

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 357

November 1-11, 1871



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

Washington: 1964

DEPARTMENT OF JUSTICE
NOV 3 1871
OF STATE

To inform Mr. Hall
see to
sub Nov 8.

Wm. Wood.

Department of Justice
Washington Nov. 3 1871.

Hon. Hamilton Fish,
Secretary of State.
Sir:

I have the honor
to acknowledge the receipt of your
letter of the 28th ultimo enclosing
a copy of dispatch No. 963
from the Vice Consul General
at Havana in relation to the
alleged expulsion of Augustin
Peralta from Key West; and
to inform you that I have trans-
mitted a copy of Mr. Peralta's
affidavit to the United States
District Attorney for the South-
ern District of Florida with
instructions.

United States and Mexico
instructions to inquire into the facts;
and, if he shall find that any
criminal law of the United
States has been violated in
the premises, to prosecute the
guilty parties.

Very respectfully,
A. T. Sherman
Attorney General

Write to - General
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.

Wood
Treasury Department,

65-9738
Washington, D. C., *5th December 1871*

DEC 6 1871
OFFICE OF THE SECRETARY OF THE TREASURY
*Copy to Havana
Dec. 13/71*

Sir: -

I have the honor to acknowledge the receipt of your letter of the 24th Ult.: covering a copy of a despatch of the 17th November last from the Vice Consul General of the United States at Havana, requesting instructions in relation to the disposition of the surplus fund at Havana and Matanzas for the relief of seamen. And you ask for the opinion of this Department upon the Vice Consul's suggestion as to remitting the money.

In
Hon Hamilton Fish
Secretary of State.

In compliance with your request I have to remark that I see no objection to the amount being included by the Vice Consul in the balance of money due to the United States paid over at the expiration of each quarter.

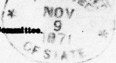
Very respectfully,
Geo. S. Smith,
Secretary

File
Chicago Relief and Aid Society.

STANDARD HALL,

Cor. Michigan Ave. and 18th St.,

HENRY W. KING, President.
WINT DEXTER, Chairman Executive Committee.
Geo. M. FULLMAN, Treasurer.



Chicago, Nov 7th 1871

Mr
Hon Hamilton Fish

Department of State

Washington D.C.

Dear Sir:

I have to acknowledge the receipt of your esteemed favor of Nov 3 advising that Mr Simon Deviser of N.Y. City had deposited \$1000 in the City Bank N.Y. to my credit as Treas'r of this Society, which sum was a generous donation of Mechanics & others of Havana Cuba, in aid of the sufferers by our recent conflagration. I have also the notice from the Bank of the deposit, and have written a letter of acknowledgement & thanks to Mr Deviser in behalf of our afflicted people, and expressing the appreciation of this Society for liberal donations. Thanking you for your kind attention, I remain your obedient servant,

Geo M Fullman
Treasurer.
W. H. Hammond

New York. Nov. 9. 71.

John Henninger (Wm Taylor & Co)

Cuban Commission

Jan. 1872.

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**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 358

November 11-18, 1871



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

Washington: 1964

Custom House, New York,

Collector's Office, Nov 18th, 1871.



In reply to your letter of Nov 11th inst
(A13) ~~copy~~ I beg leave to state that Fernando
Marcias of the City County and State of New York
is the sole owner of the Steam Ship Hornet as
in Register No 28 of the Port of New York
of December 1870. and by bill of sale from
Rome dated 7 December 1870. Recorded
December 1870. in Book 57. Page 246.
Fernando Marcias sells to J M Mazorga by
bill of sale dated 5 October 1871. Recorded
10 October 1871. in Book 58. Page 305.
(Sells the whole).

Your obedient servant

Wm Hamilton Fish
Secretary of State
Washington D.C.

Thomas Murphy
Collector

Mr Pratt

Treasury Department,

November 14, 1871.

Sir:



I have the honor to acknowledge receipt of your letter of the 13th instant, to the Secretary, requesting the admission, free of duties and charges, of eighteen cases Wine as per enclosure herewith returned.

imported for the use of the Spanish Minister
in the "E. C. Knight"
at the port of Georgetown
from New York (in bond)

The Collector of Customs at that port has been instructed accordingly.

I am, very respectfully,

O. T. Hammer

Assistant Secretary of the Treasury.

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

Mr Pratt

Attended to Treasury Department,
15-Nov

November 14, 1871.

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RECEIVED
NOV 15
1871
DEPT. OF STATE
Pa.

I have the honor to acknowledge receipt of your letter of the 13th instant, to the Secretary, requesting the admission, free of duties and charges, of three cases *Effectors* as per enclosure herewith returned.

imported for the use of Spanish Minister
in the 'Strumboli' and 'Washington'
at the port of New York
from Harner

The Collector of Customs at that port has been instructed accordingly.

I am, very respectfully,

J. K. Harney

Assistant Secretary of the Treasury.

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

Mr Post.

28. Señor William Hunter.

Washington.

Nueva York, 3 de noviembre de 1871.

Mi muy estimado Señor, me tomo la libertad de dirigirle esta carta para suplicarle que avise en el Departamento de Estado á quien corresponda, que mi residencia es por ahora en 7 East 22nd Street, New York City. Aquí tendré el gusto de recibir las órdenes que Ud. se sirva enviarme oficial ó particularmente.

Mientras tengo el honor de ver á Ud., vengo á darle las gracias por todas sus bondades é mi desecho.

Seu respetuoso servidor é amigo

J. Pérez

Adm. Nov 20



Department of Justice
Washington Nov 18, 1871.
Ans Nov 20.

Hon. Hamilton Fish,
Secretary of State.

Sir,

I have the honor
herewith to transmit the
copy of a letter from Noah
Davis, Esq., United States
Attorney for the Southern Dis-
trict of New York, in rela-
tion to the cases of Ryan
and Jordan who have been
prosecuted in that district
for violations of the neu-
trality laws. I also enclose

the draft of an intended
letter of instructions to Mr.
Davis upon the subject, and
will thank you for any ob-
servations or suggestions
in reference to the matter.

Very respectfully
your obt. serv't.

A. T. Sherman
Attorney General.

(Copy)

Office of the District Attorney
of the United States for the
Southern District of New York.

New York Nov. 15th 1871.

Hon. A. T. Akerman,
Attorney General.
Sir.

I have received
your letter in relation to the prose-
cution against the persons, known
as General Jordan and General
Ryan, for violation of the neutrality
laws.

In reply I have respectfully
to say that it appears by the
dockets of this office that
on the 16th day of June 1869

and indictment was found against William O. C. Ryan and six other persons, for violation of sections 2 & 6 of the act of 1818. 3 U. S. Stat. at Large, 448.)

Under this indictment I am informed that Ryan was arrested but escaped from the officer having him in custody, & that he afterwards appeared and put in bail for his appearance and trial. On enquiry of Mr. B. K. Phelps, who, as assistant of my predecessor, had charge of the case, I am informed that no steps were taken to bring the case to trial for the reason that no sufficient

evidence could be produced to secure conviction. Since I have been here my attention has never been called to this indictment, and no person has sought to prosecute it; and I am not able, on enquiry now, to learn that witnesses can be produced to sustain it.

The indictment against Thomas Jordan was found Dec. 1870. Mr. Craig of the law firm of Webster & Craig, who are counsel for the Spanish Government, laid before me evidence that established a strong prima facie case.

enlistment of men in this city, to go to Cuba in aid of the insurgents in that Island. I at once sent the case before the Grand Jury, and the result was an indictment. The case has been noticed for trial at each term of the court, and the defendant has always been preparing for trial. Mr. Craig has been called upon several times to furnish the witnesses, (as he engaged to do when the indictment was found,) but has wholly neglected to do so. The witnesses are all in the employ of the Spanish Government.

as they testified before the Grand Jury. At the present term, the court, Judge Benedict, declined to try any case in which the defendant was not in prison. We could not, therefore, move this case, but before the receipt of your letter, Mr. Phelps, who is counsel for Jordan, moved the Court to discharge the defendant on his own recognizance. I opposed the motion, and stated that if the case could not be moved in December, if the Court was then in session, I would dispose of it by *Nol. Pros.*

(6)

I have written Messrs. Webster & Craig, calling upon them to furnish me with a list of the witnesses and their residences, and advising them that the case must be brought to trial in December.

My opinion is that the witnesses will not appear.
I am, very respectfully,
(signed) Noah Davis
U.S. Atty.

Copy

Department of Justice
Washington Nov 18 1891

New York Paris,

U.S. Attorney,
New York.

Sir:

I have received your letter of the 15th instant, giving the reasons why the respective prosecutions against William O. Ryan, and Thomas Jordan have not been pursued.

Your inability, after due effort, to obtain evidence sufficient to convict these parties is, of course, a sufficient reason for not having gone to trial. I see no objection

to the course which you suggest,
namely; that of sufficient evidence,
upon which you could properly
ask a jury for a verdict of con-
-viction, cannot be obtained after
reasonable effort to obtain it,
you enter a Not-pros in both
cases. Before taking this course,
you should give notice of your
intention to the Counsel for Spain,
and to any other accessible parties
who have taken an interest in
promoting the prosecution, and
request them to procure the needed
evidence.

Very respectfully,
A. J. Ashmun

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**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 359

November 18-30, 1871



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

Washington: 1964



Washington D.C. 20 November
1871

Honorable
Hamilton Fish
Secretary of State.

Sir,
Referring to the interview I had with
you this morning, and having since then conferred
with Mr Cushing, I beg leave to inform you,
I accept the appointment of Advocate to ap-
pear on behalf of the United States before the ar-
bitrators or umpire to represent the claims of cit-
izens of the United States under the agreement be-
tween the United States and Spain of Febru-
ary 12. 1871; and

I have the Honor to remain
Your most oblt. Servt.
Thomas J. Durant.

Mr Wood



Charleston S.C. Nov 22^d 1871
Hon Hamilton Fish
Secretary of State.
Washington, D.C.



Sir.

During the years from 1856 to 1860 inclusive, I had placed in the hands of Earl Douglass of New York, whose agent in Washington was Morgan L. Ogden, Esq, claims for the Spanish Government for injury caused in Havana by the action of the ^{captain} Consul General of Cuba in imposing duties on cargoes of vessels from this port, before the time fixed in his proclamation, after the terrible hurricane of the year previous. These claims were all proved and are as follows, so far as names are concerned, viz: Blum Hobbs, Steady Street, M. C. Mordecai, Pelah & Drayton, Cays & Arthur, James Chapman, J. J. Kerr, In Trust, R. C. Smith, Williams, Wellsman & Co. I do not hear from Mr. Earl-Douglass or Mr. Ogden, and, if proper, I would like to be informed whether these claims are on record, are now represented by any one.

Very Respectfully Yours
James H. Taylor

61
6 Nov 56 - Ogden's letter

27 July 56. Blum & Co. Inc.

22 May 56

23 " 56 Redley & Street

23 " 56 Peloh & Drayton

letter transmitting

12th of Nov 56 fish of claims on
Spanish Swt. for Ogden

11 July 56. M. C. Miracani

11 Oct 56 Rel to Cuban claims

* ~~to~~ letter from

1st Pely 56. Jas Chapman
rel. to claims being sent wherein
his interest is merged.

Claims of Stony Shalving & Co.
See claims of John Stoney - July 27-56
" " " " " " Mar. 57

19. Mar. 57. Jas Chapman

Blum & Coia ✓
Redley & Street ✓✓
Mordcai ✓✓✓
Peloh & Drayton ✓✓
Ray & Ailmer ✓✓
James Chapman
J. J. Kerr
R. L. Dinitte
Williams, Wellsman & Co ✓

New York. Nov. 23.

Genl M. Stillwell

Cuban Commission

Jan. 72.

ju
Department of Justice
Washington Nov. 25, 1871.



Hon. Hamilton Fish,
Secretary of State.
Sir,

I herewith transmit for your information, the copy of a letter from Mr. Noah Davis, United States Attorney for the Southern District of New York, in reference to the case of William O. C. Ryan.

Very respectfully,
your obt. serv't.

A. T. Sherman
Attorney General.

(Copy.)

Office of the District Attorney of the United States.
For the Southern District of New York.
New York Nov 28th 1871.

Hon. A. T. Sherman
Atty General
Sir.

I have received your letter of yesterday making inquiries in relation to the case of William O. Ryan. In answer I would respectfully say that on inquiry I learned that after ^{he} was arrested on the indictment against him for violation of the neutrality laws he was brought to the Marshal's Office by the Deputy who had the process for his arrest. Ryan requested permission to go and see some of his friends in the

(verti)

upper part of the City to get bail. This request was granted by the Marshal and thereupon the Deputy who made the arrests requested another Deputy to accompany Ryan to find bail. The second Deputy went with Ryan but without any process the writ being retained by the first Deputy.

The Deputy who accompanied Ryan was taken to a room up town & while there was seized by persons unknown to him & whom he could not identify and held, while Ryan left the room and escaped.

On the 5th of Nov. 1869 Ryan was indicted under sec 22 of the Act of April 30th 1790 (Stat 115) for obstructing resisting and
(work)

opposing an officer of the United States in serving or attempting to serve the process of the Court. - And also under the 23^d section of the same act for rescuing and setting at liberty a person committed for an offense. Ryan on his escape went to Cuba as was supposed - Immediately on his return being known at this office a bench warrant was issued on which he was arrested on the 26th of August 1870 and upon such arrest he gave bail in the sum of \$15,000

He has since appeared several times for trial, but the case has not been tried because of the greater necessity for trying the cases of prisoners actually in jail. Doubts are entertained as to whether a

(over)

conviction can be had.
1st because the Deputy who accompanied Ryan to find bail had no process in his hands and (it is claimed) was not serving or executing any process or warrant within the provisions of the 22^d section at the time of the escape.
2nd because Ryan at the time of his escape did not stand committed - nor had he been convicted of any crime - but before being committed or committed was taken by favor to look for bail for the purpose of preventing his commitment.

My Assistant says that these objections have appeared to him to be serious obstacles: but notwithstanding them the case would have been moved for trial if more important cases

had not stood in the way and
occupied the Court I can direct
the case to be tried. I ^{think} in December, if
you deem it for any reason important
that it should be disposed of in prefer-
ence to the Calendar of persons ^{now} in
prison.

I am Very Respectfully
(Signed) Taah Davis
C. J. Atty

Washington, Nov. 27. 71.

J. D. Fuller, Atty. for J. M. Edwards

Central Commission

Jan. 72.

ack

M. Pratt.

Washington City D.C.

November. W. 1871



Hon. Hamilton Fish
Secretary of State.

Sir I have the honor to acknowledge receipt of your communication of 22nd inst. covering Commission to me from the President of the United States to act as advocate of the U. S. before the U. S. & Spanish Mixed Commission, copies of correspondence and agreements between the diplomatic agents of the two governments, &c.

I respectfully desire to be informed whether I am to take and subscribe in each of your office, to be filed in the State Department?

I am very truly, if
it

it be possible to be furnished with such ^{proper} documents, as may meet, and are to be disposed of, throwing light upon the origin and object of the Agreement, and the mode and means in which it is expected that the same may be carried out.

On bearing this, Mr J. E. Trudeau, will wait for an answer, if you will be kind enough to signify to him that he may do so.

Yours with great respect,
Your obdt. servt
Thomas J. Derrant
4 1/2 St. C^o. 223