

**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

**Microcopy No. 179**

**MISCELLANEOUS LETTERS  
OF THE DEPARTMENT OF STATE**

**Roll 326**

**June 1-12, 1870**



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

**Washington: 1964**

DEPT. OF THE INTERIOR  
RECEIVED  
JUN 3 1870  
OFFICE OF THE SECRETARY

Washington June 3<sup>rd</sup> 1870

San Hamilton Irish  
Secretary State.

I have - I  
am requested by J. M. Regna  
& Co, owners steamer "Lloyd Ashmun" &  
to transmit to you verbatim  
copy of last letter received  
from Captain of steamer at  
Key West.

Yours with great respect  
L. H. Brown



1794  
The Col Lloyd Aspinwall  
Key West May 21st 1870

Mr Elwood Cooper;

I received your letter of May 5th and duplicate of May 12th but not the letter the owners may think it strange that I was compelled to leave Havana having committed no crime or any intention of doing so. but there was threats made to burn the ship or destroy the Aspinwall before she left that Port therefore the Admiral & Council requested leave as soon as possible the Admiral put Engineers on board to get her ready for sea and I seeing if there was an assault made on the vessel it would cost the lives of my crew with many more I done all in my power to get her away from that Port and I had much trouble to get the Moro Pass I would not enter or clear from the Custom house and they would not give me the pass until Mr Biddle the Consul give them one half hour to do so. why I would not clear from the Custom House is I was brought there a prisoner and I wanted them to give the Pass or tow me to the spot they seized me in company of an American War vessel it is not Spain that make the threats but it is them not their volunteers but Spain is responsible for them and the Spanish Government should be thankfull that I have done and did in saving many lives that they would have to account for and our own Government should feel Gratifull to know there is in the Merchant marine man that can stand up for rights and honor of the flag entrusted to them and that at a time when

there happened to be no United States war vessel  
in port why I did not telegraph to you is there  
was a threat to send a vessel out to sink the  
defenceless as if by accident and as all dispatches  
go through the hands of those who are both  
the Enemies of Spain and the United States I met  
the volunteers that I thought it advisable not  
to have them know where or when I was gone.

I had to pay my crew as I shipped them  
for the United States designating no Port and  
they all being paid up so long waited there  
discharge I have now discharged them all  
the exception of Mr Wood, Engineer I paint  
vessel throughout which I am doing with the  
State and Bay I have give him a coat of paint  
and am now graining the house which I find  
I can do equal to any Painter you need not be  
ashamed of the Steamer as far as looks but her  
bottom is very foul. I send this by Mr Palmer  
2<sup>d</sup> Engineer who I part pay with an order on  
Hoyce for Two Hundred and Fifty dollars currency  
(250<sup>00</sup>) I do this to save per cent here I send  
by him all my ships papers when I was captured  
(no not captured but a Piratical Seizure) except  
the register and shipping articles them I shall  
want to use I need not say to be carefull of  
them I will send you my bills while in Havana  
commencing with No 1. and ending with No 14 I  
find I have lost some bills or have spent the  
money for there is \$36.74 that I cannot account  
for now therefore charge it to me at present  
I will send a receipt for it for you may want  
all receipts. I send you a Duplicate of the

Dursey and I send you a Hospital Certificate of the  
Death of one of my crew whom no one can make  
me believe but what was tortured to death to  
make him say something against the vessel I also  
send you a certified letter notifying me I could not  
see the United States Consul I also send you two  
power of Attorneys one I had got up sometime ago  
for Mr. Middle of Washington but did not send it  
you can do as you like if you send it send a  
copy of the Protest with it if you dont send it then  
the one I got up for you the crew say they want double  
pay from the Spanish Government for my part  
I will leave it to referee I dont care who they  
or if they are honest men I would leave it to Dick  
or Grant at Washington or to Gen. Prim of Spain  
if they would like to have ten years taken off there  
lives being placed as I was I would ask them what  
they would do it for you may think I talk wild  
but if you had been in my place you would feel as I do  
It had shortened my life ten years money cannot return  
them I am called a filibuster can money by a good  
name me who fought rebels in South America and  
in the United States now am called a Filibuster any  
now I have given you full power to act for me  
but do not have the interest of the crew conflict with  
the steamer for I can get all the satisfaction from Spain  
if they dont settle my account but do the best you can  
if there is anything I have forgotten to send you write me  
the steamer is going to Phil. So soon or I would go to the  
post office house and get the No of the register for you Please  
dont send me further away from home before I go home  
Yours Respectfully  
Chas H McCarty

asst. Secy.

Navy Department.

Washington. 6 June 1870



Sir:

I have the honor to enclose  
herewith for your information, a copy  
of a report dated the 24<sup>th</sup> Inst., from  
Lieut. Commander S. M. Dunn, Commanding  
U.S.S. *Savastet* relative to American  
interests at Trinidad and Cienfuegos.  
Very respectfully

Wm. H. Keiser  
Secretary of the Navy

Honorable

Hamilton Fish

Secretary of State.

Copy

U. S. S. 'Santasket' (Lt. Tate)

Off Trinidad Cuba

May 22, 1870.

Admiral:

I have the honor to report that I arrived here on Saturday the 21<sup>st</sup> inst.

The authorities extended the usual civilities, and on Monday I called upon the Consul Mr. Fox, and with him upon the Governor.

The ladies, the Misses Lindlip, had been released on Friday, by order of the Captain General, and took passage for Liverpool, en route for the United States, Monday morning.

The only remaining American in trouble here, a Mr. Tate, I found imprisoned, awaiting trial. He is an old man, upwards of seventy years of age, and ill.

Mr. Fox had made several efforts to procure his release, but had received a refusal, on the grounds that it was impossible until he had undergone a trial; by which it was acknowledged he would be acquitted.

Mr. Tate himself refused release without trial; believing the volunteers would give him trouble if his innocence was not declared by the usual court.

On talking of his case, these facts together with his acknowledged innocence (acknowledged by the Governor and prosecuting officers) were made the basis of a request for his removal from the prison in which he was confined to his own house. This was

immediately permitted by the Governor, on certificate of his illness  
from a physician.

So far as I can learn, all cases of the trial of Americans  
are conducted in the same manner as practiced towards Spaniards  
or Portuguese; but they are not conducted in such a manner and with  
such safeguards as are expressly stipulated for, and guaranteed by  
Art III Treaty between the United States and Spain, for the ac-  
cused parties are not allowed to select Counsel they may choose,  
and neither personally nor by Counsel are present when evidence  
against them is taken. I am informed by Mr Fox that the  
attention of the State Department has been called to this fact,  
of which every case tried here would afford abundant Evidence;  
but that no notice has been taken of it. I however feel it to be  
my duty to bring it to your attention.

At Cienfuegos I am informed by Mr Fox, there is no  
case requiring the presence of this ship. I shall therefore in ob-  
edience to your order, proceed to St Domingo, leaving here to-mor-  
row morning.

I am, very Respectfully

Yours Obedt. Servant

(Signed)

Francis M. Duane

Lieut. Commandr. Commandg.

Dear Admiral

C. H. Cox U.S.N.

Commandg. U.S. Fleet

At St. Domingo

New York. June 8. 70.

Joseph Hernandez.

Cuban Commission

May. 1872.

# Philadelphia and Southern Mail Steamship Co:

Office, 130 SOUTH THIRD STREET,

WM. L. JAMES, Gen'l Agent,  
CHAS. S. TEAL, Sec'y & Treas'r.

Havana Philadelphia, June 2<sup>nd</sup> 1870

Hon. Hamilton L. Fish  
Secretary of State  
Washington  
D.C.

Sir,

I respectfully request your attention to a communication transmitted by me, to the Department through the Hon. Simon Cameron dated 14<sup>th</sup> July 1868, covering documents pertaining to a claim for make against the Spanish Government for a fine unjustly imposed upon our Steamship "Star of the Union", at the port of Havana, Cuba, on the 9<sup>th</sup> day of April 1867.

In reply to our communication, we received one from the Department dated 21<sup>st</sup> July 1868 informing us, "that the papers had been referred to the Consul at Havana for the exercise of his good offices in the case." Since which we have heard nothing from them.

The evidence transmitted was so entirely complete, and so very conclusively showed the alleged violation of the Customs regulations of the port named, was purely a clerical error,



## Philadelphia and Southern Mail Steamship Co.

Office, 130 SOUTH THIRD STREET.

WM. L. JAMES, Gen'l Agent.  
CHAS. S. TEAL, Sec'y & Treas'r.

Philadelphia,

1877

and not an attempt to evade the payment of duty,  
that we are most confident, the Spanish Government  
will order the amount of the fine, refunded, if your  
Department will urge the attention of the proper  
authorities to the matter.

I have the honor to be

Very Respectfully,

Yours Obt. servt

Wm. L. James

Genl Agent

Ans<sup>d</sup> as endorsed  
on back of June

New York June 8. 1850

Mr Hamilton Fish

Secretary of State  
Washington.

Sir.

Shave we to wait much  
longer for the determination of the  
Admiral's Indemnity? The  
delay is a very serious matter to

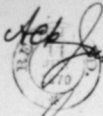
us. The Steamer remains idle at Key  
West, instead of returning to Keyti,  
because we judge that this Captain  
will be wanted before the Commission.  
One of our family, who has the  
management of the vessel's affairs,  
and who must be here when the  
case is tried, is obliged to delay  
his going to California, where he has  
important business. We beg that you  
will "push things".

Most truly and obediently

Yours &c. J. M. Russell

Havana

W<sup>th</sup> Smith



Treasury

Department,

FIFTH AUDITOR'S OFFICE,

Washington,

June 10<sup>th</sup>, 1870.

Sir:

I have the honor to inquire whether the Consul General at Havana, Cuba, is still to be credited for the compensation of Joseph A. Springer, as clerk, and paid out of the appropriation for "Contingent Expenses of Foreign Intercourse" as previously directed by your Department, or whether he (Mr. Springer) has been regularly appointed United States Consul at Havana? If he has received such an appointment, please to state what date his salary began as such officer.

Respectfully Yours,

W. D. Barron.

Auditor.

Hon. Hamilton Fish  
Secretary of State.

*But Receipt in hand  
Feb. 7.*

*Havard W. J. Smith*

Treasury Department,

*✓* *Recd June 11<sup>th</sup>*

Fifth Auditor's Office,

Washington, June 10<sup>th</sup>, 1870.

Mr.

Thomas Piddle — United States  
Consul General at Havana — having

transmitted to this Office, for adjustment, his Account for time occupied  
receiving instructions, making the transit to, and  
while at his post of duty, —

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

He charges from January 13<sup>th</sup>, 1870, to February 9<sup>th</sup>,  
1870, twenty eight days, receiving instructions, from  
February 10<sup>th</sup> to 16<sup>th</sup> 1870 — seven days, while in transit,  
and from March 1<sup>st</sup> 1870, while at his post of duty.

I am, very respectfully,

Your obedient servant,

*Henry D. Barron,*

Auditor.

To Hon. **HAMILTON FISH,**

Secretary of State.

125 min 12-  
Ad 2 + Sent  
Band to Sea  
14 or 15 June

Recd from the Secretary  
June 14 04 Check for \$2,370  
enclosed delivered to Mr. Bates  
agent of the Dept, on the same day  
1295

Mrs. Poole

# Attorney General's Office

Washington June 11, 1870.

Hon. Hamilton Fish,  
Secretary of State.  
Sir,

See letter of  
June 10<sup>th</sup> from  
Richd. Atty. to Atty. Genl.  
File under old date.

I have the honor to enclose  
a copy of the instructions which have  
to-day been sent to the District Attor-  
ney of North Carolina, in relation to  
the settlement of the case of the "Hornet"  
or "Cuba", and which are, I believe, in  
conformity with the wishes of the  
President as communicated by you  
to me. I enclose with them the bond  
which has been given by the claimant  
of the vessel as a condition of the  
settlement, and a check for twenty-  
five hundred dollars paid by the  
claimant in settlement of such

of the expenses incurred by the United States in relation to the witnesses, etc., as it has been agreed he should pay.

Very respectfully

E. R. Hoar,  
Attorney General.

New York City, June 1<sup>st</sup> 1870

To the President.

Sir:

The undersigned, Mr Fernando Macias, Merchant, resident in New York and a naturalized citizen of the United States, respectfully calls your attention to the case of the steamship "Cuba" commonly known as the "Hornet" now pending in the United States District Court for the District of North Carolina, and requests the discontinuance of proceedings against the vessel and her cargo, tackle and apparel, and her delivery to the undersigned.

The Hornet was purchased by the undersigned in July 1869 of the United States Navy Department for the sum of about thirty three thousand dollars; and is now under seizure together with her cargo, apparel and tackle, at Wilmington, and libelled for forfeiture for alleged violation of the neutrality laws of the United States, by leaving the United States for the purpose of committing hostilities against Spain.



The facts in the case are well known. Whatever may be its legal merits the undersigned has the confidence to believe that it is only the desire of the government of the United States to enforce the laws, prevent their violation, and not to enrich the public treasury by harsh forfeitures. The voyage of the Cuba has been broken up and all possibility of its being renewed has passed. The undersigned desires to regain possession of the vessel and to dispose of her for commercial purposes. He is willing to enter into any engagement that may be acceptable to the government that the vessel shall not be used to commit hostilities against Spain nor to violate in any manner the laws of the United States.

Trusting that the government will magnanimously discontinue the proceedings against the vessel and cargo and order the delivery of the property libelled to the undersigned as requested

I have the honor to be,

Very Respectfully, (Your Obsequant)

Fernando Macias  
By his Attorney in fact  
Wm E. Chandler



(Copy)

Attorney General's Office

Washington, June 11, 1870.

Darius H. Starbuck, Esq.,

U. S. Attorney,

Raleigh, N. C.

Sir,

Mr. Fernando Macias has applied for the release of the "Hornet," otherwise called the "Cuba", now in the possession of the United States Marshal, and has given bond with sufficient sureties in the sum of fifty thousand dollars, that said steamer shall not be used in any manner in violation of the neutrality laws of the United States. It has thereupon been agreed that the pending proceeding shall be disposed of in the following manner: The appeal taken from the District to the Circuit Court by

counsel representing what they call the  
"Republic of Cuba", or Mr. Lemus,  
shall waive and withdraw that appeal,  
and consent to an order in the Circuit  
Court dismissing the same, and shall  
withdraw their claim and appearance in  
the District Court; and the said Macias  
may appear as claimant in his own right  
of the vessel, tackle, apparel and cargo; that  
he shall thereupon file a certificate of prob-  
able cause of seizure, and thereupon you are  
to discontinue all further proceedings  
against the said vessel under the libel  
in the District Court, and consent to  
an order delivering the same to the said  
Macias, the claimant, and for payment to  
him of all moneys received by the Mar-  
shal for sales of any part of the prop-  
erty heretofore made by order or license  
of court. The Marshal is to pay  
over the whole proceeds of sales; and will

settle his account for fees and disbursements in the ordinary manner where the libel is dismissed and the property discharged.

You are instructed to carry this arrangement into immediate effect without delay, if possible on the day on which you receive this letter; and papers suitable for execution to carry into effect these instructions, are enclosed herewith.

Very respectfully,  
(signed) E. R. Hoar,  
Attorney General.

Seven papers enclosed.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

MISCELLANEOUS LETTERS  
OF THE DEPARTMENT OF STATE

Roll 327

June 13-30, 1870



THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

Washington: 1964



New Brunswick. N. J. June 23. 70.

Joseph Hernandez.

Cuban Commission

Aug. 1872

Washington June 13. 72.

Joseph Hernandez (John Hill)

Cuban Commissioner

May 72.

Chambersburg. Pa. June 13. 70.

7

Albert Ugech.

Cuban Communication

Jan. 1872.

# Department of the Interior,

*Washington, D. C., June 10, 1870.*

Provision having been made by Joint Resolution, approved June 9, 1870, for additional compensation to Assistant Marshals, at the discretion of the Secretary of the Interior, it is deemed expedient to announce that this discretion will only be used to meet cases of peculiar hardship, owing to sparseness of population. It was not the intention of Congress that this provision should be used to increase the compensation of Assistant Marshals indiscriminately, and no expectation of such an administration of the law need be entertained. Nor in any case will additional compensation be given, however clear the reasons otherwise, except upon the report of the Superintendent of the Census that the whole work has been properly performed.

Assistant Marshals will distinctly understand that the Joint Resolution approved June 9, 1870, in no way renders it for their interest to protract the work of enumeration, in order to make out a smaller *per diem*, with a view to claiming additional compensation. The rules, upon which the additional allowances authorized by this Resolution will be distributed, have been ascertained in advance for each subdivision of the United States, on a careful analysis of the Census returns of 1860; and delay in completing the enumeration, instead of giving strength to any claim for increased payment, will rather be an argument for withholding it or diminishing the amount, in case the district is one of those from which claims for additional allowance would otherwise be entertained. *Assistant Marshals need not inquire in regard to the nature of these rules, or the subdivisions which will be embraced within them.* The rules are solely for the government of the Department in its own discretion, and will be arranged with a view to carry out strictly the intention of Congress, that this additional allowance shall only be given in cases where the sparseness of population is found to render it necessary. The degree of this sparseness will be definitely determined in advance, and no departure will be made from the rules laid down.

## CLERK HIRE. —

The various acts relating to the Census make no provision for the office expenses of Marshals, nor for clerk hire, except in certain cases. The eighth section of the Act approved May 23, 1850, provides that, "for his services in connection with the Census, no Marshal shall receive less than \$250; and when the compensation does not, in the whole, exceed the sum of \$500, a reasonable allowance for clerk hire shall be made, the amount whereof shall be determined by the Secretary of the Interior."



It is, of course, not possible to specify, in advance of the enumeration, the districts in which the compensation of the Marshal will fall below \$500, at the rate of \$1.25 for each one thousand of the population. The Department is, however, prepared to announce that, when these districts shall be ascertained, clerk hire will be allowed to an amount sufficient to make up, together with the fees of the Marshal, the sum of \$500, *provided* the returns from such districts shall show that the clerical service has actually been employed, to advantage, in inspecting the work of Assistant Marshals during the progress of enumeration, and in examining and comparing their returns, as required by law, before transmission to the Census Office. Clerk hire will in no case be allowed when the returns received at the Census Office are inaccurate or incomplete. This allowance is not made for the purpose of increasing the compensation of the Marshal, but to enable him the better to perform the duty of supervision and revision.

### PROGRESS OF THE WORK.

More than a week has passed since the date fixed by law for beginning the enumeration, and by the time this circular shall have reached many of the districts of the country, two and even three weeks of the time allowed will have elapsed.

Marshals, immediately upon the receipt of this circular, will proceed to review the subdivision of their districts, in the light of what is known to them of the progress already made in the work, and the ascertained efficiency of the different Assistant Marshals, and will decide whether any subdivisions, as at present constituted, are too large for enumeration in the time required by law, after leaving ample margin for unexpected delays, accidents, or the illness of Assistants. The requirements in regard to the completion of the work are positive, and nothing can excuse failure in this respect.

The schedules, fully filled according to law, must be transmitted to the Census Office in season to arrive in the ordinary course of the mails, by the 10th of September, as required by the Act approved May 6, 1870.

If it is found that any subdivisions are practically too large for enumeration within the time allowed, after making full provision for all reasonable contingencies, Marshals will have no delicacy or hesitation in at once providing for new subdivisions, to be formed out of those previously assigned.

No considerations must be allowed to interfere with this duty, and, in deciding upon the capabilities of enumeration, reference must be had not only to the area of the subdivisions and their absolute population, but also to the efficiency of the individual Assistants, as determined by their work thus far.

Marshals are requested to report, as frequently as possible, the progress of the work in their respective districts. Whenever it is found to be convenient to send forward returns upon any schedule in considerable number, as may be the case with large cities, every two or three weeks, Marshals are requested to do so, using one or more of the boxes furnished them. This will be done, both for the purpose of expediting work at the Census Office, and to prevent too great an accumulation of material at the Marshal's Office.

J. D. COX,  
*Secretary of the Interior.*

*Francis A. Walker.*

*Sup't of the Census.*

## A RESOLUTION

### IN RELATION TO THE COMPENSATION OF ASSISTANT MARSHALS FOR TAKING THE CENSUS OF 1870.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to increase the compensation of assistant marshals in taking the census of eighteen hundred and seventy, whenever, in his judgment, such increase shall be necessary: *Provided,* That in no case shall such increase exceed fifty per centum of the amount of compensation now allowed by law, and no such additional allowance shall be made except when by reason of the sparseness of the population the compensation heretofore allowed by law is not sufficient, nor shall the entire compensation be more than eight dollars per day, exclusive of mileage, for the time actually employed.

Approved June 9, 1870.

ent 8413  
✓  
Havana

rec June 17  
TREASURY DEPARTMENT,  
Fifth Auditor's Office,  
Washington, June 14<sup>th</sup>, 1870.

Sir:

Mr.

Thomas Siddle — United States  
Consul General at Havana, Cuba, having

transmitted to this Office, for adjustment, his Account for time occupied

*awaiting recognition*

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

He charges from

February 14, 1870, to February 28.  
1870, Twelve days.

I am, very respectfully,

Your obedient servant,

Henry D. Barron,

Auditor.

To Hon. **HAMILTON FISH,**

Secretary of State.

cut thro

See passport

M: J Smith



June 20.

Havana.

New York June 24<sup>th</sup> 1870

Hon. Hamilton Fish  
Secretary of State  
Washington

Sir

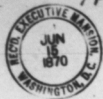
I have the honor to inform  
Your Excellency that I intend to  
return to my post as U. S. Consular  
Agent at Navitas, Island of Cuba,  
and respectfully beg Your Excellency  
to have a U. States passport forwarded  
to me, I shall go via Havana.

I am, Sir with the highest respect

Your Excellencies most of. servant

Leopold A. Price  
care of Messrs Fred Butterfield Swabius & Co.  
139 Duane Str  
N. York

Great Staff  
Price June 24 1870  
Price June 24 1870



Havana



W. Smith. Abstract of cases  
The May Lowell papers  
Lloyd Chapman papers  
Chambers papers.  
Reports of <sup>Chief</sup> ~~despatch~~ <sup>Secretary</sup> of Legation  
Keep each <sup>class</sup> papers separately  
Graham & Wyll  
from two & one second

Mr. Jefferson

In the Senate of the United States,

June 14 1870

Resolved, That the President of the United States be, and he is hereby, requested unless in his judgment it is incompatible with the public interests, to transmit to the Senate all information in possession of the Government showing that during the hostilities in Cuba, any American Citizens have been executed without proper trial, or any American vessels have been seized upon the high seas, or the property of any American citizens has been confiscated or embargoed, with full particulars in each case, and to state also what steps if any have been taken in reference thereto....

Attest

Robert Johnson

Secretary

Washington, June 17. 70.

J. F. Portuondo (T. H. Acklechlager)

Urban Commission

Jan. 1872.

June 22. 1870.

Ramon Fernandez Curiado y Gomez.

Memorial  
Cuban Commission

Jan'y. 1872.



New Brunswick, N. J.

June 28. 1890.

Joseph Hernandez.

Urban Commission

July. 1892.

Philadelphia June 28. 70.

Enciso Quintas

Cuban Commission

Jan. 72.

inform Mr. [unclear] that a reference is now  
pending in my [unclear]

Dr. Porto



Ans. 1 July

Washington June 28. 1870.

For Hamilton Fish  
Secretary of State

Sir

I deem it proper to inform the  
Department that I am the regularly appointed  
Attorney of Chas H McLeary and others the master  
and crew of the Steamer Col. Joyce Aspinwall - to  
prosecute their claim with the Spanish Govt for  
damages for their detention and imprisonment.

The power of Attorney was properly executed before the  
U.S. Consul Gen. at Havana May 6 & 7. 1870.

Very Respectfully

A. V. Rickles

H. TUPPER,  
Circuit Clerk.

H. TUPPER,  
Deputy.



# State of Illinois, *Wm Jefferson*

GRUNDY COUNTY,

Office of Circuit Clerk and Recorder.



*Anty copy of pub acts No. 864113*  
Secretary of the Interior  
Washington D. C.

*Morris, June 29th 1870*  
*July 7 "*

*Sir.*

*Please send to my address  
a copy of the law recently enacted by Congress  
allowing one armed, and one legged soldiers on a  
Government order for a new limb every five years*

*Respectfully Yours*

*F. H. Tupper.*

*Morris*

*(A. Pensioner)*

*Grundy County  
Illinois*

Originals sent to Havana }  
August 3 1870 }

(Copies.)

Cienfuegos, Isle of Cuba -

June 30<sup>th</sup> 1870.

Sir:

Your answer to my letter dated at this place. February 14<sup>th</sup> last past, in relation to the killing of Mr M. Kay 2nd Mate of the Brig Ramirez, was received on the 19<sup>th</sup> of March, such a length of time having elapsed, and it passed so slow, and there being such mortal diseases here, that I cannot withstand the desire I have to more fully explain the circumstances relative to my case. And I would say, though the declarations of the crew were taken, they could not be witnesses, as there were none of them in sight during the time the 2nd Mate, and myself were having high words, or, fight, and it is doubtful if any of them were

aware of a guard being under . between  
us. The 2<sup>d</sup> Mate's voice might have been  
heard, as he spoke very loud, but mine  
certainly could not be, as I spoke very  
low. I walked down to my room slowly,  
saying, I'll go below to stop the noise.

There was on my desk a sheath knife,  
but I took a common one bladed clasp knife  
into my right hand, put a pipe into my  
mouth, and took a piece of tobacco into my  
left hand, and was cutting the tobacco at  
the time I called out to stop for God's  
sake, which were the only words I spoke  
after going below: to which the 2<sup>d</sup> Mate  
replied, who do you call an Irish son of  
a bxxxx and you son of a bxxxx I'll  
kill you, running for the tool chest etc  
my first thought was to shut my door.  
But my oil cloth coat hanging on the corner



of the door. and was stuck so fast, all the way down that I could not lift it off the latch which was in the top corner of the door to secure it back when open. I had no idea of injuring the 2nd Mate. and I am satisfied that he intended to seriously injure me. if not to kill me. the latter was what I had to expect. as those were his last words before his dastardly attack on me.

When the sentence was read to me on the 12th of February. from the same document was also read that I was drunk; that I said I could whip him in five minutes. that the 2nd Mate was a peaceable man; and that he challenged me to go on the wharf and fight him that I had a knife in my hand under the pretext of cutting tobacco; and that the killing of the 2nd Mate was unnecessary; in consequence



of which I was sentenced to eight years imprisonment and to pay the costs.

Now I do most solemnly declare that I was not under the influence of liquor at that time in the least. and could my case have been properly investigated. The result would have been different. Although I am fully satisfied that my case was set down for my acquittal; but I was confined among a promiscuous set of insurrectionists. Cubans. and criminal Spaniards. I drew a couple of Monitors with American flags for a young Cuban. which fell into the hands of the prison keeper just before Captain General Rodas visited this prison - at which time he told me verbally that I should be placed at the disposition of Mr. Plant (the U. S. Consul General at Havana):

The young Cuban for whom I had painted

the Mondos. and painting Mary the mother of  
Christ. with a crown of twelve stars over her  
head. when he was forbidden to paint stars.  
as it was insurrectionary. - A word or two.  
however light. spoken by me. would be turned  
into an army of soldiers by these prisoners  
when being liberated. and coming next day  
as soldiers on guard over this prison: and  
it is my opinion that politics have more to  
do with my imprisonment than anything  
else. as my case was recommended for dis-  
patch etc. For surely if I was drunk, and  
could whip the Ins Male in five minutes  
why did not I try it? and if he was a peace-  
able man why did he challenge me to fight  
him. And was it becoming in him as a  
soldier man. to take an instrument and rush  
down to my private room with the oath  
that he was going to kill me? And

had I not the right to take a knife into  
my hand in my own room under any  
pretext whatever I might assert! As re-

gards the testimony of the crew: they had  
formed an uncalled for antagonism towards  
me, and gave their testimony accordingly.

I have signed several sets of documents  
relative to my case. What they amount to  
I don't know: they may be my sanc-  
tion to the justice of the sentence, or my  
confession: they were in Spanish, and were  
never interpreted to me.

I must humbly beg that my case may  
be properly tried: as I cannot bring my-  
self to believe that the United States means  
for one of her citizens to be condemned un-  
der any such process. I have not seen  
the face of a Judge, jury, or witness.

I enclose four notes addressed to me, to



show the hopes that were held out to me.

The Alcaide of the prison was so sure of my release. that he returned several small little things that were taken from me on my entry here.

And, Sir. I close with the hopes that these lines may be viewed in the humble spirit which I intend to convey.

I am Sir. Your most Obedient Servt  
James M. Miller.

To, the Honorable

Secretary of State of the U. S.  
Washington D.C.

U. S. of America

December 22. 1869.

Mr. Miller:

You will please sign your name where the bearer tells you. It is an order that has been given by the authorities for you to name a lawyer, and as you have no friends to pay me, this is a petition that you make for the authorities to name a government lawyer; who will transact all the necessary writings that will have to be made. You will soon now know the final conclusion.

Yours respy

Fred. d. Magarudo.

Mr. Magarudo was the interpreter of the whole affair.

J. M. Miller

Cienfuegos, Sep. 10. 1869.

Mr. James M. Miller.

Sir:-

I have received your several notes to me up to the 6<sup>th</sup> inst. Until lately I was unaware that your release only depended on the presentation of a security that you would not absent yourself from the town or port until permission to do so should be given by the authorities. You will readily comprehend that I cannot offer that security. D. Ramon Hernandez de Medina takes great interest in your case and I have hopes that he will obtain your absolute acquittal in a few days.

Remaining &c.

M. H. Morris.

regular  
ad



February 12/71

Dear Sir:

I have received your letter and shall forward them to the Consul General to night. Furthermore, I will do all I can to serve you, as I have done.

Address simply to the Secretary of State of the United States. Washington D.C.

Do not allow yourself to be cast down for all will be done for you that can be done.

Yours.

M. H. Morris.

U.S. Consular Agent.



September 1st 1868.

Mr. Miller.

You will sign this paper where the bearer will mark. It is to notify you that the Lawyers have decided the case in your favor and demand your liberty, and it has to go now to the approval of the Supreme Court.

Yours

J. Mazarredo.

Mr. Mazarredo the Interpreter

J. M. Miller.