo" and "Luciana" situated in the "Güira" Ward, and the colonia "Pozo" adjoining the sugar Estate Central "Socorro" to which it belongs, (the latter being situated in the Municipality of "Pedro Betancourt"), are detached from the Municipality of Bolondrón, Judicial Circuit of Alacranes, and added to the Municipality of Pedro Betancourt, Judicial Circuit of Colón.

IX. The estates "Gabriela" and "Zamora" (which belonged to Ward "San Miguel" in the abolished Municipality of Guamacaro) are detached from the Municipality of Cárdenas, capital of the Judicial District of Cárdenas, and added to that of "Bolondrón", Municipality of Alacranes.

X. The Ward "Capote", which belonged formerly to "Lagunillas" and subsequently to "Carlos Rojas",—the estates "Santa Amalia", "Carolina", "San Fernando" and "Brufeu" situated next to the railroad track and which belonged to Lagunillas,—the portion of territory that belonged to Guamacaro adjoining the Municipality of Jovellanos and that comprises the "Coliseo" Ward, and the estates "Odicio", "La Barca" and "Unión" are detached from the

Municipality of Cárdenas, capital of the Judicial District of Cárdenas: the estates "María Luisa" (otherwise "Serrano") and the demolished sugar Estate "La Isabel", which estates belonged to "Agramonte", are detached from "Colón", capital of the Judicial Circuit thereof, in a southeasterly direction of the Municipality of Jovellanos: on the West, the estates "Ranchuelo", "Morejón", "Santa Rosa", "Mercedes" and "Elizalde" and the other smaller estates lying in the same direction, are detached from the Municipality of "Pedro Betancourt", Judicial Circuit of Colón: all of these Wards, estates and portions of territory, are added to the Municipality of Jovellanos.

XI. The remainder of the Municipality of Guamacaro is detached from the Municipality of Cárdenas, capital of the Judicial Circuit thereof and added to the Municipality of Matanzas, capital of the Judicial Circuit of Matanzas.

XII. In consequence of what is provided in articles V, VI, VII, VIII, IX, X and XI of the present Order, the aforementioned Ayuntamientos shall have the following number of Councilmen, Assistant Mayors and Municipal Districts:

MUNICIPALITIES.	Councilmen.	Assistant Mayors.	Municipal Districts.
Colón.....	21	5	5
Jagüey Grande.....	13	3	3
Cárdenas.....	18	4	4
Jovellanos.....	13	4	4
Matanzas.....	24	5	5
Bolondrón.....	12	3	3

One of the two councilmen who were transferred to Colón when "Agramonte" was abolished, will be assigned to that of "Jagüey Grande" and will take charge of the office of Assistant Mayor which is established in said Municipality.

The two councilmen from "Guamacaro" who were transferred to Cárdenas, shall be assigned to that of "Matanzas."

The Ayuntamiento of Jovellanos will appoint a councilman from among the electors of the territory added thereto, who will discharge the duties of the new office of Assistant Mayor just created: complying with what is provided in Order No. 519, series of 1900.

The new office of Assistant Mayor of Bolondrón will be filled with councilman from said Corporation, in the manner prescribed in Order No. 519, series of 1900, and Article XX of the present Order.

XIII. The last paragraph of Article I, Order No. 35, current series, is hereby modified as follows: The Municipality of "San

Juan de los Yeras" (with the exception of that portion of the "Que-mado Hilario" and "Bernia" Wards situated northward of "Sagua la Grande" river, which is added to that of "Santa Clara" becomes a part of the Municipality of "Ranchuelo."

XIV. The agreement about boundaries entered into between the Municipalities of Santiago de Cuba and El Caney dated Nov. 19th, 1899, whose terms have been complied with by both Corporations on fulfilling Order No. 23, current series, is hereby approved.

XV. The agreement about boundaries entered into between San-tiago de Cuba and El Cobre dated January 20th, 1900, sanctioned by Section V. Order No. 23, current series, is likewise approved, with the following modifications:

(a) The portions of the estates "Santa Elena" and "Teja-mani" situated in Ward "Dajao" belonging to the Municipality of Santiago de Cuba adjoining the town "Dos Caminos" which per-tains to "El Cobre", shall in future correspond to the Ward of "Caimanes" in the Municipality of "El Cobre", the boundaries of the latter being extended in that direction as far as the boundaries of the estate "Jesús María" with the "Santa Elena" and "Teja-mani" above mentioned.

(b) When drawing the dividing line in the direction above indi-cated from the road "El Cobre" to "Cruz del Miradero" and up to the boundaries of "Mazamorra", endeavors should be made to fol-low the boundary line of the estates situated in the Harbor's water front.

XVI. The boundaries agreed upon between the Municipalities of "Palma Soriano" and "El Cobre", on January 20th, 1900, are hereby approved.

XVII. The boundaries agreed upon on the same date between the Municipalities of "Alto Songo" and "El Caney", and "San Luis" and "Alto Songo", are likewise approved; the cessions made by said Municipalities in favor of that of "El Cristo" are declared void, because this ex-Municipality was abolished by Order No. 178, series of 1900.

XVIII. The Wards "Santa Filomena" and "Cauto Abajo" shall continue to form a part of the Municipality of "Palma So-riano".

XIX. With the purpose of giving uniformity to the provisions of Orders Nos. 50, 88, 120, 173, and 222, series of 1899, and Nos. 31, 41, 86, 93, 109, 120, 129, 178, 201, 253, 494, 496 and 502, series of 1900, and Orders 82, 116, 211, and 236, series of 1901, and Nos. 23, 28, 35, 127, and Art. 12 of the present Order the following table is published showing the number of Municipalities, Boards of Administration, Assistant Mayors, Councilmen and existing Mu-nicipal Districts.

PROVINCE OF PINAR DEL RÍO.

MUNICIPALITIES.	Councillmen.	Assistant Mayors.	Municipal Districts.
1 Artemisa.....	11	2	2
2 Cabañas.....	15	4	4
3 Consolación del Norte.....	13	3	3
4 Consolación del Sur.....	16	3	3
5 Guanajay.....	15	3	3
6 Guane.....	11	2	2
7 Mantua.....	10	2	2
8 Pinar del Río.....	19	4	4
9 San Cristóbal.....	16	4	4
10 San Juan y Martínez.....	12	2	2
11 San Luis.....	10	2	2
12 Viñales.....	14	3	3

BOARDS OF ADMINISTRATION.

- 1 Julián Díaz. Pertaining to the Municipality of San Cristóbal, with 1 President and 4 Members.

PROVINCE OF HAVANA.

MUNICIPALITIES.	Councillmen.	Assistant Mayors.	Municipal Districts.
1 Aguacate.....	11	2	2
2 Alquizar.....	10	2	2
3 Batabanó.....	14	4	4
4 Bauta.....	11	3	3
5 Bejucal.....	14	4	4
6 Guanabacoa.....	16	4	4
7 Güines.....	18	5	5
8 Güira de Melena.....	12	2	2
9 Habana.....	28	6	6
10 Isla de Pinos.....	8	2	2
11 Jaiuco.....	15	4	4
12 Madruga.....	12	3	3
13 Marianao.....	15	4	4
14 Nueva Paz.....	13	2	2
15 San Antonio de los Baños...	15	4	4
16 San José de las Lajas.....	14	4	4
17 Santa María del Rosario....	13	3	3
18 Santiago de las Vegas.....	13	3	3

PROVINCE OF MATANZAS.

MUNICIPALITIES.	Councilmen.	Assistant Mayors.	Municipal Districts.
1 Alacranes.....	12	3	3
2 Bolondrón.....	12	3	3
3 Cárdenas.....	18	4	4
4 Colón.....	21	5	5
5 Jagüey Grande.....	13	3	3
6 Jovellanos.....	13	4	4
7 Pedro Betancourt.....	13	3	3
8 Martí.....	14	3	3
9 Matanzas.....	24	5	5
10 Unión de Reyes.....	12	3	3

BOARDS OF ADMINISTRATION.

- 1 Arcos de Canasí. Pertaining to the Municipality of Matanzas.
With 1 President and 4 Members.

PROVINCE OF SANTA CLARA.

MUNICIPALITIES.	Councilmen.	Assistant Mayors.	Municipal Districts.
1 Caibarién.....	12	2	2
2 Calabazar.....	13	3	3
3 Camajuani.....	15	3	3
4 Cienfuegos.....	18	4	4
5 Cruces.....	11	2	2
6 Esperanza.....	15	3	3
7 Palmira.....	14	3	3
8 Placetas.....	13	3	3
9 Quemado de Güines.....	12	2	2
10 Rancho Veloz.....	13	3	3
11 Ranchuelo.....	14	3	3
12 Rodas.....	16	4	4
13 Sagua la Grande.....	20	4	4
14 San Antonio de las Vueltas..	14	3	3
15 Sancti Spiritus.....	16	4	4
16 San Juan de los Remedios....	14	3	3
17 Santa Clara.....	17	4	4
18 Santa Isabel de las Lajas....	12	2	2
19 Santo Domingo.....	15	4	4
20 Trinidad.....	16	3	3
21 Yaguajay.....	13	3	3

PROVINCE OF PUERTO PRINCÍPE.

MUNICIPALITIES.	Councilmen.	Assistant Mayors.	Municipal Districts.
1 Ciego de Avila.....	8	2	2
2 Morón.....	8	2	2
3 Nuevitas.....	10	2	2
4 Puerto Príncipe.....	20	4	4
5 Santa Cruz del Sur.....	9	2	2

PROVINCE OF SANTIAGO OF CUBA.

1 Alto Songo.....	9	2	2
2 Baracoa.....	15	3	3
3 Bayamo.....	14	3	3
4 Caney.....	11	3	3
5 Cobre.....	10	2	2
6 Gibara.....	16	3	3
7 Guantánamo.....	16	3	3
8 Holguín.....	16	3	3
9 Jiguaní.....	11	2	2
10 Manzanillo.....	20	4	4
11 Mayarí.....	10	2	2
12 Palma Soriano.....	10	2	2
13 Puerto Padre.....	11	2	2
14 Sagua de Tánamo.....	10	2	2
15 San Luis.....	10	2	2
16 Santiago de Cuba.....	20	4	4

.. BOARDS OF ADMINISTRATION.

1 Yara. Pertaining to the Municipality of Manzanillo. With 1 President and 4 Members.

XX. Until otherwise ordered the Ayuntamientos will in future and without prejudice to provisions contained in Article XII, Order 23, c. s., and XII of this Order, appoint from among their Councilmen the Assistant Mayors to which they may be respectively entitled. Said appointment shall be made by secret vote, by ballots, provided there be the quorum determined by Article XI of Order 519, series of 1900.

In case of a tie a new vote will be taken and if there should again be a tie it shall be decided by lot.

Articles V. and VI., Order 519, series 1900, and Order 147, series of 1901, are hereby revoked.

XXI. Articles VI, VII, paragraph 3 of the VIII, the XIII, XIV, XV, XVII, XVIII, XIX and XXI of Order 23, current series, and Circular issued January 27, 1902, by the Department of State and Government are hereby made a part of this Order.

XXII. The Civil Governors of Pinar del Río, Havana, Matanzas, Santa Clara and Santiago de Cuba are hereby charged in what to each pertains with the exact execution of this Order, which shall be fulfilled within five days following that in which it comes to their knowledge.

H. L. SCOTT,
Adjutant General.

No. 158.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 16, 1902.

It is hereby made known to the people of Cuba :

1. That the Congress of Cuba elected on December 31, 1901, and February 24, 1902, under the provisions of the electoral law published in Orders No. 218, October 14, 1901, these Headquarters, having been duly convened in Havana on the 5th day of May, 1902, pursuant to Orders No. 101, April 14, 1902, these Headquarters, has examined into the credentials and decided as to the validity of the election of its members and has found and decided that the following-named persons have been duly elected Senators :

	PROVINCE.
<i>Adolfo Cabello y Bermúdez</i>	Havana.
<i>Nicasio Estrada y Mora</i>	"
<i>Carlos I. Párraga y Harnández</i>	"
<i>Alfredo Zayas y Alfonso</i>	"
<i>Luis Fortún y Govín</i>	Matanzas.
<i>Pedro E. Betancourt y Dávalos</i>	"
<i>Domingo Méndez Capote</i>	"
<i>Manuel Sanguily y Garit</i>	"
<i>Antonio Sánchez Bustamante y Sirvent</i>	Pinar del Río.
<i>Manuel Lazo Valdés</i>	"
<i>Ricardo Dolz y Arango</i>	"
<i>Antonio González Beltrán</i>	"
<i>Francisco Carrillo y Morales</i>	Santa Clara.
<i>José de Jesús Monteagudo y Consuegra</i>	"
<i>Martín Morúa Delgado</i>	"
<i>José Antonio Frías y Pérez</i>	"
<i>Salvador Cisneros Betancourt</i>	Puerto Príncipe.
<i>Manuel Ramón Silva Zayas</i>	"
<i>Augusto Betancourt Pichardo</i>	"
<i>Tomás Recio Loináz</i>	"
<i>Antonio Bravo Correoso</i>	Santiago de Cuba.
<i>Eudaldo Tamayo Pavón</i>	"
<i>José Fernández Rondán</i>	"
<i>Federico Rey Bruchet</i>	"

and the following named persons have been duly elected Representatives:

	PROVINCE.
<i>Gonzalo de Quesada</i>	Pinar del Río.
<i>Alberto Nodarse</i>	“
<i>Alfredo Betancourt Manduley</i>	“
<i>Faustino Guerra</i>	“
<i>Guillermo González Arocha</i>	“
<i>José Antonio Blanco</i>	“
<i>José Rodríguez Acosta</i>	“
<i>Juan José de la Maza y Artola</i>	Havana.
<i>Francisco Peraza</i>	“
<i>Agustín García Osuna</i>	“
<i>Mario García Kohly</i>	“
<i>Ambrusio Borjes</i>	“
<i>José Lorenzo Castellanos</i>	“
<i>Gustavo Pérez Abreu</i>	“
<i>Carlos de la Torre</i>	“
<i>Felipe González Sarrain</i>	“
<i>Antonio Gonzalo Pérez</i>	“
<i>Francisco Leyte Vidal</i>	“
<i>Francisco Chenard</i>	“
<i>Bernabé Boza</i>	“
<i>José A. Malberti</i>	“
<i>José Manuel Govín</i>	“
<i>Carlos Font Sterling</i>	“
<i>Juan Antonio Garmendía</i>	Matanzas.
<i>Manuel Sobrado</i>	“
<i>Teodoro Cardenal</i>	“
<i>Joaquín García Pola</i>	“
<i>Felipe Fontanills</i>	“
<i>Alejandro Neyra</i>	“
<i>Fernando Méndez Capote</i>	“
<i>Juan Felipe Risquet</i>	“
<i>Pedro Cué</i>	Santa Clara.
<i>José M. Núñez</i>	“
<i>Ricardo Fusté</i>	“
<i>Pedro Albarran</i>	“
<i>Carlos Mendieta</i>	“
<i>Santiago García Cañizares</i>	“
<i>Enrique Villuendas</i>	“
<i>Antonio Torrado</i>	“
<i>Pelayo García</i>	“
<i>Rafael Martínez Ortiz</i>	“
<i>Manuel Gutiérrez Quirós</i>	“
<i>Gonzalo García Vieta</i>	“
<i>Fernando Escobar</i>	“
<i>Agustín Cruz González</i>	“

PROVINCE.

<i>Juan Xiqués y Arango</i>	Puerto Príncipe.
<i>Pedro Mendoza Guerra</i>	“
<i>Enrique Loináz del Castillo</i>	“
<i>Francisco Duque Estrada Varona</i>	“
<i>Rafael Portuondo Tamayo</i>	Santiago de Cuba.
<i>Carlos Manuel de Céspedes</i>	“
<i>Luis A. Columbié</i>	“
<i>Mariano Corona</i>	“
<i>Pedro Martínez Rojas</i>	“
<i>Antonio Poveda Ferrer</i>	“
<i>Juan León Bello</i>	“
<i>Augustín Cebreco</i>	“
<i>Alvaro Catá</i>	“
<i>Américo Fera Nogales</i>	“
<i>Antonio Masferrer y Grave de Peralla</i>	“
<i>Faustino Sirvén</i>	“

2. That the Congress so convened, after counting and ratifying the electoral vote has found and proclaimed to be elected President of the Republic of Cuba *Tomás Estrada Palma*, and to be elected Vice-President of the Republic of Cuba *Luis Estévez Romero*.

3. That the said Congress has adjourned to meet at Havana on the 20th day of May, 1902, at 12 o'clock noon.

4. That on the said 20th day of May, 1902, at twelve o'clock noon, the Constitution adopted by the Constitutional Convention at Havana on the 21st day of February, 1901, together with the Appendix to the said Constitution adopted by said Convention on the 12th day of June 1901, will be promulgated as the Constitution of the Republic of Cuba, and will go into full force and effect; and thereupon and at that time the occupation of Cuba by the United States the Military Government of the Island will cease and determine, and the government and control of the Island will be transferred to the President and Congress so elected, to be held and exercised by them under the Constitution so promulgated.

Such transfer will be upon the understanding and condition that the new government does thereby and by the acceptance thereof, pursuant to the provisions of the said Appendix to the Constitution, assume and undertake all and several the obligations assumed by the United States with respect to Cuba by the Treaty between the United States of America and Her Majesty the Queen Regent of Spain signed at Paris on the tenth day of December, 1898.

LEONARD WOOD,

Military Governor.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 17, 1902.

I, Leonard Wood, Military Governor of Cuba, by virtue of the authority vested in me, direct the publication of the following order for the regulation of the Sanitary Affairs of the Island of Cuba:

For the more effective administration of the Sanitary Service of the Island of Cuba, and in conformity with the requirements of modern sanitation, a Board of Health, to be known as the Superior Sanitary Board of the Island of Cuba, is hereby organized.

SEC. 1. The Superior Sanitary Board of the Island of Cuba shall consist of five (5) members, besides the honorary members. The active members of the Board shall be the Chief Sanitary Officer for the Island of Cuba, who shall be President and Executive Officer of the Board; two (2) members residing in the City of Havana, one of whom shall be the President of the Commission of Special Hygiene; a representative from the Eastern part of the Island, and a representative from the Western part. At least three (3) members of the Board shall be physicians of not less than five years practice, who shall be legally qualified medical practitioners.

The honorary members shall be: the Chief of the Marine Hospital Service of the Island of Cuba; a member of the Academy of Sciences; a member of the University of Havana; President of the Tuberculosis League; a member of the Board of Education; and a legally qualified lawyer. The honorary members of the Board shall not be entitled to vote.

The members of the Board shall be appointed by the supreme authority of the Island for a term of four (4) years, but the original appointees will be as follows: one member for two years; one for three years; and two for four years. Vacancies shall be filled by the same authority to complete unexpired terms.

The Board shall meet once a month, or at the call of the President. A majority of the members of the Board shall constitute a quorum for the transaction of business. In case a quorum cannot be obtained, a week's notice having been duly given that a particular measure is to be brought up at a certain time for action any number of members present at such time shall be qualified to pass upon such measure.

Each member of the Board shall be compensated at the rate of twenty (\$20.00) dollars for each meeting, the compensation for any member for any one month not to exceed \$100.00, provided that no member who is otherwise drawing a salary from the Board shall

receive compensation, and to those members living outside of the city actual expenses incident to their attendance upon the meetings. As soon after its organization as possible, the Board shall proceed to adopt Sanitary Regulations, which shall be generally applicable to the various Ayuntamientos of the Island. These regulations, when approved by the supreme authority of the Island, shall regulate all the Ayuntamientos.

SEC. 2. (a) The Superior Sanitary Board shall have the general supervision of all matters relating to public health throughout the Island of Cuba.

(b) It shall make sanitary investigations respecting the cause of disease, and especially of epidemic diseases, including those of animals; the cause of malaria, and the effects of localities, conditions, habits, and of beverages and medicines upon the health of the people.

(c) It shall disseminate useful information upon these and kindred subjects among the people.

(d) It shall see to the enforcement of suitable sanitary laws, including laws governing the admittance of persons to the practice of medicine, surgery, pharmacy, dentistry, mid-wifery, embalming, undertaking, and regulations of prostitution, and laws for the control of offensive and dangerous industries or occupations.

(e) All sanitary matters not coming under the jurisdiction of local boards shall be submitted to the Superior Sanitary Board, and it shall be the duty of the Board to see that all sanitary regulations with regard to water supply, sewerage, disposition of refuse, etc., throughout the Island, are carried out, and to enforce regulations as to adulteration of food products, beverages and drinks, and those referring to the importation and treatment of food animals.

(f) It shall suggest to the executive body, for proposal to the central legislative body of the Island, such extension or changes in the sanitary laws as may be desirable from time to time.

(g) It shall make no contracts and incur no liabilities in excess of the amount duly appropriated by the legislative body of the Island. All expenditures of the department must be authorized by the Board, and the Board must make bi-monthly requisitions and estimates for funds to the superior authority of the Island to cover expenditures so authorized.

(h) It shall have the supervision of all local health boards, and shall require them to send such reports and give such further information as they think desirable.

(i) It shall have the power to require reports and information concerning any matters with respect to which it may need information for the better discharge of its duties, from all public dispensaries, asylums, hospitals, infirmaries, prisons, penitentiaries, schools, service of special hygiene, and from the managers, principals, or

officer thereof, and from all other public institution, their officers or managers; from the proprietors, managers or lessees and occupants of all places of public resort throughout the Island, and from common carriers.

(j) It shall have the power to obtain from the proper authorities all information pertaining to the vital statistics of the Island, more particularly that pertaining to the record of births, deaths, marriages, disease and epidemics, and shall make such reports on these subjects, from time to time, as required by the supreme authority of the Island.

(k) It shall have power and authority to make and enforce regulations for preventing and suppressing contagious or epidemic diseases of man or animals; to abate nuisances injurious to health; to remove the cause of any special disease, or malaria; to make and enforce such interior quarantine regulations as it shall deem necessary, or at places where there are no local boards of health, or health officers. In places where boards of health, or health officers exist, but where sanitary regulations or laws of the board are not being carried into effect, it shall have the power to enforce health regulations.

(l) It shall have the power to engage suitable persons to render any special sanitary services, or to make or supervise investigations and examinations requiring expert skill, and to prepare papers or reports relating thereto.

(m) It shall establish a biological, chemical and bacteriological laboratory, with proper equipment and suitable officials for making necessary bacteriological examinations and prepare examinations of food stuffs, which shall be located in the City of Havana.

(n) As leprosy is one of the infectious diseases, and the control of leprosy a very important sanitary matter, the Superior Sanitary Board shall have the right to inspect at any time all institutions where lepers are cared for in the Island of Cuba, and to make recommendations, with reference to their location and methods of administration. These recommendations, when approved by higher authority, shall be binding upon the Department of Charities. The Superior Sanitary Board shall be responsible for the enforcement of the laws with regard to leprosy.

(o) The Tuberculosis Sanitarium shall be a department under the executive control and administration of the Superior Sanitary Board of the Island.

(p) The Vaccination Commission, as established by Civil Order No. 165, dated Headquarters Department of Cuba, June 24th, 1901, shall pass under the control of the Superior Sanitary Board of the Island, as provided for in Paragraph II of said Order. The Superior Sanitary Board shall assume all the duties and functions at present

exercised by the Secretary of State and Government in relation to this commission.

(q) The Glanders Commission, as appointed by Civil Orders Nos. 52 and 66, shall pass under the control of the Superior Sanitary Board of the Island, and their provisions shall be extended to the entire Island of Cuba. These functions and powers shall remain as provided by these orders.

(r) The Service of Special Hygiene shall be a department of the Superior Sanitary Board of the Island and be entirely under the control of said Board; and the Superior Sanitary Board of the Island shall assume the duties and functions at present exercised by the Secretary of State and Government of the Island as regards regulations pertaining to this service.

(s) The Superior Sanitary Board of the Island shall have power to appoint a Chief Sanitary Officer for any Ayuntamiento of the Island, pending the organization of the sanitary board of said Ayuntamiento.

SEC. 3. (a) The Chief Sanitary Officer shall be the Executive Officer of the Superior Sanitary Board of the Island, and shall exercise general supervision and control over its various branches.

(b) He shall be appointed by the supreme authority of the island for a period of four (4) years, but shall be removable by the same authority for cause. In case of a vacancy, the same authority shall appoint a successor to fill the unexpired term.

(c) He shall prepare for the Board the regular estimates for the running expenses of the department. For such purposes as may be required, he shall require from the officers of the department such annual and special reports as may be desired.

(d) He shall enforce all resolutions, orders and directions of the Board, and shall be responsible for all neglect and omission of duty on the part of his subordinates.

(e) In case of refusal to carry out the legal orders of the Superior Sanitary Board in any part of the Island, the Chief Sanitary Officer shall apply to the supreme power of the Island, which shall direct the proper executive officer to see to their enforcement, and a violation of any ordinance of said Board shall be punishable by a fine of from \$10.00 to \$100.00 and imprisonment for 10 to 30 days, or either, the case to be prosecuted before, and the punishment to be enforced by, the proper court.

(f) Subject to the sanitary laws of the Island and the regulations of the Board, he shall have direct control and supervision of all hospitals for infectious and contagious diseases. He shall provide for the detention of persons suffering from such diseases, and for their isolation until the period of their liability to spread dis-

ease is passed. He shall have immediate direction of the suppression of epidemic diseases of man and domestic animals.

(g) He shall make a written monthly report to the Board of the vitals statistics of the Island at the end of the month. Also, an annual report as soon as possible after the 30th of June of each year. These reports shall cover the general sanitary conditions of the Island and the work of the Board and of its officers and agents during the preceding twelve months. It shall also include a statement of all moneys received and all disbursements made during the same period.

(h) He shall also submit to the Board such special reports from time to time as the Board may require.

(i) Subject to the Sanitary laws of the Island, and the regulations of the Superior Sanitary Board of the Island, the Chief Sanitary Officer shall make, or cause to be made, regular inspections of the work of all Municipal Sanitary Boards, of the work of all employees of the Insular Sanitary Board, of the cleaning of sewers, streets, walks and alleys, public squares and parks; of the collection and disposition of garbage, dead animals, night soil, and the contents of cess-pools, and of the sanitation of houses, factories, mills, schools, prisons, markets, meat shops, barracks, public water supplies, public bath houses, wells, cisterns, undertaking establishments, asylums, jails, bar-rooms, theatres, and of public institutions and places of public resort. For this purpose, he may enter, or cause to be entered, any of the above mentioned places, institutions, or places of public resort.

(j) Upon the request of the Sanitary Board of any Ayuntamiento, he shall express an opinion as to the sanitary desirability of any plans and specifications for municipal water works, drainage, or sewer systems, crematories, disinfecting apparatus, or mechanical sanitary apparatus of any kind, which may be submitted to him by said Board.

(k) He shall provide for the keeping of the records of the Insular Sanitary Board for compiling the statistics and such other clerical work as may arise in this connection.

(l) He shall have the power to employ or discharge any subordinates of the Board.

LOCAL SANITARY BOARDS.

SEC. 4. (a) For the purpose of administration, the sanitary affairs of the Ayuntamiento shall be controlled by the Sanitary Board of the Ayuntamiento. This Board shall consist of three (3) members, one of whom shall be the Chief Sanitary Officer of the Ayuntamiento and the other two the Quarantine Officer of the Port and the Chief of the local Special Section of Hygiene, respectively. In cities where there is no Quarantine Officer of the Port or Chief of the

Special Section of Hygiene the two other members of the Board shall be appointed by the Ayuntamiento. The appointment and dismissal of all sanitary officers shall be made subject to the approval of the Superior Sanitary Board of the Island. At least two (2) members of the Board shall be legally qualified medical practitioners, of not less than five years' practice. The Chief Sanitary Officer shall be ex-officio President of the Board, and shall preside at its meetings. The Board shall meet once a month, or as often as called together by its President. The members shall be compensated at the following rates:

Members of Sanitary Boards of Ayuntamientos representing less than 20,000 inhabitants shall receive \$5.00 per meeting, not to exceed in any one month five times the pay for one meeting.

Members of Boards of Ayuntamientos representing more than twenty thousand, and less than one hundred thousand inhabitants, shall receive \$10.00 per meeting, not to exceed \$50.00 in any one month.

Members of Ayuntamientos representing one hundred thousand or more inhabitants shall receive compensation to be fixed by such Ayuntamiento, not to exceed \$20.00 per meeting, or \$100.00 in any one month.

Provided, that no member of any Board receiving a salary from said Board shall be entitled to compensation as provided for above. Members of sanitary boards shall also be allowed necessary expenses incurred in their attendance upon the meetings of the Board.

Members of the Board will be appointed for a period of four (4) years, or during good behavior. At the organization of the Board, one member will be appointed for two (2) years, one for three (3) years, and one for four (4) years. This is done in order that the members may not be all new men at the same time. In case of a vacancy, the Alcalde will fill it by appointing for the unexpired term.

(b) The Sanitary Boards of the Ayuntamientos throughout the Island shall be governed by the general sanitary regulations, adopted by the Superior Sanitary Board of the Island. The regulations may be modified to conform to local conditions, by a request from the local sanitary board, approved by the Alcalde and forwarded to the Superior Sanitary Board, whose action thereon shall be final. The local sanitary board, however, shall have the right of appeal to the supreme power of the Island.

(c) The local sanitary board shall have the general supervision of public health throughout the district governed by its Ayuntamientos.

(d) Its duties and powers shall be similar, within its jurisdiction, to those of the Superior Sanitary Board of the Island in its

jurisdiction, always subject to inspection and control by the Superior Sanitary Board, but it shall not have control over the Marine Quarantine Service.

(e) The Chief Sanitary Officer of each Board shall be appointed by the Ayuntamiento for a period of four (4) years, and shall receive such salary as may be fixed by the Ayuntamiento. His appointment and dismissal shall be governed by the laws fixing that of the other two members of the Board. His duties, powers and functions shall be similar to those of the Chief Sanitary Officer of the Superior Sanitary Board.

Sec. 5. The Sanitary Board of the Ayuntamiento of Havana shall be the same in all respect as that of other Ayuntamientos of the Island, with the following exceptions:

(a) The Board shall consist of the active members of the Superior Sanitary Board of the Island, resident in the City of Havana.

(b) The compensation shall be the same as for the members of the Superior Sanitary Board.

(c) The Chief Sanitary Officer of the Superior Sanitary Board shall be the Chief Sanitary Officer of the Havana Board. For these duties, he shall receive no salary in addition to that paid him as Chief Sanitary Officer of the Superior Board.

(d) The Sanitary Board of the Ayuntamiento of Havana shall assume control of the present Sanitary Department and shall assume all the functions and have all the powers now exercised by that Department.

(e) In addition, the Sanitary Board of the Ayuntamiento of Havana shall assume control of food inspections and matters pertaining thereto, and that department of the City government, as now exercised, shall pass under the control of the Sanitary Board.

(f) The Municipal Laboratory is hereby made the Laboratory for the Island of Cuba, and will pass under the control of the Superior Sanitary Board of the Island.

(g) All expenses incurred by the Sanitary Department of Havana shall be paid from the Island funds until such time as the Ayuntamiento is able to assume this expenditure.

LEONARD WOOD,
Military Governor.

No. 160.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following:

I.

The Law of criminal procedure is hereby amended by adding the following Article:

"Upon an appeal to the Supreme Court from the judgment and sentence of a court, on conviction of a public officer for a crime committed in the performance of his duties, the Supreme Court shall have jurisdiction to review all questions of fact, law and procedure arising upon the testimony, record and proceedings, and to either affirm the sentence, dismiss the proceeding, award a new trial, or make such other judgment or order as substantial justice shall require; and the Supreme Court may upon such hearing take any additional evidence which it deems necessary in the interest of justice. This provision shall apply to all appeals now pending or hereafter taken."

II.

Order No. 109, current series, these Headquarters, published in the Gazette of Havana, April 18, 1902, is hereby revoked. Nothing in this order shall be construed as revoking Order 231, series of 1901, these Headquarters, or as diminishing the rights the alleged concessionaire may have had prior to the issuance of Order 109, current series, these Headquarters, before referred to.

III.

An alleged concession granted by the Governor General of the Island on November 15, 1898 to *Ubaldo Fuentes* having been presented for approval at these Headquarters the Military Governor states that the United States makes no objection to this alleged concession by Spain nor to the terms nor conditions thereof, viz:

The installation in the City of Havana of an electric light plant, by the underground system, to be applied to the private lighting of houses and the distribution of motive power, provided said alleged grant was made pursuant to the law, authority and procedure of the laws of Spain in force in the territory to which the concession pertains at the time the granting was made.

The questions of authority and procedure under Spanish law are to be determined by the courts of Cuba when involved in cases properly pending therein.

This Order is without prejudice to the rights of the municipality

under existing laws and without prejudice to the intervention by superior authority for the protection of public telephone and telegraph service and public interest.

H. L. SCOTT,

Adjutant General.

No. 161.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

At the request of the President-elect of Cuba Mr. Tomás Estrada Palma, the division of the Department of State and Government is hereby ordered, the Section of State thereof being consolidated with the Department of Justice, which Department will hereafter be known as the Department of State and Justice. The Secretaries concerned will take the necessary steps to carry out the provisions of this order, which will take effect at noon of May twentieth, 1902, and they shall also provide for the transfer of the Sanitary Department, the Department of Charities, the Telegraph and Postal Service and the Armed Forces of Cuba to the charge of the respective Departments as reorganized.

II.

Order No. 99, current series, these Headquarters, as well as so much of Section II, Order 134, current series these Headquarters as includes Correctional Judges in Order 99 aforesaid, are hereby declared to be without effect after noon of May twentieth, 1902, in order that there may be no apparent conflict between the provisions thereof and the Constitution of the Republic of Cuba, in reference to the matter to which said orders refer.

H. L. SCOTT,

Adjutant General.

No. 162.

HEADQUARTERS DEPARTMENT OF CUBA.

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

It appearing that Camila Bernabeu y Ponce de León had, prior to the first day of January, 1899, instituted certain proceedings for

the purpose of setting aside and vacating certain action taken for collection of interest alleged to be due and owing upon a certain censo affecting the property No. 19 Aguiar Street in the City of Havana, and it appearing that such proceedings have been had in the matter as resulted in the submission of the same to the Council of State at Madrid, Spain, and the said Council of State having, on or about the 8th day of February 1899, rendered decision as follows: "The Council has examined what is set forth in the present record, but considering that the Spanish government does not now exercise jurisdiction in the territory wherein the real estate in question is located, it believes that it should abstain from the rendering of decision in the matter;"

It is therefore ordered that the provisions of Civil Order No. 69, current series, Headquarters Department of Cuba, shall be applicable to this case, and the Supreme Court is vested with jurisdiction to hear and determine all applications or other matters in connection with the same until its final decision by that tribunal; and that the record in this case be forwarded to said tribunal for its consideration and action, and that notice be given to the parties in interest.

H. L. SCOTT,
Adjutant General.

No. 163.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

The Department of Engineers is hereby ordered transferred to the Department of Public Works, to take effect at noon of May twentieth, 1902.

H. L. SCOTT,
Adjutant General.

No. 164.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

Mr. *Alejandro González* is hereby appointed Assistant Auditor for Cuba, at the present salary assigned to said office, and will take charge on May 20, 1902.

H. L. SCOTT,
Adjutant General.

No. 165.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

As an act of special consideration Miss *Elisa Varela y Armas* is hereby authorized to enter for the examinations in Geometry and Trigonometry, Institute of Havana, in October, 1902.

II.

Dr. *A. B. Zanetti* is hereby relieved as Delegate of the Central Board of Charities for the Province of Matanzas, due to his having removed from said province and his intention of going abroad at an early date.

H. L. SCOTT,
Adjutant General.

No. 166.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

Mr. *Manuel Sobrado é Ibáñez* having presented his resignation as Secretary to the Civil Governor of Matanzas, on account of the incompatibility of holding said office and that of Representative to which he has been elected, same is hereby accepted. Mr. *Bonifacio Byrne y Puñales*, is appointed Acting Secretary.

H. L. SCOTT,
Adjutant General.

No. 167.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of State and Government and of the Secretary of Public Works, directs the publication of the following Order:

I. The estate "Rincón del Macío" is hereby declared to be located within the Municipal District of Macagua Province of Matanzas.

II. The boundary line between the Provinces of Matanzas and Santa Clara is as follows:

The boundary line begins at the North at the Canal del Pargo, formed by the cays General Vives and General Laborde; said line leaves on its right Matanceros cay and on its left Ingles Cay, and enters the Northern Coast of the Island by the Punta de Umoa Machado; it follows thence a straight line to the South, leaving Córdoba and González on its left and on its right Meteoro and another González; it thence passes between the lagunas of Junco and Guanal and it continues in the same direction until it passes H. Motembo; thence for a short distance to the Palma River, through the center of which the boundary line between the two Provinces continues, passing near San Ramón and Sociedad, continuing with the River until its intersection with the public road that crosses Hernández Potrerillo; thence following said road in a Southeasterly direction to the village of Alvarez; at said village the line follows the road which in a Southerly direction runs to Casa Redonda, until it reaches the Voladores Creek, near the line of the Cárdenas & Júcaro Railroad; the boundary line continues through the center of said Creek, passing through Voladores, Hato Potrero, Ojo de Agua, San Felipe, Palma Sola, continuing thence through the Hanabana River, until it empties into the laguna del Tesoro, and thence it continues through the center of the Hatiguanico River, until it empties into the Ensenada de la Broa.

III. All questions, administrative or judicial, which may have arisen in connection with the boundaries between the Provinces of Matanzas and Santa Clara are hereby terminated.

H. L. SCOTT,
Adjutant General.

No. 168.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Finance, directs the publication of following order:

Art. I. From the publication of this Order the salaries of employes in public service and in general all remunerative pensions of the State, of the Provinces and of Municipalities shall not be subject to attachments.

Art. II. Contracts having as an object the cession of any the

above stated receipts or of any part of the same shall be null and void.

Art. III. The effects of this Order do not extend to comprise contracts and obligations contracted prior to its enactment.

H. L. SCOTT,
Adjutant General.

No. 169.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Finance, directs the publication of the following order:

I. The security which surety companies must give according to Order No. 181, series of 1899, Headquarters Division of Cuba, is hereby increased to the sum of one hundred thousand dollars.

II. Surety Companies constituted in this Island having deposited in the General Treasury the security fixed in said order shall proceed to deposit the difference to make up the above stated sum, within a term of fifteen days from the publication of this Order, in order to be enabled to continue transacting their business in this Island.

III. The difference may be paid in cash or in the values mentioned in the aforesaid Order No. 181.

H. L. SCOTT,
Adjutant General.

No. 170.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Justice, directs the publication of the following order:

I. The provisions of Title 17, Book second, of the Law of Civil Procedure, hereinafter set forth, are hereby amended as follows:

Article 1560. The Municipal Judges of the place or district in which the estate is situate shall take cognizance in the first instance of an action of unlawful detainer when it is based on any one of the following grounds:

1. When the term stipulated in the contract has expired, or

when the term referred to in Articles 1577 and 1581 of the Civil Code has expired.

2. Upon the expiration of the period of the notice to be given for the conclusion of the contract, in accordance with law, or under the agreement made.

3. The non-payment of the rent agreed upon, in whatever form.

4. When the term given in the notice to quit required by Paragraph 3 of Article 1563, has expired.

5. Whenever the notice to quit is made upon the administrators, persons in charge, custodians, or guards, placed by the proprietor on his estate, whatsoever may be the grounds of the case.

Article 1561. Judges of First Instance having competent jurisdiction in accordance with Rule 13 of Article 63, shall take cognizance of these actions:

1. If the property involved is a commercial or manufacturing establishment, or a rural estate, for which the rent paid is a sum exceeding \$1000 per annum, notwithstanding that the claim be made on any of the grounds indicated in the preceding Article.

2. If the proceedings with regard to property of any kind are based upon a ground not included in said Article.

Article 1563. An action of unlawful detainer may be instituted against:

1. Tenants, colonists ("colonos") and others who may have rented the estate.

2. Managers, custodians, keepers, or guards entrusted by the owner with his property.

3. Tenants at sufferance or any other persons enjoying the estate, without paying rent therefor, provided that twenty (20) days' notice to vacate has been served in the case of rural estates, or ten (10) days in the case of urban estates.

Article 1567. Judges of First Instance shall observe in regard to the allowing or denying appeals for annulment the provisions contained in Civil Order No. 92, Series of 1899, of Headquarters, Division of Cuba, which govern this class of appeals.

Article 1570. Upon presentation of the application in writing the Judge shall direct the plaintiff and defendant to be summoned for the oral trial, fixing a day and hour therefor, which may not be changed without sufficient cause being alleged and approved by the Judge.

Such day must be within the three days following the presentation of the papers, but at least forty-eight hours must intervene between the trial and the citation of the defendant.

The writ of citation for the appearance of the defendant shall be annexed to the copy of the complaint, which shall be served upon the defendant in the manner prescribed in Article 721.

Article 1571. The citation shall be served upon the defendant in person. If such service be not effected upon the first effort to find the defendant, the citation summoning him for the trial, shall be left at his residence, and may be delivered to his nearest relative, or to a member of his household, or a servant over fourteen years of age who may be found at his residence, and if no one should be found therein, to the nearest neighbor; notice being given to the defendant that if he failed to attend at the hour indicated, he will be dispossessed of the estate without further notice or hearing.

At the same time an ordinary copy of the complaint shall be delivered to the defendant, or to the person upon whom the citation is served.

Article 1572. If the defendant is not found at the place of trial, or should he not there have his domicile, the citation shall be delivered to his representative appointed by power of attorney; if he should not have such representation, to the person entrusted with the care of the estate; and should there be no such person, the proper letters rogatory or order for his citation shall be issued to the Judge of the town of his domicile or residence.

In the latter case the Judge shall fix a sufficient time taking into consideration the distances and difficulties of communication, for the appearance at the oral trial. This time shall not exceed one day for each thirty kilometers, provided that the total time allowed for appearance shall not exceed twenty days.

Article 1575. If a defendant who is at the place of trial should not appear at the hour fixed, he shall be deemed to consent to the dispossession, and he shall without further citation or hearing be dispossessed of the estate.

Article 1576. In case of default of appearance on the part of the defendant who is at the place of trial, or an absent defendant, the Judge shall render judgment immediately, ordering the dispossession, and notifying the defendant of the same, and that if he does not vacate the premises, within the proper period, as mentioned in Article 1594, he will be ejected therefrom.

Article 1579. The Judge shall render judgment on the same day, or at the furthest on the day following the termination of the oral trial, granting or denying the prayer for dispossession, and in the former case notifying the defendant that if he does not vacate the premises, within the period fixed by Article 1594, he will be ejected. Notice of this judgment shall be given to the defendant, either in person or by writ, if he reside at the place where the trial was held. In other cases said notice shall be posted on bulletin

board of the court room, and it will have the same effect as if personally served.

Article 1585. Against the judgment in second instance, referred to in the preceding Article, no other appeal shall lie, but an appeal for annulment of judgment for breach of law and form, if the annual rent of the estate, which is the subject of the dispossession, exceed \$1000, or if a demand shall have been made against the persons comprised in subdivision 3 of Article 1563. Beyond these cases the second only of said recourses may be maintained.

Article 1586. Upon the expiration of the legal period, without the taking of an appeal, for annulment of judgment, the records of the proceedings shall be returned to the Municipal Court with an abstract of the judgment for its execution.

Article 1591. When the action of an unlawful detainer is based upon any cause other than those mentioned in Articles 1560 and 1588, the Judge of First Instance shall also cite the parties to appear at an oral trial, the provisions contained in Article 1587 being observed.

If upon the appearance of the defendant, he and the plaintiff should agree as to the facts, the Judge shall render judgment without further proceedings, and shall order the dispossession, if he considers it proper.

Should the defendant not appear, he shall be deemed to agree to the facts stated in the complaint and the said judgment shall be rendered by default.

This judgment may be appealed from both for review and for a stay of proceedings, and the provisions of the two preceding Articles shall be applied.

In no case shall the recourses of appeal and cassation when they lie, be permitted to the defendant, unless he shall show at the time of interposing them that he has given a bond to the satisfaction of the Judge or tribunal which has jurisdiction of the case, to respond for the damages which may be recovered, in case of the setting aside of the judgment.

This bond shall be given within five days next succeeding the notification of the order, admitting the recourse interposed, and to secure an amount as a maximum equal to ten per cent of the value of the estate, according to its assessment.

The bond may be of any of the kinds permitted by law, with the exception of a personal bond. After the bond has been admitted, the original record of the proceedings shall be remitted to the appellate court, and attested copies of such portions of the original record as may be necessary for the carrying out of the judgment shall remain in the lower court.

Should the court or judge consider that the bond offered is insufficient, he shall make such provision as may be proper for its completion within three days, and if at the expiration of this period this shall not have been done, it shall be deemed that no bond has been given, and proceedings shall be taken accordingly.

Article 1592. In the case of the foregoing Article, if the defendant should oppose the dispossession in the oral trial, and should deny the allegations of the complaint, he shall make a statement of his denials and of the reasons upon which they are based.

After such statement is entered in the record the Judge shall close the proceedings and shall refer the complaint to the defendant for a period of six days, the action being continued thereafter according to the proceedings, and with the remedies established for incidental issues.

The provisions of the preceding Article regarding the giving of bonds in the recourses of appeal and cassation, when they lie, shall be applicable to those which may be interposed against the judgments rendered by the Judges of First Instance and the Audiencia in the case of the incidental issues referred to in this Article.

II. This Order shall take effect fifteen days after its promulgation and all former provisions contrary to the provisions herein contained are hereby revoked.

H. L. SCOTT,
Adjutant General.

No. 171.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba, upon the recommendation of the Secretary of Agriculture, Commerce and Industries, directs the publication of the following Order:

I. The sale of *natural mineral waters*, which has heretofore been confined to druggists and pharmaceutical establishments is hereby permitted to be sold freely anywhere, to take effect from the publication of this Order: same being allowed, therefore to be sold at any commercial establishment, provided however, that the wrapper or cover of the commodity bears a seal or mark guaranteeing the genuineness thereof, failure to comply therewith being punishable by the penalty provided for in cases of imitations and counterfeiting.

II. All previous Orders and Regulations and provisions conflicting with this Order are revoked.

H. L. SCOTT,
Adjutant General.

No. 172.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 17, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. Penal action pending against *Manuel Olazarri Escobar*, *Calixto Rodríguez* and *Abelardo García Hurtado* is hereby declared ended.

2. Penal action pending against *Carlos Nodal* and *José Domenech* is hereby declared ended.

3. Full pardon is hereby granted to *Nicolás Fondique*.

4. Penal action pending against *Antonio Dios de Villegas* is hereby declared ended.

5. One hundred fifty dollars of the fine of two hundred dollars imposed on *Francisco Real*, March 17, 1902, by the Correctional Court of Bejucal, is hereby ordered remitted.

6. Full pardon is hereby granted to *Juan Reyes y Reyes* and *Francisco Cabrera*, now confined in the Jail of Puerto Príncipe.

7. Full pardon is hereby granted to *Eladio Díaz Castillo*, and the penal action pending against him in the Court of Examination of Sancti Spiritus declared ended.

8. The penal action pending against *Eduardo García Pulido* et al. in the Court of Puerto Príncipe, for crime against the public health, is hereby declared ended.

9. The penal action pending against *Fernando Rios* in the case prosecuted in the Court of Examination of Sagua la Grande, for accidentally discharging a firearm at his wife, is hereby declared ended.

10. Full pardon is hereby granted to *Celestino Menendez Mari-bona* and *Luis Olivella y Gerona*, now in the Presidio of Havana.

11. *Felix Jimenez Hernández*, now confined in the Correctional School for Boys, Guanajav. is hereby pardoned and ordered placed in liberty.

II.

Upon the recommendation of the Secretary of Justice:

1. Full pardon, effective May 15, 1902, is granted to *Bruno Cañas y Torres*, now in the Jail of Havana, of the remainder un-served of the sentence of three years, six months and twenty one days of imprisonment passed upon him by the Audiencia of Havana on December 6, 1901, for misappropriation of funds.

2. All penal action pending against *Tomás Padró, Felipe Veranes*, et al. in the district of the Audiencia of Santiago de Cuba is hereby declared ended, effective May 17, 1902.

III.

The Secretary of Justice is charged with the enforcement of this Order.

H. L. SCOTT,
Adjutant General.

HEADQUARTERS DEPARTMENT OF CUBA.

There was no Order 173 published, this number having, through error, been skipped during the last days of the rush.

No. 174.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

At the request of President-elect Mr. Tomás Estrada Palma, Mr. *Fernando Figueredo* is hereby appointed and announced as Chief of the Postal and Telegraph Service of the Island of Cuba.

H. L. SCOTT,
Adjutant General.

No. 175.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

In relieving Mr. *Alejandro González* as private Secretary, the Military Governor desires to express his sincere appreciation of the loyal and faithful manner in which Mr. *González* has performed all duties intrusted to him and for his untiring devotion to the interests of the people of Cuba.

H. L. SCOTT,
Adjutant General.

No. 176.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

The Military Governor passing upon a resolution of the Ayuntamiento of this city and as a complement of orders Nos. 294, series of 1900 and 64 of 1901, directs the publication of the following order, subject to such appeals as may be properly established against the same:

I. Blocks Nos. 56 and 57 of the official distribution of the San Lázaro lands approved in 1879 are hereby included in the first zone of the Battery of Santa Clara, in which zone that is bounded on the west by O. street the construction of buildings is not allowed according to the mentioned order No. 294.

II. In order to establish an agreement among the official distributions of the city extension of San Lázaro, Medina and Vedado in which no attention was paid to the extension of the street of one into the other, adjusting them to the requirements of the Municipal Ordinances and to the conditions of the ground, plan G. drawn in March of the current year by the Chief Engineer of the Department is hereby approved and accepted and likewise the distribution of the part of the land represented therein and in which the limits of what is reserved for the first Zone of the Santa Clara battery and the new lines of streets have been fixed.

III. Permits for building granted by the city of Havana shall be adjusted to the alignment marked in said plan G., to what is provided in article 589 of the Civil Code, to said orders 64 and 294, and to what is herein provided.

H. L. SCOTT,
Adjutant General.

No. 177.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

Mr. *Tomás L. Recio* having presented his resignation as Secretary to the Civil Governor of the Province of Puerto Príncipe, on account of having been proclaimed Senator, said resignation is hereby accepted.

H. L. SCOTT,
Adjutant General.

No. 178.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

The Military Governor of Cuba directs the publication of the following order:

I.

1. Full pardon is granted to *Luis Aizcorbe y Blanco*.
2. Full pardon is granted to *Emiliano García* and *Ambrosio Mastagán*, now in the Jail of Havana.
3. Full pardon is granted to *Manuel Suarez Méndez*, now in the Jail of Havana.
4. Full pardon is hereby granted to Dr. *José Soureau*, sentenced by the Audiencia of Havana to one year, eight months and twenty one days of imprisonment and to pay an indemnification of five hundred dollars.
5. Full pardon is hereby granted to *Fernando Govín y Casanova*, now confined in the Presidio of Havana.
6. Full pardon is hereby granted to *Juan Lorente*, Mayor of San Luis, Province of Pinar del Río.
7. Full pardon is hereby granted to *Ricardo Sartorio*, Mayor of Gibara, Province of Santiago de Cuba.

II.

Upon the recommendation of the Secretary of Justice:

1. Full pardon is granted to *José Francisco Gassó y Roca*, of the portion unexpired of the penalty of six years and one day of special temporary disqualification imposed upon him by the Audiencia of Havana, January 18, 1900, for bribery.

2. Full pardon is granted to *Bernardo Fernández Palomino* of the penalty of fourteen years, eight months and one day of imprisonment (cadena temporal), imposed upon him by the Audiencia of Pinar del Río on October 8, 1901, for forgery on official document.

3. All penal action pending in case No. 24 of 1902, instituted in the Court of Instruction of Colón for calumny against the members of the Provincial Board of Scrutiny of Matanzas, is hereby declared ended.

4. Full pardon is hereby granted to *Higinio Piñeiro Alejo* of the remainder of the penalty unserved, for robbery, imposed upon him by the Audiencia of Santa Clara.

5. The penal action pending against *Rodrigo Lumpuy y González* and *Julio Madrigal y Dueñas* in the case instituted in the Court of Examination of Sancti Spiritus for having practiced a profession under foreign title, is hereby declared ended.

6. The penal action pending against *Serafín Rodríguez* in the case prosecuted against him in the Court of Examination of Santa Clara for having killed by a stone blow a guide of Spanish troops, is hereby declared ended.

III.

The Secretary of Justice is charged with the enforcement of this order.

H. L. SCOTT,
Adjutant General.

No. 179.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

The Military Governor directs the publication of the following order:

The following named persons are hereby appointed subject to approval by the government of the Republic of Cuba, to form the

Superior Sanitary Board of the Island of Cuba, provided in Order No. 159, May 17, 1902:

Dr. *Frank E. Menocal*, Acting Chief Sanitary Officer of the Island of Cuba;

Dr. *Juan Guiteras*, Acting member, City of Havana;

Dr. *Carlos Finlay*, Acting member, City of Havana;

Dr. *Joaquín Castillo*, Acting member, Eastern part of the Island;

Dr. *Díaz Albertini*, Acting member, western part of the Island.

H. L. SCOTT,

Adjutant General.

No. 180.

HEADQUARTERS DEPARTMENT OF CUBA,

Havana, May 18, 1902.

I, Leonard Wood, Military Governor of Cuba, hereby appoint Mr. *Frank Steinhart* to take charge of the Archives of the Military Government of Cuba, with the salary and per diem allowance heretofore received by him as Chief Clerk, Headquarters Department of Cuba.

Persons desiring to communicate with the undersigned relative to matters connected with the aforementioned Government will direct their communication through Mr. *Steinhart* for proper and complete record. All records, documents and papers pertaining to the aforesaid Government shall remain under his sole custody. If in judicial proceedings, etc., a copy of any document is desired an attested copy of same may be furnished by Mr. *Steinhart*, certified to before a Notary Public at the expense of the person soliciting the same.

LEONARD WOOD,

Military Governor.

HEADQUARTERS MILITARY GOVERNOR
ISLAND OF CUBA.

Havana, May 20, 1902.

To the President and Congress of the Republic of Cuba:

SIRS:

Under the direction of the President of the United States, I now transfer to you as the duly elected representatives of the people of Cuba the government and control of the Island; to be held and exer-

cised by you, under the provisions of the Constitution of the Republic of Cuba, heretofore adopted by the Constitutional Convention and this day promulgated; and I hereby declare the occupation of Cuba by the United States and the military government of the Island to be ended.

This transfer of government and control is upon the express condition, and the government of the United States will understand, that by the acceptance thereof you do now, pursuant to the provisions of the said Constitution, assume and undertake, all and several, the obligations assumed by the United States with respect to Cuba, by the Treaty between the United States of America and Her Majesty the Queen Regent of Spain, signed at Paris on the tenth day of December, 1898.

All money obligations of the military government down to this date have been paid as far as practicable. The public civil funds derived from the revenues of Cuba transferred to you this date, amounting to \$689,191.02 are transferred subject to such claims and obligations properly payable out of the revenues of the Island as may remain. The sum of one hundred thousand dollars has been reserved from the transfer of funds, to defray anticipated expenses of accounting, reporting and winding up the affairs of the military government, after which any unexpended balance of said sum will be paid into the Treasury of the Island.

The plans already devised for the sanitation of the cities of the Island and to prevent a recurrence of epidemic and infectious diseases, to which the government of the United States understands that the provision of the Constitution contained in the fifth Article of the Appendix applies, are as follows :

- (1) A plan for the sewerage and paving of the City of Havana, for which a contract has been awarded by the municipality of that city to Mc Givney, Rokeby and Company.
- (2) A plan for waterworks to supply the City of Santiago de Cuba, prepared by Captain S. D. Rockenbach, in charge of the District of Santiago, and approved by the Military Governor, providing for taking water from the wells of San Juan canyon, and pumping the same to reservoirs located on the heights to the east of the city.
- (3) A plan for the sewerage of the City of Santiago de Cuba, a contract for which was awarded to Michael J. Dady and Company, by the Military Governor of Cuba, and now under construction.
- (4) The rules and Regulations established by the President of the United States on the seventeenth of January, 1899, for the maintenance of quarantine against epidemic diseases at the ports of Havana, Matanzas, Cienfuegos and Santiago de Cuba, and thereafter at the other ports of the Island, as extended and amended and made applicable to future conditions, by the order of the Military Governor dated April twenty ninth, 1902, published in the OFFICIAL GAZETTE of Havana on the twenty ninth day of April, 1902.

(5) **The Sanitary Rules and Regulations in force in the City of Havana.**

It is understood by the United States that the present government of the Isle of Pines will continue as a *de facto* government, pending the settlement of the title to the said Island by treaty pursuant to the Cuban Constitution and the Act of Congress of the United States approved March 2, 1901.

I am further charged by the President of the United States to deliver to you the letter which I now hand you.

LEONARD WOOD,
Military Governor of Cuba.

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