

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 337

December 1-14, 1870



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

Washington: 1964

Wm. B. Baker

and Dr. 5/17

Wm. J. Smith & Co. Bankers

Treasury Department,

Dec 1st 1870.

Sir:



Referring to your letter of 24th October to the undersigned of A. D. Phillips, late Acting Consul at Santiago de Cuba, I herewith transmit copies of a letter and enclosure received from the Acting Commissioner of Internal Revenue.

It will be seen that the Acting Commissioner desires to learn from your Department what action was made, in account of tax, from Mr. Phillips' compensation for the year 1869.

I shall be obliged if you will furnish me, at your convenience, with information on this subject.

Respectfully Yours
Geo. S. Wetmore
Secretary of the Treasury

Wm. Hamilton Fish
Secretary of State.

Office of Internal Revenue
Treasury Department,

Washington, 22 November, 1870

True C^o/y
Sir..

Referring to the letter dated 31st May
last, addressed by the Hon. Secretary
of State, to the Hon. Secretary of the
Treasury, and alluding to the income of
Mr. J. E. Phillips, late acting Consul
at Santiago de Cuba, I enclose herewith,
correspondence between this Office and the
Assessor of the 8th District of New York.
The letters of this Office are dated 2 Sept.
5th October and 7 October;
and the letters of Assessor Ford, 21 September,
6th October and 15th November 1870.
Assessor Ford, in his letter of 15 November,
says it appears from the returns of
Mr. Phillips that he received in 1869

\$

2,500" For salary or pay as an Officer
or Employee of the U.S. and that from
\$1,900 thereof 3% was deducted by the
Government, and adds—There is
apparently a mistake in this and before
making my assessment I beg to be
informed from the records in Washington
what deduction was made by the
Government for said last mentioned year.
The above mentioned information can be
obtained from the State Department,
and I have the honor to request that
you will pursue the correspondence
commenced with you by the Hon
Secretary of State, to the end that this
Office may be advised of the facts
required.

Hon Geo Bortwell
Secretary of the
Treasury.

Respectfully
J. W. Douglass
Acting Commissioner

Copy
Treasury Department,
Office of Internal Revenue
Washington Sept. 2nd. 1870

Sir

Enclosed find copy of a letter dated 31st May from the Hon. Secretary of State to the Hon. Secretary of the Treasury, alluding to return of income by D. E. Phillips late, acting Consul at Santiago de Cuba.

Assessor Needs of this District makes report, dated 30th ultimo that Mr A. E. Phillips, late acting Consul &c. &c. is at 95 5th Avenue New York at the residence of Dr. Skinner.

Without advising Mr. P. of this correspondence, you will ascertain if he has fulfilled his duty to the Government, and where, take such action as you find necessary and report.

Respectfully

Signed

Wm. Douglas
Acting Commissioner

Augustus D. Wood Esq.
Assessor New York

Copy.

United States Internal Revenue
Assessors Office, 8th Dist New York
New York City, Sept 27th 1870

Hon. C. Delano

Commissioner of Internal Revenue
Washington, D.C.

Sir

In reply to your letter of Sept 2nd 1870
in relation to A. E. Phillips, lately acting
Consul at Santiago de Cuba, I have to
state that I have since had an interview
with Mr Phillips, who admitted to me
that he had never made return of or paid
income tax to the U. S. Government.

Very Respectfully
(Signed) A. Ford.
Assessor

True Copy, Office of Internal Revenue
Treasury Department,

Washington, Oct 5th 1870

Sir,

Referring to your letter of the 27th ultimo respecting the income of A. C. Phillips late acting Consul at Santiago de Cuba, you are requested to report what action if any, has been taken for the assessment of the legal taxes due from him.

Very Respectfully

(Signed)

J. P. Douglass

A. Ford, Esq. Acting Commissioner
Assessor

New York City

my
United States Internal Revenue
Assessor's Office 8th Dist. New York,
New York City, Oct. 6th 1870

Hon. C. Delano.

Commissioner of Internal Revenue
Washington, D.C.

Sir

In reply to your letter of 5th inst.
respecting the income of A. A. Phillips
late acting Consul at Santiago de Cuba
requesting me to report what action
if any had been taken for the assessment
of the legal taxes due from him, I have
to state that no action has been taken
to assess him that I am aware of.

I regarded your letter of Sept. 2nd as
intending no other action on my part
than such as would enable you to be
informed through my report as to whether
when and where said Phillips

had fulfilled his duty to the Government.

The cautious character of said last mentioned letter led me to suppose that I would be instructed to proceed with such assessment here if on the receipt of my report by the Department such course was deemed advisable.

Very Respectfully
(Signed) A. Ford
Assessor.

E (Copy)
Treasury Department,

Office of the Commissioner of Internal Revenue,
Washington, October 7th, 1870.

1509

• Sir:-

Your letter of yesterday respecting the case of A. C. Phillips has been received.

You will please proceed to make such assessment against him as the law allows.

Very Respectfully.
(signed) J. W. Douglass.
Acting Commissioner.

A. Ford Esq.
New York City

^{Copy}
United States Internal Revenue
Assessors Office 8th Dist New York
New York City. Nov. 15th 1870

Hon. J. W. Douglass
Commissioner of Internal Revenue
Washington, D.C.

Sir

Referring to your letter of 7th ult
(Cf) in relation to Income of A. E. Phillips
I have to state that I have received
income returns from said Phillips for
1868 & 1869 from which it appears that
he received in 1869, \$2,500. from salary
or pay as an officer or employee of the
"W. O." and that from \$1,900, thereof 3% was
deducted by the Government.
There is apparently a mistake in this and
before making my assessment I beg
to be informed from the records in

Washington what deduction ^{was made} by
the Government for said last
mentioned Year.

Very Respectfully
(Signed) A. D. Ford
Assessor.

448 J.

Dr. J. Smith
Treasury Department,



Office of Commissioner of Internal Revenue,
Washington Dec 2, 1870

Sir:

This Office is in receipt from the Secretary of this Department, of your letter of November 18th with inclosures, respecting the liability of Mr Jose Goico of New York, to tax upon the income derived by him from his estate on the island of Cuba.

In reply I would state, that the proper instructions

in Mr Brown's case have
been forwarded to Max
Weber, U S Assessor 6th Dist
of N.Y. it appearing that
he resides in that District.

Very respectfully
Wm. M. Glavin
Acting Commissioner

Hon Hamilton Fish
Secretary of State

Wm.

Wm.

File

62 Wall St, New York

December 2, 1870.

Hon. Hamilton Fish.

Secretary of State.

Washington, D.C.

Sir.

Mr John S. Williams has handed me your letter of the 16th ult., relating to the case of the Steamer "Col. Lloyd Spinnwall", and asked me to state the amount of the charges made by him and Mr Rossing, the Impire.

I am instructed by these gentlemen to reply that the sum of One thousand dollars, gold, has been

been agreed on as compensation for
their services and the services of the
Secretary, and for other expenses
incurred.

I have the honor to remain,
Your obedient servant.

Thos. S. Sandford.

Secretary.

Case of Steamer "Col. Lloyd Spinnwall".

Approved,
J. W. Williams

Baltimore, Dec. 4. 70.

Pedro D. Buzzi y Aguaza.

Centaurium

Jan. 1872.

December 5. 70.

Samuel Veston. —

Cuban Commission.

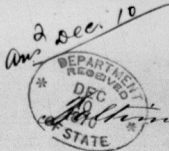
Jan. 72.

New York. Dec. 8. 70.

Louis Bachiler

Lebanon, Conn.

Jan. 1872.



Mr J. Smith

Dec. 9. 1870.

William Hunter Esq.

L. Assistant Secretary.

Dept. of State: - Washington, D.C.

Dear Sir;

Referring to your letter to me of the 28th October last, I respectfully request to be informed whether the Vice Consul General at Havana, has replied to the instructions of the Department relative to the evidence which I desired might be obtained from Messrs. Raphael & Springer, clerks in the Consul's Office, at Havana. ~ If it has reached the Department, I should be pleased to receive the same in order to submit it to Congress through Senator Hamilton of N.Y.

I am, very respectfully,
yours H. Sent.
H. Alex. Kentie.

New York. Dec. 10. 1870.

Ramon Martinez Hernandez.

Cuban Commission

Jan. 72.

Washington. Dec. 10. 1870.

Benj. O. Silliman

Embargoed property of Cristóbal Madan

originals sent to Cuban Claims

Commission Jan'y. 72.

New Brunswick, N. J. Dec. 12. 70.

Joseph Hernandez.

Cuba Communication

Jan. 72.

No 9 P. Smith
Dw 21



~~Mr. Leeper Smith~~
~~Mr. Pratt~~
Treasury Department,

~~First Auditors Office,~~

Washington, Dec. 13th 1870

Sir:

I have the honor to acknowledge the receipt of your letter of the 10th inst. relative to the assets of Martin Hausen, deceased at Havana, and beg to state in reply that Mr. La Rientrie then Vice Consul General to whom it is claimed the money was paid, has made no return of the same.

I Am,

Your Obidient servant,
W. D. Barran.
Auditor.

Wm. Hamilton Fish
Secretary of State.

New York. Dec. 14. 1870.

Antonio Miquel Mora.

Cuban Commission

Jan. 72.

*To the Honorable the Commissioners for the adjustment of
Claims of American Citizens against Spain:*

The memorial of ANTONIO MAXIMO MORA, an American citizen, respectfully represents :

That in compliance with the rules of this Commission, your petitioner sets forth that he was born in Havana, Island of Cuba ; that his full name is the above stated ; and that the present claim is preferred in his own name.

Your memorialist further says that although he was born in Cuba, he declared his intention to become an American citizen before the Superior Court of the City of New York on the 25th of August, 1853, and was admitted to the full citizenship by the decision of the same Supreme Court, given on the 14th of May, 1869. Certified copies of both documents have been filed by your petitioner.

Your petitioner further says that the particulars of his claim are the following :

That in the month of May, 1869, the Spanish Government placed an embargo upon the property of your memorialist notwithstanding that he was a law-abiding citizen, and was clothed with the American citizenship since 1853, in which date he had acquired a domicile in the United States, under a solemn declaration of intention to become an American citizen, as he became in fact afterwards—and under his settlement at the city of New York as a merchant and partner of a well known commercial house for a long time.

That as the Spanish Government had not had any reason to order said confiscation, as soon as it was informed that your memorialist had applied to the State Department to obtain due redress, it tried to legalize its former action and instituted certain military proceedings against your petitioner

and others, which proceedings ended by a condemnation to death by *the garrote* and the confiscation of the whole property.

That said military proceedings, besides being completely null and void, as far as American citizens are concerned, owing to the provisions of the treaty which make necessary a *civil trial*, and all the possibilities of ample defence therein provided for, were also an act *a posteriori*. The proceedings commenced on the 2d day of September, 1869, and the embargo had been placed under date of May of the same year. When the proceedings were instituted, your memorialist had already entered his claim, and filed his papers in the State Department of the United States.

Your memorialist further represents that according to the official declaration of the Spanish Secretary of State the embargoes, as a mere preventive measure, *are not based upon any law*. As to the confiscation or final appropriation of said property, your petitioner submits that everybody knows that the confiscation of property is a penalty altogether abolished by the Spanish Constitution and laws now in force.

Your memorialist further says that the property embargoed by the Spanish officials to which this claim refers, is the following:—

1. One-half of the sugar plantation named “Australia,” valued at one million of dollars. The other half belongs to José Marie Mora, a brother of your petitioner.—(\$500,000.)

2. Two-thirds of the sugar plantation “San Joaquín,” valued at nine hundred thousand dollars. The other third belongs to José Maria Mora, Manuel Mora, and Carlota Mora.—(\$600,000.)

3. The “*Almacenes de Ganuza*,” warehouses, docks, &c., valued at one hundred and fifty thousand dollars, (\$150,000.)

4. An interest of two thousand eight hundred dollars in the firm of “M. P. Pie & Co.,” of Matanzas.—(\$2,800.)

Your memorialist claims for the restoration of the whole of the aforesaid property, or the payment of the equivalent

sum of one million two hundred and fifty-two thousand eight hundred dollars—(\$1,252,800.)

Your memorialist says further that the Spanish officials have enjoyed and applied to the expenses of the war of Cuba all the profits and income yielded by the aforesaid property after the date of the embargo. They also refused to pay the creditors of your memorialist, and when those who belonged to the Volunteer organization claimed to be paid, the Government answered by declaring that your petitioner was in state of bankruptcy. The administration of the estate has been a regular system of plunder. The bills of medicines which never exceeded fifteen hundred dollars, have now amounted to six thousand dollars per year. Consequently your memorialist claims for a compensation of the actual losses he has sustained, by the deprivation of the use of his property and by the expenses and disbursement of all kinds unduly made by the Spanish authorities.

Your petitioner estimates the losses, since the date of the embargo, at one million two hundred thousand dollars—the rate being four hundred thousand dollars every year.

Your petitioner further represents that the general grounds on which his claim is based, are: 1st. That the treaty of 1795, between the United States and Spain, has been violated, in regard to your petitioner by the fact of the embargo, and by the subsequent military trial by default, and confiscation of property. 2d. The absolute want of foundation on the part of the Spanish Government to charge your petitioner with any offence which might justify the action of said authorities.

Your memorialist further submits that his claim has been referred to your Commission, and submitted to *arbitration*, against the will of your petitioner; and that consequently, although he respectfully obeys and comes before your Honors, he does it under protest; and he reserves all the rights and remedies to which he may be entitled according to law.

ANTONIO M. MORA.

STATE OF NEW YORK,

City and County of New York, ss:

Be it known that on this 7th day of March, A. D. 1872, before me, Antonio C. Gonzalez, a Notary Public of the State of New York, in and for the City and County of New York, duly commissioned and sworn, personally appeared Antonio Maximo Mora, known to me to be the individual described in, and who signed the foregoing memorial; and acknowledged to me that he signed the same, and being by me duly sworn according to law, did depose and say, that he had read the aforesaid memorial signed by him, and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the City of New York, the day and year first above written.

[SEAL.]

ANTONIO C. GONZALEZ,

Notary Public.

STATE OF NEW YORK.

In the Superior Court of the City of New York.

I, Antonio Maximo Mora, do declare on oath that it is *bona fide* my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to the Queen of Spain, of whom I am now a subject.

ANTONIO M. MORA.

Sworn this 25th day of August, 1853.

GEORGE N. E. LYNCH, *Clerk.*

Clerk's Office of the Superior Court of the City of New York.

I, certify that the foregoing is a true copy of an original declaration of intention, remaining on record in my office.

In witness whereof I have hereunto subscribed my name and affixed the seal of said court this 13th day of December, 1870.

[SEAL.]

JAMES M. SWEENEY, *Clerk.*

UNITED STATES OF AMERICA.

STATE OF NEW YORK,

City and County of New York :

Be it remembered, that on the 14th day of May, in the year of Our Lord 1869, Antonio Maximo Mora, appeared in the Superior Court of the city of New York, (the said court being a court of record, having common law jurisdiction, and a clerk and seal,) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several Acts of the Congress of the United States of America, for that purpose made and provided. And the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oath as are by the said acts required, thereupon it was ordered by the said court that the said applicant be admitted, and he was accordingly admitted by the said court to be a citizen of the United States.

In testimony whereof the seal of said court is hereunto affixed this 13th day of December, 1870, and the 95th year of our independence.

By the Court:

[SEAL.]

JAMES M. SWEENEY, *Clerk.*

Antonio M. Mora,

Dec. 14. " 1870.

Cuban Claim

Taken by A. B. Wood

to be sent to Mr. Davis

Dec. 24 1870

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 338

December 15-31, 1870



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

Washington: 1984

Mr. Jasper Smith



218 Broadway
New York. Dec. 16. 1870

Hon. J. C. B. Davis.

Assistant Secretary of State
Washington D.C.

Dear Sir:

I have the honor to
acknowledge the receipt of your communi-
cation of the 8th inst. in relation to the case
of Mr. Martin Muees and to inform you
that that gentleman resides at N^o. 344
14th St. in this city.

I have the honor to be
Very Respectfully
Your, ob^t. Serv^t

M. T. M. Mahon

Mr Jefferson

copy sent
Dec 21, 1870

Office of the Attorney General,

COURT OF CLAIMS ROOM, AT THE CAPITOL,

Washington, D.C.,

Dec 17 1870

The Hon. Secretary of State.

Sir,

In pursuance of the defense
in the case of Alexander J. Atoka vs The U.S.
(No 215 C of C), I respectfully request to be furnished
with a certified copy of the report, on Atoka's
claim, of the Commission under the treaty
of Guadalupe Hidalgo, which ^{Commission} was instituted
by virtue of the Act March 3, 1849.

My preparations of the defense in
this action, will be greatly facilitated by an
early compliance with this request.

Yours Respectfully
Thomas H. Talbot
Asst. Atty. Gen.

S

Treasury Department,

Washington, D. C., Dec. 20, 1870.

Mr. Pratt

Hon. Hamilton Fish,
Secretary of State.

Sir:

I enclose herewith
bill of Messrs. Person & French,
Attorneys at Law, Wilmington, N. C.,
for fees as special counsel employed
by the United States in the matter
of The United States vs. "The Cuba",
in libel for \$500.

The facts in relation to
this case seem to be that Messrs.
Person & French were employed
by the collector at Wilmington in
the prosecution of the officers of the
Cuba for violation of the neutrality

laws before U.S. Commissioner
Rutherford, and their fees for
services in this part of the case,
amounting to \$2,500, was allowed
by the Treasury Department and
settled by the 5th Auditor, payable
out of neutrality act appropriation.
This bill seems to be for further ser-
vices in the prosecution against the
vessel in libel. 1

As the first expenditure
should have properly been approved
by you, I transmit the second bill
for your consideration.

With great respect,
Your obt servt.

Geo. S. Mitchell

Secretary.

All Official Letters to the Department proper must be addressed to the "Secretary of the Treasury," and in replying to letters from the Department the initials on the upper left hand corner should be referred to.

Treasury Department,

Washington, D. C., 21st December, 1870



Sir:-

I have the honor to acknowledge receipt of your letter of the 28th Ult.^o covering Despatch N^o 303 from the U.S. Vice Consul General at Havana complaining that the Collector of Customs at Savannah requires of the Masters of Spanish vessels a certificate that no discriminating Tonnage duty is collected of American vessels at Havana, and those who have sailed without such Certificates have been put to much inconvenience to obtain them afterwards.

In

Wm Hamilton Fish
Secretary of State.

In reply, I have to inform you that it appears from the report of the Collector at Savannah, to whom the matter was referred, that an officer in the Custom House at that port has been acting, by an oversight, under the instructions in a Circular of this Department of the 8th March 1869. But that hereafter the instructions in the Circular of May 15, 1869 will be observed.

I return you herewith, the Despatch of the Vice Consul as requested.

Very respectfully
J. A. Brownell,
Secretary

184 - 10.43 AM

611

THE WESTERN UNION TELEGRAPH COMPANY.



of the Western Union Telegraph Company, require that all messages received for transmission, shall be written on the message blanks of the Western Union Telegraph Company, and be subject to the conditions printed thereon, which conditions have been agreed to by the sender of the following messages:

THOS. T. COKERT, Gen'l Sup't, New York.

WILLIAM ORTON, Pres't, New York.
O. H. PALMER, Sec'y.

5

Dated

Dec 1870
1043 PM

Received at N. W. cor. 14th St. and Pa. Ave., Washington, D. C.

J. Hamilton Fish
Secretary of State
Washington

Project reported in my
number one eighty three
presented by Government to
Cortes [amp] [id] [id] 9
mbo -] *

Sickles
Madrid Twenty
Two.

26 Madrid

impf

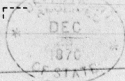
*
[amount forty million dollars]

New York. Dec. 23. 70.

Antonio Mafins Mora.

Cuba Bonifacio

Jan. 72



Treasury Department,

Washington, D. C.

Dec. 27

1870.

Sir:

Referring to your letter of November 22^d relating to the case of Frank's Thru I have the honor to enclose copies of the communications from the Commissioner of Internal Revenue and of a report from the Assessor of the Southern District of New York.

It seems reasonably certain, on the result of the inquiry made that no business or legacy tax is due from Mr. Thru.

Respectfully Yours
Chas. Smith
Secretary of the Treasury

Mr. Hamilton Fish
Secretary of State

(Copy.)

Treasury Department.
Office of Int. Revenue.
Washington, Dec 24, 1870.

for
The letter of 22nd ult of the Hon.
Secretary of State, referred by you to
this Office with enclosure of a Memorial
by Santa Mora, was partly answered
by me on the 30th ult.

In further reply I enclose herewith
copy of a letter dated 16th inst, from
Esq. Leadwell of the 7th Dist of N.Y.
Respectfully.

J. W. Douglas.
Acty Commissioner.

Hon Geo. J. Boutwell
Secretary of Treasury.

copy.

U. S. Internal Revenue
Assessing Office 7th Dist.
New York, Dec. 16, 1870

To the
Commissioner of Internal Revenue.
Sir,

Your letter of Nov. 30. "H. W. A. L." in
which you enclose a copy of a Memorial
of Faust Mora & request information as
to whether the persons interested in the prop-
erty of decedent, have paid all taxes
due the U. S. special reference being
made to legacy & income tax, is received.

I herewith return copy of Memorial,
in reply have to say, that upon careful
enquiry & examination, I find that there
are then being at law, six of whom are
minors, there has been no legacy tax paid
in this district, from the fact that the entire
estate of Maximo J. Mora situated in Cuba

has been confiscated & the heirs at law have not to the present time become entitled to the possession or enjoyment of any legacy or distributive share, or property or interest or any beneficial interest in the profits accruing from the estate in question.

The only income return made in this District by any of the parties named as interested in the estate, has been by Kausta Mora who made return due in 1870 & paid the amount thereof.

In former years Kausta Mora & the other heirs at law were not residents of this District.

(signed)

Very respectfully,
W. H. Treadwell,
Assor 7th Dist, N.Y.

(Copy.)

Treasury Department
Office of Int. Revenue
Washington Nov 30, 1870.

Sir,
The letter of 22nd inst, of the Hon Secretary
of State, reported by you to this Office,
with enclosure of a "Memorial" by Ruyeta
Moras, is received.

You are advised that the tax imposed
by Sections 126 to 149 of the Act of June
30, 1864, on successions to real estate, can
be assessed & collected (Sec 137) only in
the collection district of the U. S. where
the realty is situate, & does not therefore
accrue in respect of the passing of
realty not situate in the U. S.

The legacy taxes imposed by the
Act of July 1, 1862 & the Act of June 30
1864, in respect of personal property
passing from a testator or intestate, are

assessable & collectible in the District
where the deceased person resided at
the time of his decease, and are payable
to the Executor or Administrator as the
case may be.

A legacy tax
may therefore have fallen due in the
case presented, & I have this day
addressed the Assessor of the 7th
District of N.Y. requiring him to investigate
& report. The Assessor will also report
whether the income taxes have been only
paid.

On receipt of the report called
for, you will be further advised.

Respectfully
J. W. Douglass
Act. Commissioner

Hon. Gen. J. Boutwell
Secretary of the Treasury.

Chicago. Dec. 27. 70

(~~Edwards~~ Hawes) Thos. J. Morda.

Cuban Boumiera.

Aug. 7.



Baltimore, Dec. 28th 1870.

Honorable,

J. C. Davis,

Assistant Secretary of State.

Washington, D.C.

Sir,

I have the honor to acknowledge the receipt of your letter of the 24th instant, in reply to my application of the 23^d and cannot but regret that the Department should assume the ground it has in reference to myself. Technically speaking a balance does appear at the Treasury against me, while, in point of fact, I have already recorded to you ample vouchers to show conclusively that the government is in my debt. - The amounts expended by me were expended for office rent and clerk hire, necessary to the performance of certain duties required of me by the government, and which no mortal man alone could have performed within the given and required time. - I have likewise made a charge for the investigation of the accounts of Mr. Savage, (an extra work,) and for two months pay, while settling my own accounts at Havana, and given fully the reasons for that absolutely necessary delay!

Yours &c

From my past correspondence with the
Department on this subject, which is full and
explicit, and which remains uncontradicted
to this day, I had hoped that no question of
doubt as to my integrity and good faith in the
premises could have been raised, particularly
as at the very beginning of my Consulship, I
pointed out to the Department the necessity for
the allowances of clerk hire and additional
office rent. Mr. Toward, then Secretary of State,
was satisfied of that necessity and applied to
Congress for these necessary allowances.
The present Secretary of State, himself, has also
applied for a large allowance for clerk hire at
Hawaii. If Congress has not granted their
requests, it surely is no fault of mine.
The Committee of the Senate, to whom my case
has been referred do not express the least doubt
as to the fact that the expenditures were made
by me for the purposes indicated, and now
have three affidavits before them, showing the
necessity for the same. In a short time, I
hope to submit to them the sworn testimony of
Messrs. Raphael and Springer, to sustain my
statements as to the necessity which compelled
me to make them. Mr. Consul Halow was
allowed, some years ago, a large sum by
Congress to meet civil or necessary expenditures.

No one can question the fact that they were made
as stated by me and for the purposes indicated.
The benefit has accrued to the United States and in
no wise to me. - I trust that Congress will soon
grant me such relief as I am, in equity, justly
entitled to. That you do no doubt my good
faith I have ample proof in the following
extract, copied from your letter to me of May
28th 1870.

"If you and I have differed in regard
to the settlement of your account, I hope you did not
think that it was because I questioned for a mo-
-ment your good faith. I regarded the law as
binding upon me till changed by Congress."

In conclusion, permit me to say that,
I do not owe one dollar to the United States, but
that, on the contrary, I claim that the government
owes me some \$4,700, in gold, and that if I
were allowed to submit the question to any jury,
composed of twelve disinterested persons, their verdict
would be rendered in my behalf. As it is, I can
only refer the matter to Congress and await its decision.

I am, Sir,

Very Respectfully,
Gustav H. Servant,
H. de S. Kintzig.

Dec 30



Chas Wood

Treasury Department,

Fifth Auditor's Office,

Washington, Dec. 29, 1870.

Sir:

Mr. *A. M. Young* United States
Consul at *Santiago de Cuba* having

transmitted to this Office, for adjustment, his Account for time occupied
while making the transit to his post of duty

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

He charges from *October 27*, 1870, to *November 28th*
1870, *Thirty two* days.

I am, very respectfully,

Your obedient servant,

Henry D. Barron,

Auditor.

To Hon. **HAMILTON FISH,**

Secretary of State.

Brunswick Dec. 29. 10.

John Matthews

Cuba Bonumifson

Jan. 12.



2165
Office of the Attorney General,

Washg D C Jan 21
1871.

COURT OF CLAIMS ROOM, AT THE CAPITOL,

Washington, D. C.

Secy 1870

To the Honorable Secretary of State

Si

I herewith enclose printed

copy of the report of the Commissioner appointed
under act March 3. 1849 on the claim of A. J.
Stoche. For purposes of trial of the case of
A. J. Stoche vs the U. S. in the Court of Claims, I respectfully
request be furnished, as early as possible, with
certified copies of the documents, numbered from one
to seven inclusive, on pages two and three of the
enclosed copy. They consist of letters of Minister
Shannon, dated respectively - Sept 21. 1844, Oct 28
1844, Nov 12. 1844, Nov 30. 1844, Dec 9 1844,
Jan. 9 1845, Jan 16. 1845.

An early compliance with this request
is very desirable

Yours Respectfully
Thomas H. Talbot

Chas. M. Talbot

UNITED STATES COURT OF CLAIMS.

No. 2165.

DECEMBER TERM, 1870.

ALEXANDER J. ATOCHA vs. THE UNITED STATES.

DECISION OF THE BOARD OF COMMISSIONERS APPOINTED UNDER ACT
OF MARCH 3, 1849.

UNITED STATES OF AMERICA,
Department of State.

To all to whom these presents shall come, greeting :

I certify that hereto annexed is a true copy of the opinion [decision] of the board of commissioners appointed under the act of March 3, 1849, to carry into effect certain stipulations of the treaty of February 2, 1848, between the United States and Mexico, in relation to the claim of Alexander J. Atocha, which had been presented to that board.

In testimony whereof I, Hamilton Fish, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this twenty-first day of December, A. D. 1870, and of the independence of the United States of America the ninety-fifth.

[SEAL.]

HAMILTON FISH.

ALEXANDER J. ATOCHA.

The claimant was expelled from the Republic of Mexico by order of that government, dated the 26th February, 1845.

By the terms of the order he was compelled to leave the city of Mexico, his place of residence and business, within the period of eight days, for the city of Vera Cruz, to depart thence from the country. He alleges that, in consequence of this expulsion, he suffered great personal indignity; that he lost the opportunity of making available to the extent of their par value certain stocks and debts of the Mexican government, in which he had invested large sums of money; that he was subjected to great pecuniary sacrifice in a hasty sale of his household furniture, and was put to a heavy expense in passing with his family to the United States. For these injuries he claims \$467,783 21, besides interest, as set forth in his memorial.

No allegation is made by him of any protest by the Government for his expulsion. Yet one may be inferred from the memorial itself as well as from the testimony produced to support it. The reason of his expulsion, however, is set forth in the official letter of Mr. Cuevas, the Mexican secretary for foreign relations, to Mr. Shannon, the United States minister at Mexico, dated the 7th of March, 1845, by which it appears that Mr. Atocha was charged with having taken part against the government in the revolution which had then recently taken place in Mexico.

A copy of the official letter containing this charge is among the documentary evidence in the case filed by the claimant, and he could not therefore have been in doubt at the time of presenting his memorial as to the nature of the accusation preferred against him by the Mexican government.

(1) In order to understand more fully the character of this accusation, it will be necessary to review briefly the events of the revolution with which Mr. Atocha was connected, a summary history of which will be found in the official correspondence of the United States minister at Mexico with the Department of State. On the 21st of September, 1844, Mr. Shannon wrote to the American Secretary of State that Santa Anna, the President of Mexico, was organizing a large military force, avowedly for the invasion of Texas, but the public believed it was intended for the accomplishment of his own ambitious designs.

(2) On the 28th October he wrote that matters were approaching a crisis, and there will probably be a revolution, in which the Congress of Mexico will oppose Santa Anna.

(3) On the 12th of November he again wrote that the revolution had begun. Paredes was in arms in Guadalajara against Santa Anna, and this movement was favored by four other states. Congress refused to furnish the secretary of war with means to put down the revolution, and disaffection to Santa Anna was fast spreading through the country. Santa Anna had marched from Jalapa towards the city of Mexico with 7,000 infantry, 1,500 cavalry, and 20 pieces of artillery.

(4) On the 30th November he wrote that Congress had impeached the secretary of war for a violation of the constitution, in appointing the President (Santa Anna) to the command of the army. Santa Anna had arrived at Queretaro, a revolutionary city, and demanded a withdrawal of its pronunciamiento, which demand was refused. "This news reached Congress yesterday," and created great excitement. "The ministers were called on by the senate to answer if Santa Anna was acting under the orders of the government; they declined to answer and are impeached, and there is no doubt but the measure will be carried; if so, a new administration will be formed, and either Congress or Santa Anna must be overthrown." On the 9th December Mr. Shannon wrote that the revolution had prostrated Santa Anna. On the 5th the people of the capital rose in mass and declared for the revolution. The army there united with the people; Canalizo, who from a period prior to the revolution had acted as President by appointment from Santa Anna, was held a prisoner; and so were also such of the ministers as had not fled. The statue of Santa Anna was torn from the theatre and dragged with a rope around its neck through the streets of the city. Similar scenes had occurred at Puebla. Santa Anna, who had marched to put down Paredes, in Guadalajara, hearing of the occurrences at the capital, turned back, and was expected before the city. The whole country was rising in arms against him, and a new administration was organized, with Herrera for President, and Cuevas, secretary of state.

The city of Mexico was quiet, expecting the arrival of Santa Anna, and each party "will fight more for life than for power. Vera Cruz and Parotí have declared for the new government."

On the 9th January, 1845, he again wrote that "Santa Anna some two weeks ago appeared before the city, but finding its defence too strong had marched for Puebla. On this latter city he has made five assaults, in each of which he was repulsed. The contest cannot last much longer; General Bravo with 4,000 and Paredes with 6,000 men have marched to the relief of Puebla. The recent correspondence of Santa Anna with the British minister, proposing to sell all the Californias, whilst the former was at Queretaro, has been intercepted and is now before Congress in secret session. The English have taken an active part in the revolution and advised Santa Anna to overthrow the Congress and assume the dictatorship of the country." (6)

On the 16th of January finished his narrative of events, stating that "Santa Anna, having failed in his attacks on Puebla, left on the night of the 10th with 500 cavalry for the coast, intending to escape from the country. He had been surrounded by the government troops at Jalapa, and had applied to the government for a passport to leave the country." (7)

Mr. Atocha states that he was on a visit to Santa Anna, at Eucerra, when the revolution broke out; the object of which visit, as he states, was to obtain the President's influence in procuring payment of government bonds held by him. He set out with Santa Anna by request, when the latter left Eucerra to put down the revolution, and continued with him during the ensuing troubles, until Santa Anna resolved to escape the pursuit of the chiefs who had overthrown him. He denies however, most positively, that he had any other connection with Santa Anna than one purely social, and asserts that he never at any moment counselled, advised with, or participated in the military or political projects of the President or of the other various parties in Mexico.

To substantiate this declaration as well as to show his high standing and influence in the commercial and social society of Mexico, he has produced depositions from persons holding high offices and standing in that country. It also appears that he presented to President Polk, in June, 1845, a memorial of his grievances, in which he attempted to justify his connection with General Santa Anna, stating in substance that his policy as a man of business, and a due regard for his character as a gentleman, forbade his deserting the President of Mexico at a time of danger, having been solicited to accompany him. He also attempts to vindicate himself on the ground that he was accompanying the constitutional President of the republic at the express request of that functionary, and could therefore commit no offence against the nation.

A foreigner is bound to assist the community of which he is a member against an attack from robbers; but he may not assist or involve himself, by the solicitation of the chief magistrate or sovereign, in the revolutions of a country without incurring the responsibility and sharing the fate of those with whom he acts. The troubles with which Atocha was thus connected was a civil war, in which no other government could justly interfere or uphold its citizens who should choose to make themselves parties to it. The United States distinctly disavow the right of interference in such dissensions. They recognize a government *de facto*, without assisting in its formation or inquiring how it was established. By the treaty of 1831 with Mexico they renounce to that government all right to interfere in the punishment of any of their citizens who shall participate in acts of hostility to Mexico or her people,

without distinction of persons or places. There can be little doubt that Mr. Atocha's conduct made him a party to the revolution from the beginning, and his continuance with Santa Anna after the new government was formed put him in direct hostility to that government.

It is almost impossible to conceive how a man of the standing, wealth, and influence of Mr. Atocha could continue with the commander-in-chief of an army, as an intimate personal friend, through an active campaign, without directly aiding and assisting him. Nothing short of positive testimony that the man so situated was incapable of giving aid or assistance, or at least that he was there for a different object than the one alleged by Atocha, could satisfy a reasonable mind that he was innocent of a participation in the struggle in which his friend and those associated with him were engaged.

It is a common principle of law that an individual who attends a party whose object is a disturbance of the peace is equally guilty with those with whom he associates himself. The law declares the guilt from the voluntary association. It is also equally clear that if the object of a party be in its inception legal, but should afterwards become illegal, that a continuance of association with such party would draw upon the individual the responsibility of their guilt. If, therefore, Mr. Atocha could be justified in joining the President of Mexico when the latter set out to quell the revolution, that justification ceased from the moment that a new administration was formed; and if in the former case he were acting in conformity with the will of the chief political power of Mexico, in the latter he was acting equally in opposition to that will, and against the new government.

So early as the 9th of December, 1844, the United States minister at Mexico recognized the new government as formed, and yet Mr. Atocha did not disconnect himself from Santa Anna till nearly a month afterwards, when the latter was defeated and compelled to seek safety in flight from the country. The proof that Mr. Atocha held neither rank nor position in the army does not negative the charge of his having participated in the revolution, nor does the proof of his not having held office of any kind, civil or military, rebut it. He could have assisted in various ways without holding office, rank, or position; and having been in a situation to render assistance, and charged with having rendered it, it is incumbent on him to show, by the clearest proof, his entire freedom from participation in the civil commotions then existing. In addition to his own declarations, Mr. Atocha produces the evidence of two other witnesses to prove that he was not engaged in political dissensions. It is to be presumed that these witnesses testify according to their belief and not from positive knowledge of the facts. Such testimony, however, even if it were more full and satisfactory than it appears, is fully rebutted by other testimony of a more positive character. One item of Atocha's claim, described in the file of evidence as *Document No. 3*, is for the sum of \$3,383 41, advanced to Colonel Frontera, commanding a regiment of cavalry at Queretaro, for the use or to meet the necessities of that corps. This is proved by the certificate of the departmental treasurer, and his associate officer, dated 21st December, 1844. The advance appears to have been made during the revolution, whilst the forces of Santa Anna held Queretaro, and at a period subsequent to the establishment of the new government.

The most reliable evidence of Mr. Atocha's first appearance after Santa Anna's flight is the letter of General Inclan, commandant at Puebla, to Atocho, dated 25th January, 1845. From this letter it appears that Atocha and Colonel Junco, who accompanied Santa Anna

through the struggle which had then closed, had presented themselves either as prisoners or in some other capacity at his headquarters. General Inclan communicated the fact to the secretary of war on the 20th January, 1845, and on the 25th the secretary of war replied that the President, being informed of his report, had resolved that Atocha might remain at liberty, (*q'l respecto á Atocha quede en libertad*;) but that Colonel Junco must be brought to trial according to the circular of the 6th instant, (January.) Mr. Atocha produces this letter of General Inclan as evidence of his unconditional release by the Mexican government, and that without accusation made against him. Such might, perhaps, be the proper construction of that letter, if there was nothing else in the case to vary or control it. But it must be noticed that the letter of the secretary of war (an extract of which is contained in that of General Inclan to Atocha) was one of instructions to General Inclan, intended solely for his guidance. It expresses no opinion of Atocha's conduct nor of the further intentions of the government respecting him. As he was neither reported under arrest nor on trial, it cannot be construed into an unwillingness nor an absence of intention on the part of the government to deal with him further if it should see proper. The course of the government towards Atocha, both before and after the date of the letter of the secretary of war referred to, clearly shows that he was not regarded as unoffending or innocent; and that it was not intended to afford to him the further protection of the government. The United States consul, Mr. Black, (as appears in the case,) had, at the request of Atocha, and for him, applied on the 24th January, 1845, for letters of security. To this, and to subsequent applications for the same object, the government had returned a refusal. This alone would rebut the presumption that Mexico had not ground of accusation against him, or that his release under the letter of the secretary of war was to be regarded as an admission in the matter complained of, and for which he was expelled. The denial of letters of security, followed so soon afterwards by the order for his expulsion, seems to us to afford very clear and satisfactory proof that the government of Mexico could not have intended by the letter to General Inclan to exonerate Atocha from responsibility for the part he had taken in the civil commotions of the country. Atocha does not pretend that he was at all injured by the construction he now puts on that letter; no new business arrangement is pretended to have been entered into by him because of any supposed security which it afforded him. The time which elapsed between its date and that of the order of expulsion is not stated, and does not appear to have been so long as to operate injuriously to his interests. He was neither restrained of his liberty nor held in duress, and it is not therefore easy to perceive how he could be injuriously affected during that period in his business transactions. The course of the government towards Mr. Atocha, from first to last, in this controversy proves pretty clearly that from the first it was designed that he should be held amenable for his conduct to the law of expulsion. The order expelling him he received suddenly after his arrival in the city of Mexico.

The law under which this order was pronounced may be found in the "Recopilacion de Arrillaga," page 27, and is as follows:

"The supreme government shall have power to issue a passport to, and cause to leave the republic, any foreigner, not naturalized, whose longer residence (*permanencia*) it may deem pernicious to the public order, even though such foreigner may have entered and established

himself in the republic conformably to the regulations prescribed by law."

This law, it is contended by the claimant, is in violation of the constitution of Mexico, and therefore affords no ground of justification for the proceedings against him. Whether that be so or not is not within the competency of the board to decide. ~~We must take the law of Mexico as we find it, and the only inquiry respecting its validity which we can make is, if it be repugnant to international law or to treaty stipulations, no statute is repugnant to the public law that is in accordance with the principles of justice or the usages or customs in favor of civilized nations.~~ The law above quoted seems to aim altogether at political offenses, and may, therefore, more properly be exercised by the political power of the country. It will be seen, by reference to the correspondence of the United States minister at Mexico with the Mexican secretary for foreign relations in December, 1843, and January, 1844, that the law in question was admitted by the former not to be in violation of the treaty of 1831 between the two nations.

Before it could be maintained that the proceedings of the government of Mexico expelling the claimant from the country were in violation of the public law, or of treaty stipulations between the two countries, it should be shown that they were entirely destitute of justifiable cause or reasonable ground of complaint against him. If it were clearly made to appear that the pretext for this proceeding was wholly frivolous and unfounded; that in the exercise of an acknowledged right to protect the safety and security of the republic without occasion, and for other ends, such wrong as is complained of was perpetrated, undoubtedly a just claim would arise for indemnity, and the question mainly is whether Mexico wantonly, arbitrarily, and without cause, having no just grounds of apprehension or belief of the claimant's interference in her domestic disturbances, committed the act complained of under a false and frivolous pretence. No nation ever parts, or is presumed to part, with the right of self-preservation, and generally it must be left to the nation to determine when an emergency has arisen calling for extraordinary precaution. And if, in such emergency or supposed emergency, she acts in good faith to that end only, using no more than necessary and legal means to accomplish it, other nations can have no just ground of complaint against her. And in the case before us the question is, Was Mexico acting solely and fairly for her own security and protection, or was she, under such pretext, without justifiable grounds, arbitrarily oppressing a citizen of the United States entitled to protection?

How far the conduct of Mr. Atocha has rendered him amenable to the animadversions of the Mexican government has already been considered, and as this subject has been a matter of official inquiry, the result of that inquiry will be briefly reviewed.

The order for Atocha's expulsion was given to him, soon after his return to the city of Mexico, on the 26th of February, 1845. On the following day he wrote to Mr. Black, United States consul, at the city of Mexico, enclosing the order and protesting against it, and requested that the matter might be brought to the notice of the United States minister, Mr. Shannon, in order that "his rights as an American citizen might be opportunely adduced." Accordingly Mr. Black wrote on the 28th to Mr. Shannon, enclosing Mr. Atocha's communications. These Mr. Shannon sent to Mr. Cuevas, the Mexican secretary for foreign relations, on the 1st of March, accompanied by a note in which, after referring to the order and Atocha's protest, he says:

"The present object of Mr. Atocha is to notify the government of Mexico, through the undersigned, that he considers the said order of expulsion illegal and unjust, and in violation of the existing treaty, &c., and that unless said order is countermanded, ~~he will hold the government of Mexico responsible for all damages, &c.~~"

It is observed that the United States minister expresses no opinion of his own in relation to the order of expulsion, but gives only (in so many words) the opinion of Mr. Atocha.

Viewing his conduct, however, thus far as a preliminary step to an official interposition, if nothing else had ensued which called for an exposition of the minister's views in relation to the order of expulsion, his note of the 1st of March might with some reason have been adduced to sustain Atocha's claim, but the result will show that little assistance to the claim is to be derived from such a source. On the 7th of March, Mr. Cuevas replied to Mr. Shannon's note of the 1st, in which, after alluding to Atocha's protest, he says:

"The supreme government, as Mr. Shannon will be pleased to admit, is authorized by the laws and constitution of the republic to expel from it foreigners not naturalized who are pernicious to the country, and this faculty, thus conceded, has been applied in the case of Mr. Atocha, and the supreme government has used and will continue to exercise this power temperately, justly, and only when a proper regard for the public tranquility shall render its exercise necessary. Such motives have been kept in view in the examination of Mr. Atocha's conduct, and of the mischief arising to the country from the part he has taken in political dissensions, especially in the latest, where he joined himself to that part of the army which was seduced from its obedience to the government, and was one of the principal agents who wrought against the same government, as is notorious, and as Mr. Shannon also knows; and these facts have made proper and even indispensable the step which has been taken, and which would have been avoided could it have been done under the convictions of the supreme government. As for the rest, the undersigned does not consider the supreme order for the expulsion of Mr. Atocha a violation of the treaty between Mexico and the United States, &c."

This was the answer of the government of Mexico made at the time, and in reply to Atocha's complaint that he had been illegally and unjustly ordered to leave the country.

The justification was not only distinctly stated, but the facts to sustain it were alleged to be within the knowledge of the United States minister himself. To this justification Mr. Shannon made no reply; nor did he deny that the facts, upon which it was based, were (as stated to be) within his knowledge. Neither did he question the right of Mexico to expel Atocha upon such grounds under her laws and the treaty between her and the United States. Even if no other evidence appeared in the case against Atocha, this official declaration of the government of Mexico to the United States in relation to an act which she was called on to explain, stating the facts relied on to be within the knowledge of the party, asking the explanation, and they not being denied by the latter, would go far to establish their truth.

By a communication from the Department of State of the United States this board is informed that the archives of the State Department furnish no evidence of any answer, denial, or objection of any sort having been made at any time to this justification or explanation on the part of Mexico.

It must therefore be taken to be satisfactory and complete as to the matter in controversy at the time of its occurrence, and when the facts were clearly understood. The only ground on which the truth of this answer of Mexico could be questioned is, that it was merely a pretext to conceal some other motive. ~~This, however, is not only not pretended,~~ but all presumption of a fraudulent intent in issuing or enforcing the order of expulsion is rebutted by the conduct of the Mexican government towards Atocha. Nothing appears to have been done except what was necessary to carry out the order of the government. There is nothing to warrant the belief that any other object was to be gained by Atocha's expulsion beyond a security for the public tranquility, and no malice or other improper feeling is either alleged or appears to have been borne toward him by any individual concerned in the administration of the government.

The entire absence of any conceivable motive on the part of that government other than the one assigned, viewed in connection with Atocha's high standing and influence in the country, and his conduct during the revolution, ~~add greatly to the credibility~~ of the assertion contained in the letter of Mr. Cuevas: "That Atocha's conduct made proper and even indispensable his expulsion."

Under all the circumstances of the case, we are constrained to come to the opinion that the government of Mexico honestly and in good faith regarded the expulsion of Mr. Atocha from the limits of the republic essential to its tranquility and security; that he was expelled for this cause, and this alone; and that his intimate and continued connection with Santa Anna, the leader of one of the contending parties during so long a period of national civil commotion, gave reasonable grounds for the apprehension which the government entertained. The duty of the claimant, an American citizen residing in a foreign country, was that of entire abstinence from all participation in its internal affairs. We do not find in the case any ground to impute any other motive to Mexico than that so distinctly avowed at the time.

The board is therefore of opinion, and does decide, that the claim of Alexander J. Atocha is not valid against the Republic of Mexico, and the same is accordingly not allowed.

MARCH 15, 1851.

Washington Dec 20. 71.

Perfecto de Rojas. (R. V. Murphy)

Centaurion

Aug. 72.

M. Pratts

Office of the District Attorney of the United States.

For the Southern District of New York.

73.
Dec 31st

New York. Dec 30-1870

Hon. Hamilton Fish
Secretary of State
Sir:

In consequence
of the approaching trial of
the libel filed by this office
against the Steamer "Florida"
her tackle &c, charged with
a violation of the Neutrality laws,
it is necessary that the District
Attorney be furnished with evidence
of the fact that the United States
and Spain are at peace.

May I request that
an official certificate to that effect
under the seal of the State
Department be furnished
this office on or before

²
Tuesday, January 3^d 1871.

I have the honor to be

Sir

Your obedient servant

H. J. Daniels
Asst. U. S. Atty

Wm. Jefferson

Navy Department.



Washington (December 27) 1870

Copy Enclosures to J. Hubby Ashton 3^d Jan. 71.

Sir,

I have the honor to acknowledge the receipt of your letter of the 22^d inst. enclosing the memorial of Mateo Collet, and, in compliance with your request for information, transmit a copy of a report from Commander Richard H. Meade, of the Navy, who commanded the U. S. Ste. Chocoma at the time of the alleged interruption of the voyage of the steamer "Chichuchina."

The memorial is returned.

Very respectfully, sir,
your obt. servt.
Wm. Jefferson
Secy of the Navy

Com. Hamilton Fish
Secretary of State

Mr. Battle
IN THE COURT OF CLAIMS.

Answered 2^d Feb'y 71

*Copy
for the
Clerk of the
Court
by Mr. Battle*
Lapeyre
vs.

3512

The United States.



To the Hon. *Hamilton Fish* Secretary of State.

You are hereby requested to furnish to the Court of Claims, that the same may be used as evidence on the trial of the above-entitled cause now pending in said Court, duly authenticated copies of the papers or documents supposed to be on file in your Department, set forth in the accompanying rule allowed by *Judge Milligan* of *Chambers* which rule, and your reply thereto, you will please return to this office at your earliest convenience.

By order of the Court.

In testimony whereof, I have hereunto set my hand and affixed the Seal of said Court at Washington this *31* day of *December*, A. D. 1870.

Wm. Randolph
Acting Clerk Court of Claims.

ansd. Dec 31/70

Telegram

New York

Dec. 31. 1870

Hon. Hamilton Fish,

Secretary of State,

On the trial of the
Case of the United States
against the Steamship Florida
which is set down for Tuesday
third proximo, it will be
necessary to prove that an
insurrection against the
Government of Spain exists
in the Island of Cuba,
Will you therefore be pleased to
send me evidence of the fact under the
Seal of the Department of State,
Noah Davis,
U. S. Atty.

at 335 PM }