

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 306—

August 1-16, 1869



**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

Washington: 1964

Puerto Principe, Aug. 1. 69.

A. J. Sumner.

Cuban Commission

Aug 1872.

Navy Department

Washington. Aug. 4. 1869

Sir:

I have the honor to acknowledge the receipt of your Communication in relation to the Spanish gunboats.

Orders have been issued to the Commanding Officer at New York to afford all the aid in his power to assist in preventing their departure and three men of war have been ordered to that place.

I have the honor to be,

Very Respectfully

Your Obedt Servt

Samuel D. Porter

For Secretary of the Navy

Hon:

Hamilton Fish
Secretary of State
Washington
D. C.

(copy) (No. 3.)

Telegram

New York, Aug. 14th

Attorney General
Washington.

I do not think it worth while
to stop work on the Spanish Gunboats, at
least until they are nearly ready to sail.
They cannot leave until we are willing,
and if released the damages for stopping
work would be heavy. Please telegraph
if this is not satisfactory.

Francis C. Barlow
U. S. Marshal.

Mark Chilton

Attorney General's Office
Washington August 5, 1869.

Sir:

I send enclosed herewith
an original letter dated the 4th
inst., and addressed to the Attorney Gen-
eral by the Marshal of the Southern
District of New York, relating to the
Spanish gunboats. After having
read it, and taken a copy, if you
desire it, will you be so kind as
to return it, and inform this Office
of the wishes of the Department of State
in respect to the matters stated in the
letter of the Marshal.

Very Resp. Your Obedt. servt.

Hon. J. C. B. Davis,
Acting Secretary of State.

W. A. Reed,
Acting Attorney General

Santiago de Cuba M. J. Smith

RECEIVED
AUG 9 1869

Treasury Department,

Fifth Auditor's Office,

Washington,

August 7th, 1869

Mr.

W. E. Phillips

United States

Acting Consul at Santiago de Cuba having

transmitted to this Office, for adjustment, his accounts for time occupied
at his Post

I have the honor to inquire for what period I am to credit him therefor?

He charges from April 1, 1869, to June 30th
1869, days,

I am, very respectfully,

Your obedient servant,

Henry D. Barron,

Auditor.

To Hon. HAMILTON FISH,

Secretary of State.

RECEIVED
AUG 9 1869
02

U. S. Marshal's Office,
Southern District of New York.

B. S. Johnson

New York August 7th 1869

Hon Hamilton Fish

Secretary of State

Washington D.C.

Sir

I have the honor to
acknowledge the receipt of your
letter of July 30th 1869 in which
you authorize & direct me to
continue to employ detectives
for the present and to embrace
in their investigations Peruvian
movements.

I can see no indi-
cations that the Peruvians are
doing anything, unless possibly
they intend to help the Cubans
with arms &c.

But there is little

U. S. Marshal's Office,

Southern District of New York.

New York

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or no activity among them
(the Fenians) so far as I can
learn.

In the letter referred
to you say "that it will pro-
bably not be necessary to
employ the detectives more
than a few days longer" -

I cannot determine
whether that necessity now
exists, because I do not know
the degree of care which the
Government considers itself
bound to use to prevent
Gillibustering Expeditions -

If the Government
considers itself bound to use
only "reasonable diligence" in
the premises, I presume that

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U. S. Marshal's Office,
Southern District of New York.

New York

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would be done by stopping only such expeditions, as are brought to our knowledge by the Spanish authorities, or the common rumor, without using extraordinary means to find them out.

In such cases the detectives would not be necessary -

If however it is desired to absolutely & at all hazards stop expeditions, the only way is to continue the employment of the detectives.

I do not believe that any expedition is likely to leave immediately. Still the Cubans are busy about

U. S. Marshal's Office,

Southern District of New York.

New York

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Something, having frequent consultations among themselves & with some of the leaders of the former Expedition and they are apparently keeping up a certain organization among the recruits, and various rumors & stories come to us of negotiations for steamers. I should not be surprised if they got together a body of men on a steamer any night & sent them out & the only way to guard against it is to watch them constantly.

Experience has shown me that no reliance can be placed on anything being stopped by the Revenue Cutters now

U. S. Marshal's Office,

Southern District of New York.

③ New York

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watching in the bay, unless
they are told before hand
that something is coming,

Until these communications
between the junta & the recruits
& leaders cease. the only sure
way is to watch them.

If we stop the detectives
now, with a view of taking
them up again when more
activity is displayed, we run
the risk of an Expedition
getting off without any
external activity to warn
as beforehand, and the de-
tectives would moreover
lose the threads & sources
of information which they
now have in their hands &

U. S. Marshal's Office,
Southern District of New York.

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under their control.

It all turns on whether the Government wishes to use more than "reasonable diligence". We keep a certain degree of watchfulness over Boston Philadelphia, Wilmington &c by sending men there to investigate rumors.

I learn that the armaments for the Spanish Gunboats are being built at the Cold Spring Foundry, but I have not considered it necessary to interfere with this, or to do anything about armaments until they shall be placed on the Gunboats.

Very Respectfully
Wm. B. Beaton
U.S. Marshal

Oleas 2. 4. 24.
August 7. 1869.

John A. Machado.

Cuban Commission.

Jan. 1872.

✓ M. J. Smith
Executive. Havana
OF STATE Aug 16 1869

Case of Machado John A.
In prison at Havana, Cuba.

His wife asks for Govt in-
terference in his behalf

Respectfully referred to the Hon.
the Secretary of State

DEPARTMENT OF STATE
RECEIVED
AUG 19 1869

RECEIVED
AUG 15 1869
E.

By order of the President,
James T. Ely
E. Clarke ^{Secretary}

LRC 435

Havana N. J. Smith
Upton Park, Okego Co. N.Y.
August 7th 1889

Hon Hamilton Fish
Secretary of State

Received yesterday from
my friend J. A. Machado
a letter from Havana
saying immediately on
his arrival there he
had been arrested &
placed in the unclear
prison of that place. He
said there was no cause
for the arrest except his
having with him \$8000
eight thousand dollars of
Parsons bank stock.

Mr Machado is a naturalized
citizen & resident of New York
for over 20 years.

I write to you my dear
Sir as our Secretary
of State to request you
to do what is in your power
to obtain for Machado's release
It is unnecessary for me to say
how great my anxiety is
& that I shall be very
thankful for what ever
you may do to assist
him in obtaining his
freedom

Yours most Respectfully
Euphemia Maria Machado

Mr Hamilton Fish
Secretary of State

The Plumber report that
on the 31st July last
Mr. Haddock was
released from prison on
condition of leaving
the estate.



New York Aug. 9. 1869.

Cristobal Madan. - (Rev. Silliman)

Cuban Commission

Jan'y. 1872.

W. B. Chilton
Brown

Wilmington N. C. Aug 9
1869

Pres. U. S. Grant

Dear Sir

It is acting from a
sense of duty that I
make this intrusion upon
you which I think may
be a sufficient reason
and therefore receive pardon
for asking the following
questions.

1. Will you please
inform me who is the
consul elect to Spain to
serve for three years from
the first of Jan. 1870
and what office has he
held for the last three
years.

(over)

I may have information
of value for you by &
by with regard to this.

Hoping this may receive
prompt action on the
part of your honor and
be followed with favor
I am Sir

Your most Obedt servant

W. J. Smith,
Wilmington
Vermont

Washington, - Jan'y 19. 1854.

To

The President.

I deem it but proper to advise
you as the Executive of the Country, of a
circumstance connected with the history of the
Andres claim, which I conceive you should
become acquainted with.

The history of that claim is well
known to every intelligent reader. The
report of the Committee of the House of
Representatives on it, is before the world.

In their summing up of their investigation, they make the following remarks, at the foot of page 7.

"Under the circumstances the board
"ought not to have rested satisfied with
"ex parte affidavits or depositions, but
"should have required some testimony
"from Mexico, taken upon notice,
"that cross-interrogatories might be put.

"Even a letter to our Minister to

"Mexico, or to the American Consul

"at Monterey or Tampico, could not

"have failed to have led to investigation
"which must have resulted in an
"exposition of this fraud".

The inference to be drawn from the
above extract is, that no intimation was
given by our authorities in Mexico, that
this claim with others were considered
fraudulent, or that the Board of Commis-
sioners to settle the claims with Mexico
were derelict in their duty, in not at least
endeavouring to obtain such evidence
as would have silenced their suspicions.

I wish not to ^{be} understood as charging
or defending the action of the Board,
their conduct is with themselves. But
there is a point to which I invite your
attention; and, it is, that our authorities
in Mexico, did warn the Department
of State, of the reports current there, that
many of the claims presented to the
Board were fraudulent; and requested
that some one be sent there; or, that authority
be given to collect testimony in regard
to them. This information is contained

in a despatch from Mr. Walsh, Acting
Chargé d'Affaires, dated at the City of
Mexico, January 13 1858, and received at
the Department of State February 2 same year.

If the assertion of Mr. Evans, one of the
Board of Commissioners be of any value, the
intimation, of Mr. Walsh, was not communica-
ted to the Board; but on the contrary that
they solicited frequently from the Department
of State, any information that might be in
its possession touching the action of the Board.

where the claims presented; in order as to

agents, that they could act intelligently;

and as far as I have been able to discover,

there appears to have been no notice taken

in the Department in transacting any

matter to the Board.

Perceiving this neglect of duty to be an

evilage upon the country at large, and

leaving entirely to the public good in the

suspension of any thing connected with this

case; I shall not call the President, hesitate

in doing what I conceive to be an

imperative duty, that is, advise the present
Committee of the Senate on the Gardner claim
of Mr. Malsh's despatch; and of the clerk
whose duty, it was, to communicate to the
Board in this matter; so that the Committee
may be enabled to probe it to its very depths,
and let the decision of duty rest where it
properly belongs viz, with Mr. Hunter,
who is charged with the correspondence
with Mexico. But, before taking this step,
I have thought it no more than proper to
acquaint you of it. I wish however, to be

distinctly understood in this matter, I
do so with no expectation of throwing myself
upon your generosity in any way - seeking
no favor, and asking no protection; but
do it simply as an act of public justice.

I am, Sir, respectfully -

Yours Obedt Servt.

H. C. Reddall

New York Aug 10. 1869

J. A. Machado.

Cuban Commission

Jan. 1872

See letter to Mr. Fish
7430/R. 12th August 1869
1870
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Department.

Sir:

I have the honor to acknowledge the receipt of your letter of the 21st Ult: covering a copy of a communication, received by you from Messrs R A Robertson & Co, of New York, owners of the Brig "Kenosaw," in which they state that they had been compelled by the Spanish Authorities at Matanzas to pay an excec of \$250 Tonnage duties on the entry of their vessel at that port on the 15th May last, the day on which the reciprocal abolition by the U States of the differential duties heretofore exacted on the vessels of both nations in U States ports and in those of the Spanish West Indies, went into effect; and you ask

for
Mr Hamilton Fish

Secretary of State

for any suggestions of the Department before bringing the subject to the attention of the Spanish Government.

I reply, that the steps taken by the Master of this vessel in making protest in writing against the exaction of the excess of Tonnage tax on his vessel appears to have protected the interest of his owners, and the Department has no suggestion to make in the case.

Very respectfully
Wm. S. Richardson
Acting Secretary of the Treasury

Turn envelope
all thanks

RECEIVED
AUG 14 1869

Mr. Chilton
Navy Department

Washington: Aug 13 1869

I have the honor to
submit herewith for your perusal
a despatch of the 11th inst. with
enclosures, from Rear Admiral
H. K. Hobbs, commanding the North
Atlantic Squadron, relative to affairs
in Cuba.

You will oblige the Depart-
ment by the return of the despatch
and accompaniments after finishing
with them.

Very respectfully
M. Smith

Acting Secretary of the Navy

Honorable
Hamilton Fish
Secretary of State

Philadelphia. Aug. 13. 69.

Gregorio Gonzalez.

Cuban Commission

Aug. 1872

August 14. 1869.

Joaquin G. Angarrea

Sent to Crown Commission

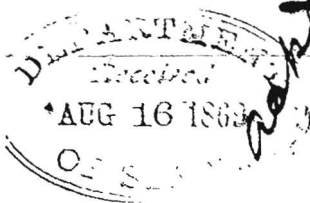
Jan. 1872

Hyson Park, N. Y. Aug. 15. 69.

L. A. Machado,

Cuban Commission

Jan. 1892.



Attorney General's Office
Washington, August 16th, 1869.

Sir:

I have the honor to transmit herewith copies of a telegram received Saturday evening last from the United States Marshal at New York, and a telegram sent the same evening to the United States District Attorney at Philadelphia, relative to the Steamer Hornet; also, a telegram just received from the Assistant District Attorney at Philadelphia relating to the same vessel.

Very Respectfully
Your Obedt. Servt.,

W. A. Field

Acting Attorney General.

Hon. J. L. Davis
Actg. Secretary of State.

(Copies)

New York, Aug. 14th 1869.

The Hornet, a long side-wheel Steamer, is said to be going from Philadelphia to night as a Cuban Privateer. I have telegraphed the fact to the U. S. Marshal at Philadelphia.

Francis C. Barlow

To
Attorney General.

U. S. Marshal.
N. Y.

Attorney General's Office,
Aug. 13, 1869.

A. H. Smith, Esq.

U. S. Attorney, Philadelphia.

It is said that the Steamer Hornet will sail to-night from Philadelphia in violation of the neutrality laws. Examine the case and prevent any violation of these laws.

W. A. Field
Acting Attorney General

(Copy)

Philadelphia, Aug. 16. 1869.

The "Hornet" sailed Sunday morning
and was detained. An examination
will be made to day and the facts
reported.

John K. Valentine
Asst. U. S. Attorney
Phila.

To

Hon. W. A. Field
Act'g. Attorney General

Mr. Brown
DEPARTMENT OF STATE, U. S. A.
TELEGRAM.

Dated *Philadelphia Aug 16*, 1869.

Time received, *2 45 P M*

To *Gen C D Davis*

Dept of State

*for the "Hornet" has
been detained*

*Mrs R. Valentine
Asst U S Attorney*

Mr. Brown
DEPARTMENT OF STATE, U. S. A. ✓
TELEGRAM.

Dated *New York Aug 16*, 1869.

Time received, *2:50 PM*

To *Secy of State*

Since my telegram of this morning, I learn that the "Hornes" was stopped Philadelphia. Marshal is right.

Francis J. Carlson
U. S. Marshal

DEPARTMENT OF STATE, U. S. A.
TELEGRAM.

aspt
gent

Date New York Aug 16th, 1869.

Time received, one o'clock 5 mins PM

To Secretary of State

The Harriet left Philadelphia
only Sunday morning in
reply of my notification
to the Marshal,

She may put into
Wilmington North Carolina
to take up men.

I have telegraphed
the collector at that
port.

Francis C. Barlow

34 NY 112 Paid

New York. Aug. 16. 69.

Mrs. Polhams.

Cuban Commission

Lang. 1873

Microcopy No. 179

MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE

Roll 307

August 17-31, 1869



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1964

more
in
G. H. Miller
✓
Customs House.

Cedar Keys, Florida.

August 17, 1869.

Hon. Hamilton Fish,

Secretary of State,

Washington, D. C.

Sir:

I would respectfully inform you
that 150 cases of arms with ammunition &c.
are at this place, en route for Galveston, Texas.

They are marked H. F. & Co, and doubtless
destined for the Cuban Insurgents.

Very respectfully,

Your obt. servant,

Franklin Jordan

Sep. Collector.

W. Chilton

Attorney General's Office
Washington, August 18th, 1869.

Sir.

I send enclosed herewith a letter received this morning from the Assistant U. S. Attorney at Philadelphia, Pennsylvania, with its enclosures all relating to the Steamer Hornet. There are no facts known to this office except those contained in these papers, and the telegram from Marshal Barlow, a copy of which was sent you in my letter of the 16th inst. The remaining papers in this office simply report the seizure and detention of the Steamer. John Fallon, Esq. called upon me this morning in behalf of the owners asking that the Steamer be released. I think this should be done unless there are other facts than those known to me, and shall feel obliged if you will

communicate to me your wishes and opinion
in this respect to-day before 2 o'clock P.M. Will
you please return the papers enclosed when
you have done with them?

Very Respectfully

Your Obedient Servant,

W. A. Field,

Acting Attorney General

Hon. J. L. Davis

Acting Secretary of State

W. Brown
Department of State, U. S. A.
TELEGRAM.

Dated *New York Aug. 18*, 1869.

Time received, *6 30 P.M.*

To *Secy of State*

*Will send all the
information we have about the
Hornes by mail tomorrow.*

S. F. Harlow

Depty Marshal,

L. Brown
Department of State, U. S. A. ✓
TELEGRAM.

Dated *Lenox Mass. Aug. 18.*, 1869.

Time received, *6 30 PM.*

To *City of New York*

I only suspected the *Hornes*,
and asked Philadelphia Marshal to
look after her. If he finds nothing
I dare say there is nothing.
If not in hurry to release today, I
advise waiting for detective information
from *A. E. G. G. G.*

Francis C. Barlow

DEPARTMENT OF STATE, U. S. A. ✓
TELEGRAM.

Dated

Lenox Mass Aug 15, 1869.

Time received,

3:55 PM. " " " "

To

Secy of State.

I am here, but will
have telegraphed from
New York as soon as all
information which detectives
have got about Horner,
only know that.

Francis L. Barton

U. S. Marshal.

✓
~~Department of State~~

Washington 186

Telegram

Lenox mass Aug 18. 69

Secretary of State

I only suspected the Horner
and asked Philada marshal to look
after her, - if he finds nothing,
I dare say there is nothing.
I am not in hurry to release today.
I advise waiting for detective
information from New-York.

Francis C. Barlow,

\$

Rec 20 Aug 7 Mr. Chittenden ✓

Attorney General's Office
Washington August 19th 1869

Sir,

I have the honor to transmit herewith a letter from the Assistant U. S. Attorney at Philadelphia, with an enclosure, relating to the case of the Steamer Hornet, which you are requested to return when you have done with it.

Very respectfully

Your obedient servant.

W. A. Felt,

Acting Attorney General.

Hon J. C. B. Davis

Acting Secretary of State.

New York Aug. 19. 69.

Danford, Knowlton & Co.

Eutan Commission

Aug. 1872.

Attorney General's Office
Washington August 20th 1869

Sir,

I have the honor to return, with my thanks,
the letter of Deputy Marshal Harlow and accompanying
papers relating to the case of the Steamer Hornet
which were enclosed in your letter of this date.

Very respectfully

Your obedient servant

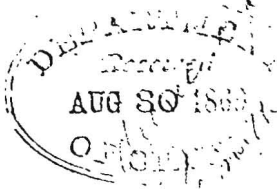
W. A. Field

Acting Attorney General

Hon. Wm. Hunter

Second Asst. Secretary of State

Recorded in Package Mr. Smith & P. B. Smith
from Comulate - file after being
read by Mr. Perkins & Muller



Russell N. P.
August 21st 1869

Gen. Sumner Fish
Secretary of State
Washington D. C.

Sir - I beg respectfully to
call the attention of your Excellency
to the enclosed printed copy of
the Decree of the Judge of the British
Court of Vice Admiralty at this
place, given in the case of the
Steamer Salvador, which made a
successful blockade running trip
from this port to some point on
the Eastern end of Cuba.

This Decree appears to me
so absurd contradictory and wrong
in its premises, that I do not suppose
it will be sustained by the British
Govt. but it occurred to me that
the decision when final might
have some bearing upon our
Alabama Claims question, and I
therefore take the liberty of calling

The attention of your Excellency to
the subject.

I avail myself of this
opportunity to state that Mr.
Kirkpatrick Esq. our U.S. Consul
at this port left here two months ago
on leave of absence (without as he informed
me, intending to return. He appointed
a British subject (and a Merchant) to act
as Vice Consul. It appears to me that
our relations with Great Britain and with
Spain so at present turn under the
Consulship here of mutual importance
and I hope our Government will soon send
a competent representative man as Consul.

I met the Hon. B. H. Cheney, Wash^g
at the office of Messrs Henry Claessens (my
lawyer in N.Y.) last May and then addressed
him on the subject of this Consulate.

My residence is in Newburgh Orange Co. N.Y.
I am temporarily residing here with my
family for the benefit of climate.

I have the honor to remain
with great consideration

Yours Obedient Servant
George A. Elliot

IN THE VICE-ADMIRALTY COURT OF
THE BAHAMAS.

13th August, 1869.

Our Sovereign Lady the Queen vs. The British Steam Ship or Vessel "Salvador" (whereof James Carlin was master), her tackle, apparel and furniture.

DECREE.

The Salvador has been seized by the Receiver General and Treasurer for a breach of the Foreign Enlistment Act, 59 G. 4, cap 69. The Advocate General, on the part of the Queen, prays the Court to condemn her as liable to forfeiture, under the 7th section of the said Act, and the Counsel for James Carlin, the master and sole owner thereof, prays the Court to restore the Ship, with costs and damages.

The history of the case, as collected from the evidence which is obtained from witnesses produced by the Crown, the claimant having produced no witnesses, is shortly as follows:

The Salvador sailed from the port of Havana, in the island of Cuba, on the 22nd February, under a provisional Register, James Carlin being then sole owner and master, for Jacksonville. Instead, however, of going to Jacksonville, she put into Key West for repairs, and stayed there about two months. She then sailed for Nassau with no cargo but with 42 passengers, who are all described as Cubans, arrived in the harbour on the afternoon of the 7th of May, and was consigned by Capt. Carlin to the firm of Messrs. Tunnell & Joinaz.

An application was made the next day to the Receiver General for a Permanent Register, which appears to have been granted on the 10th, James Carlin being again described as sole owner and master.

On the 8th of May the Receiver General went on board, and, with the aid of some men from an English man-of-war then in the harbour, searched her from stem to stern. She had nothing in her hold but coal, which they were then removing to the bunkers, but he found some packages which had been sent on board without his permission by a Dr. Tinker, who is also described as a Cuban.

He had these cases examined, and found two contained coarse brown holland shirts and trousers, two boots and gaiters, and one contained hat-bands and cockades. There were also seven rifles and empty flannel cartridge-bags for a six-pounder field-piece. He also found in one of the boxes two flags, one an English Ensign and the other Blue and White Stripes with a red Triangle at the head and a star in the centre. The hat-bands before mentioned contained the same device as the flag. The cases were detained at first, but afterwards he allowed entries to be put in for them and released them. Mr. Tunnell seems to have transacted all the business of consignee, Mr. Loinaz being absent in New York.

He made application on 8th to ship various articles, such as rifles, swords, powder, and other things, but the Receiver General at first refused without the sanction of the Governor. He, however, on the 10th received permission to do so, and on that day the articles in the Report Outwards, marked B, were shipped.

Mr. Tunnell states that he made these shipments entirely by order of a Cuban gentleman named Martin Castello, who paid the expenses incurred as well as charges for boat hire, for carrying passengers on board. He also supplied the Salvador with a considerable quantity of provisions, 1100 gallons of water, and made other disbursements on her account which were charged to the ship. Mr. Tunnell states in his evidence that he received orders from Capt. Carlin to put provisions on board, but that he did not tell him how many passengers were going or the length of the voyage. Mr. Tunnell eventually, on the 10th of May, cleared the Salvador for St. Thomas's, and she broke ground and left the harbour by the Eastern end at about 5 o'clock, p. m. When she had passed Fort Montague a short distance she again cast anchor, and between her doing so and 6 o'clock on the morning of the 11th, she received on board about 80 passengers from the shore, who are described as Cubans, many of them having been living at a place called Waterloo, and some at a place called the Barn, both within a short distance of Fort Montague, off which the Salvador was lying. The boat hire for putting these persons on board was paid by Mr. Tunnell, on orders drawn by Capt. Carlin.

Upon a report of these proceedings being made to His Excellency the Governor, and information on oath being made before the Police Magistrate of the Island of New Providence, the Governor issued his Warrant to the Receiver General and Treasurer to detain her.

The Receiver General proceeded at once in a cutter of H. M. S. *Royalist* to do so, and on his coming within about 100 yards of her, he noticed the anchor was being hove up. When the boat had pulled a few strokes further, he noticed that the water-boat, which had been alongside, was pushed off, and that the anchor was being hove up very rapidly, the Salvador moving ahead. They then fired across her bows to stop her, but she paid no attention to the signal and proceeded on her voyage, her decks apparently crowded with men. The Salvador then went direct to Cuba into the Cays at the Eastern end, and arrived there early on Friday morning, and remained two days, making no attempt to go into port. Some of the cases containing clothes, shoes, and boots, were opened on board and the articles given to the passengers. The cases containing rifles were also opened on board and the rifles taken ashore and landed on the cays. All the passengers were, with the rest of the cargo, also

landed from there. They got to the main-land, which was close, and some ~~to~~ hours after they had landed they had a battery up and skirmishers out. Captain Carlin told this to Mr. Butler, and also that while at the Cays, seeing a man-of-war passing, they had abandoned the vessel and were going to set fire to it, but that as she passed without seeing them, he took charge again and came out.

The Salvador sailed from these Cays on Sunday, arrived at Nassau on the following Tuesday evening, was immediately seized by the Receiver General, and the present proceedings were subsequently instituted.

From this state of facts the Advocate General argues that the Salvador is liable to forfeiture, under the 7th Section of the Foreign Enlistment Act. He contends that Capt. Carlin was owner and master of the Salvador, and had therefore full control over her: that the articles supplied to her were necessary to her as a transport. That the intent to use her as a Transport was proved by her subsequent voyage, and that the hostile proceedings of the persons immediately on their landing, their avoiding any port of entry, and their evident alarm at a Spanish man-of-war that passed by, are proofs of their being at war with the Spanish Government; and that these, together with the fact of no counter evidence, and also that there was a general insurrection in the island of Cuba, being produced by the Claimant, are sufficient proof that they were in the service of persons assuming to exercise the powers of Government in and over part of the island Cuba, and that therefore the vessel that took them over for this purpose may be taken to be in the same service.

The Counsel for the Claimant, on the other hand, considers that the Salvador has committed no breach of the 7th section of the Act, and should be restored with costs and damages.

He first states that it should have been proved that no leave or licence was granted by the Crown. Secondly, that Capt. Carlin did nothing in Nassau towards the fitting out of the Salvador, and that the fitting out contemplated by the Act is an addition or alteration to the material of the ship itself, and that provisions, water, and repairing certain tools belonging to the engine ~~do not~~ come under that definition; and lastly, that the Act contemplates a state of war between two parties in which England is declared to be neutral, and that the present disturbances in Cuba cannot be considered according to the authorities as indicating a state of war between Spain and the inhabitants that are at present in a state of insurrection.

The first point—that with regard to the leave and licence of the Crown—I will dispose of before I enter into the rest of the case. I think that if it was intended to be used as a defence, that the Claimant should have distinctly affirmed in the re-

sponsive plea that he had the leave and licence of the Crown, and that then it would have rested on him to prove that such leave or licence had been granted.

I shall now come to the main points of the case, and before doing so I may as well state that I have carefully ~~read all the authorities—English and American—bearing on the 7th section, and that I have not derived~~ much assistance from them in deciding this case. All the cases that have yet occurred are cases of vessels of war, and the meaning of the terms equip, fit out, or furnish, may be very different when applied to vessels-of-war and when applied to a transport or store-ship. Moreover the arguments in some of those cases went upon whether the vessel was fully equipped and ready to commence hostilities on leaving the port. Also the fact of there being a state of war between the United States and the confederate States was not disputed. I shall have, therefore, to rely principally on my own construction of the words of the Act for judgment in this case. The preamble is shortly as follows: Whereas the Enlistment of His Majesty's Subjects to serve in War in Foreign Service and the fitting out of Vessels by His Majesty's Subjects for warlike operations against the Territories of any Foreign State, &c. may be prejudicial to and tend to endanger the peace and welfare of this Kingdom. Now this expedition of men with arms and ammunition may certainly be considered a warlike operation, though it may not amount to war. And most decidedly it is a proceeding that is likely to endanger the peace and welfare of England. I therefore do not consider it excluded by the preamble.

The 7th Section, so far as we require it at present, is as follows: That if any person in any Port of His Majesty's Dominions beyond the seas shall equip, furnish, or fit out any vessel with intent or in order that such vessel shall be employed in the service of any persons assuming to exercise the powers of Government in and over any Foreign Colony as a Transport or Store Ship against any State with which His Majesty shall not then be at War.

The first point I shall have to consider is the meaning of the words equip, fit out and furnish, as applied to a Transport. The word furnish I thought at first was particularly restricted to supplying what is called the furniture of a ship, but I find that in one of the Pirate Acts, the 8th G. 1, cap. 24, it is used as supplying ammunition, stores and provisions. It may therefore be entitled to a more extended meaning than I had at first given it; but the word fit out has, in my opinion, so extended a meaning, that it is unnecessary that I should use any other. The word fit out, in its ordinary meaning, varies according to the purpose for which it is used. I consider that it includes anything necessary for carrying out the object you have in view; and as applied to a vessel,

I consider it to mean supplying it with anything which it may require to carry out the voyage it may be engaged on. Now what more necessary things can there be for a vessel intended to be used as a Transport Ship than water and provisions? I therefore think that the supplying this vessel with provisions for the purpose of carrying her passengers across to Cuba, was a fitting out according to the meaning of that word in the Act, and that, from the Evidence before the Court that Capt. Carlin aided and assisted in this fitting out with the intent that this Vessel should be used as a Transport for the purpose of carrying over the people to Cuba. I think it unnecessary to say anything about the word Transport, as I have no doubt that a Vessel carrying over a large body of fighting men, with weapons ready to their hands, is a Transport. Then was this done against the Government of Spain? From the evidence, viz: their going among the Cays at the Eastern end of Cuba, where there was no port of Entry, their evident dread of a Spanish man-of-war, and lastly, the fact of the passengers immediately on landing preparing for defence or attack, I think that this expedition was clearly intended in some way against the Government of Spain.

The last point I have to consider is, in whose service this was done; was it done in the service of any persons assuming to exercise the powers of Government over any portion of the island of Cuba? We will first see from the evidence before the Court what the fighting in Cuba is, and then whether the party opposed to the Government of Spain can be supposed to be exercising the powers of Government over any part of the island of Cuba, and lastly, if I think there is such a party, whether the Salvador was in their service.

The best evidence we have on this point is the evidence of Wells. He was living in Havana for some time, and he said that there were insurrections all over the Island of Cuba, more or less. All the other evidence in the case, though some was from reports only, went to the same effect—that there

was a very serious insurrection or revolt in the Island of Cuba against the Spanish Government, because Spanish soldiers were sent from the towns for the purpose of putting it down. The Governor General Dulce, in his Proclamation, which has been forwarded to His Excellency Sir James Walker by the Spanish Consul, or rather, I should say, in the translation of it, uses the words Insurrection in the interior, but also says that it has been put down by force of arms.

This is all the evidence before the Court of the disturbances in Cuba. We have no evidence of the object of the Insurrection, who are the leaders, what portion of Cuba they have possession of, in what manner this Insurrection is controlled, or supported, or in what manner they govern themselves. Now, therefore, can I say that they are assuming the powers of Government in or over any part of the Island of Cuba?

I consider this case of the Salvador as a Military expedition set on foot at Nassau for the purpose of attacking the dominions of a friendly power, but not as coming under the 7th section of the 59th G. 3, cap. 69. The American Act has a remedy for this which is not in our Act. And therefore as the proof fails on this point, I must decree the restitution of the Vessel.

I have now to come to the Question of Costs. This Vessel, the Salvador, clears from here on the Monday for St. Thomas's, and then anchors to the Eastward of Port Montague, and takes in, in a clandestine manner, a number of persons, and when an English man-of-war's boat attempts to stop her, she steams off, and where does she go to? Direct to Cuba. On her coming back I think the Government were quite right in detaining her; that her proceedings might be enquired into. Under these circumstances, I should certainly not give any costs or damages.

CHARLES F. ROBIERY,
Dy. J. V. A. C.

August 13, 1869.

RECEIVED
AUG 24 1869
020

Navy Department

Washington, 23. Aug 1869

I have the honor to return herewith the communication of the Lieutenant addressed to you by the Spanish Legation, and submitted to this Department.

The Senior Officer in charge of the North Atlantic Squadron, has been apprised of the suspicious shipments of arms &c. mentioned in the memorandum accompanying the note from the Legation, and instructed to be vigilant to intercept any armed vessels or men who may depart from the chief ports of the United States in violation of the neutrality law.

law. A copy of the instructions is
thereunto enclosed for your information.

Very respectfully

Albion

Acting Secretary

Honorable

Manuelito Fish

Secretary of State

Loopy

Navy Department.

Washington, August 21 1869.

Sir:

From information that has been communicated to the Department of State, it is apprehended that large quantities of arms, ammunition &c. are being collected at Fernandina and Cedar Keys - to be shipped from those points to Galveston, Texas. These munitions of war are thought to be destined for the coast of Cuba, either by shipment from the points above named or from Galveston, to which they are directed. You cannot, however, interfere with these.

Preparations are thought to have been made, or to be in progress, to forward men as well as war materials from our Gulf ports to Cuba.

The.

The Department directs you to exercise vigilance, and, so far as you are able, with the force at your command, prevent the departure of armed vessels or armed men from any of the ports within the limits of your command in violation of the neutrality law. You will seize any such that may succeed in escaping the vigilance of the civil authorities, and turn them over to the Marshal of the United States at the nearest port.

Very respectfully.

M. Smith

Acting Secretary of the Navy.

Commander

W. W. Quinn,

In charge of North Atlantic Squadron.
Key West, Fla.

U. S. Marshal's Office,

Southern District of New York.

M. Jefferson

Aug 25 1869

New York Aug. 24 1869

Hon Hamilton Fish
Secretary of State
Washington

Sir

I have the honor
to report that in ac-
cordance with instruc-
tions from your Office
I have wholly dispen-
sed with the services
of the Detectives.

As to the suggestion that
I employ Pinkerton's Su-
perintendents and use
my own Agents as
Operators I have the
honor to state that

U. S. Marshal's Office,

Southern District of New York.

(2/

New York

186

my men are all known
to the Cubans & their
friends & that it is there-
fore impossible for them
to get into their confi-
dence, or to pretend to be
acting with them (as
was done by some of
Pitterton's men) or
even to get anywhere
near them, or to watch
them -

Therefore it does not
seem practicable to use
my men as detectives -
Under those circum-
stances it will be
of no use to us to
employ the Superin-

U. S. Marshal's Office,

Southern District of New York.

(34

① New York

186

tendants who merely
organise & direct the
operators & digest
their reports -

Of course we shall
act with all possible
vigilance upon informa-
tion which may be
furnished us by the
Spanish authorities &
will get what infor-
mation we can from
our own people, but
that will not be
much, as they are
constantly occupied by
the regular duties of
the office -

I will forward

(4) U. S. Marshal's Office,

Southern District of New York.

New York

186

the file of Pullerton
made up to the date
of their discharge -

I respectfully
suggest that the Span-
ish authorities be in-
formed of the with-
drawal of the detectives
that they may employ
them should they see
fit to do so -

Very Respectfully
James C. Barclay
U. S. Marshal

THE STEAMSHIP QUAKER CITY.

The Cruise of the Vessel After She Left This Port—The Bohemian Canard About Her "Cuban Destinies" Exploded—How the English Remain Neutral in the Haytian Rebellion and Supply the Rebels with Food and Ammunition.

The following statement of Felix Mullin, the quartermaster of the steamship Quaker City, which left this port in June last, will not be without a certain amount of interest. The canard about the vessel's having set out to aid the Cubans is exploded by the revelations of the ex-officer of the ship; but they give a pretty good insight into the way the English are observing neutrality between the rebel and the government parties in Hayti. Mullin arrived in this city yesterday on the Arizona from Aspinwall. The following is the statement:—

The Quaker City, after having been detained at this port for a long time, on suspicion of being destined for the Cubans, left on the 16th of June last. We were eighty odd, all told. The ship had a cargo of provisions and a case of breeching bolts for guns, which were smuggled away in the vessel. The crew were shipped for Jamaica and back, the time of the whole voyage being fixed in the "articles" as three months at the utmost. After we had been gone forty-eight hours the ship was put back to Sandy Hook, the captain stating that the cause of the return was that he had forgotten the register and the ship's papers. It was about noon when we put about, and we arrived off Sandy Hook about four o'clock. We there met a tug, which had come down with one of the officers of the Quaker City, who had been left behind, and another tug which brought the ship's papers. We then proceeded on our way. After being seven days out from New York we laid off the island of Inagua for two or three hours, where we landed the owner of the ship, Mr. Breckenridge. What he went on the island for I cannot state. He remained on shore about two hours, when he returned to the ship. We then sailed for Jamaica, which we reached in about twenty-four hours. On arriving there we discharged our cargo, passed it through the Custom House, and the following day we reshipped it and went to Port Royal, where we lay off the fort, about a mile away. During the nighttime, about nine o'clock, small boats came from the shore with kegs of powder, twenty-five pounds in a keg, and by midnight we had stowed away 500 kegs. The powder was delivered to the

small boats directly from the fort which supplied it. We left Port Royal the same night and arrived off St. Marks, a port in the rebel quarter of St. Domingo. The rebel Custom House officer called on board and seemed to be friendly with the men of our ship; in fact, as though they were old acquaintances. After this individual went ashore lighters came alongside of us and we unloaded our powder and cargo of provisions, which they took ashore. Mr. Breckenridge got off at this port and did not return to the ship again. He does a large business in St. Marks. A few days after unloading we set out again and reached Inagua in twenty-four hours, where we were met by two schooners—one of them from Boston and the other from New York. They had twenty guns aboard—four 100 pound Parrotts, six eighty-four rifled bore and ten eighty-four smooth bore—100 rounds of ammunition for each gun and a quantity of small arms, such as cutlasses and pistols, and also three cases of clothing. All these things the schooners transferred to the Quaker City. We were lying in the harbor at the time and it was broad daylight. After getting the guns, &c., on board we put for St. Marks, where we met the Florida, a vessel belonging to the Haytian rebels, and the Clara Helena, a propeller. Ten guns were transferred to the Florida, which is a sidewheel steamer; two to the Clara Helena, six being kept aboard the Quaker City. Four of these guns were fixed in position aft and two forward. While all this was going on the English flag was flying from our main gall. Some of us directed the captain's attention to the fact, when he ordered the flag to be hauled down, but my associate, Quartermaster Jones, refused. The following day the rebel (Haytian) flag was hoisted, and some forty-seven of us were taken ashore to be settled with. We got what money was coming to us from the ship. Our agreement was, however, that the owner was to pay our way back to New York and subsidize us, and that we were to receive the extra month's pay at Jamaica. The Captain came along with us to Cologne (Aspinwall). Our passage was paid all the way, but we were not subsidized and had to depend upon the charity of those places we passed through to keep us alive. At Cologne the captain left us to shift for ourselves and fled to Panama. Thanks to the generosity of Captain Rathburn, port captain of the Pacific Company, we got our passage to New York for twenty dollars apiece. We had each thirteen dollars to pay our passage and had to raise the extra seven dollars each by selling our clothes. We applied to the English and American Consuls for relief, but they refused to have anything to do with us. Although having sailed under British colors we were all Americans. We arrived here this morning (Saturday) on board the Arizona. Twenty of the crew of the Quaker City remained with the ship, having been induced to do so by the offer of large wages. Each of us who left was offered ninety dollars a month if we would stay. We learned that the crew were to be drilled about a week, when 400 negroes were to be taken on board as a full complement, and then she was to join the Florida and the Clara Helena and proceed to retake Guynere, that had been taken by President Salnave's party.

Sammy Dug
B. Murray
B. Wood Cooper

New York Aug. 25. 69.

Jose Manuel Ponce de Leon

Cuban Commissioner

Jan. 1872.

Memorial of
José Manuel Ponce de León
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W<sup>th</sup> E. P. Smith

Harvard

Aug. 15<sup>th</sup> 1869

New York Aug. 31-69.

Craze y Gomez.

Cuban Consumption

Aug. 1872.

Jose Manuel Ponce de Leon

Cuban Commission

May 1892

New York. Aug 31. 69.

B. D. Linnin

Cuban Commission

Jan. 1872.