

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 364

February 1-15, 1872



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

Washington: 1964



Washington, D.C.
February 2, 1872.

Hon. Hamilton Fish,
Secretary of State.
Sir

I have the honor to
inclose to you herewith a duplicate of a
note to the President requesting that the
"Hornet" may be allowed to proceed to
New York. I trust that an affirmative
answer may be returned to-day, as the
vessel has a crew on board, and her
detention in Baltimore will involve a
heavy expense which the owners are
not able to bear.

It has been suggested
that the Government intend to institute
proceedings of some character against
the ship. But it does not seem to me
possible that the United States can

have protected the vessel on her voyage to one of our ports for the purpose of entangling her in litigation for any cause.

It is admitted that the vessel has committed no violation of our neutrality laws, nor any other offence, since her release to Mr. Macias. And by the judgment of the Circuit Court of the United States for the District of North Carolina, ordering her release, - consented to and procured by the Attorney General and Secretary of State, - the title of Mr. Macias was established and all prior offences condoned. It is inconceivable that the ship should now be libelled for any act done, prior to that release.

Very Respectfully,
Wm E. Chandler
Counsel for the Owners of the Harriet.

DEPARTMENT OF THE INTERIOR
RECEIVED
FEB 22
1872
Washington, D.C.
February 1, 1872

To the President:

In behalf of the owners of the steamship "Hornet," now in Baltimore, I have to request that she may be allowed to proceed to New York City. As a condition of granting the request the Government may adopt any precautions deemed necessary to secure her arrival in New York, to answer to any charge the Government may see fit to prefer against her.

The vessel cannot be sold without great sacrifice except in New York. It would be great injustice to prevent her going there, and I earnestly urge the granting of this application.

Very Respectfully,

W. E. Bandler

Agent for the Owners of the "Hornet."

Washington, D.C.

February 1, 1872.

The President:

In behalf of the owners of the steamship *Hornet*, now in Baltimore, I have to request that she may be allowed to proceed to New York City. As a condition of granting the request the Government may adopt any precautions deemed necessary to secure her arrival in New York to answer to any charge the Government may see fit to prefer against her.

The vessel cannot be sold without great sacrifice except in New York. It would be great injustice to prevent her going there, and I earnestly urge the granting of this application.

Very Respectfully,

Wm E. Chandler

Agent for the Owners of the *Hornet*

OFFICE OF THE

Board of Commissioners of Pilots,
No. 75 SOUTH STREET,

DEPARTMENT OF
RECEIVED
FEB
5
1872
OF STATE

New York, July 2 1872

W Hunter Esq

Dear Sir

Have received the papers
in relation to the Willock property
in Cuba please thank J W Fish
for me

The amount \$25 to Mr Young
I will send at once

Yours truly
Geo W Hunt

[February 5, 1872]

Whereas the Steamship "Hornet", whereof J. M. Mayorga, of New York City, is sole owner, and George W. Brown is Master, being at the Port of Baltimore, about to depart on a lawful voyage to New York City, was, on the 30th day of January, 1872, refused a clearance by the Collector of Baltimore, acting by orders of the Secretary of the Treasury, no legal proceedings having then or since been commenced against said vessel by the United States, and no reason having been assigned for her detention; and whereas her papers are in due form of law, and neither her master nor her owner had any intention to violate any law or regulation whatever; and whereas she is now forcibly detained at said Baltimore, by the Collector aforesaid, without warrant of law, in violation of all legal right, at great expense to her owner, and at great risk of loss and damage, for which neither said owner nor master is in anywise accountable; and whereas it appears that such action of the Secretary of the Treasury and Collector was taken.

at the instance and direction of the Secretary
of State;

Now, therefore, I, George W. Brown, the
Master, aforesaid, acting in behalf of the owner
aforesaid, and of all others whom it may con-
cern, solemnly protest against the outrage of
such refusal and detention, and hereby give
notice to Hamilton Fish, Secretary of State,
George S. Boutwell, Secretary of the Treasury,
John L. Thomas, Junior, Collector of the Port of
Baltimore, and all other persons ordering,

causing or participating in the detention of said
vessel, that they and each of them, will be
held personally responsible for any and all
loss, injury or damage, direct or indirect,
which may happen to said vessel, or vessels
to her owner, by reason of their action in
the premises.

Baltimore, Maryland, { Geo W Brown
February 5, 1872 {



275 Hicks St.

Brooklyn Feb 6th 1872

Hon^o Hamilton Fish
Secy of State
Washington

Sir.

In December last I wrote you
in relation to payment of U States
Certificates of Spanish Awards, which
were due on 1st June 1871, according
to U States Treaty with Spain A.D. 1834.
Having received no communication
from you on the subject, would be
pleased to hear the desired information
from you, as to when you are going
to have the matter settled.

With respect
Yours most obt. servt
Chs Callaghan Jr.

Mr. Wood



Navy Department

Washington 8 February 1872

Sir:

I have the honor to return
herewith, with thanks, despatch No. 27,
from the U.S. Consul at Barcelona,
in relation to the Spanish Iron clad
Numancia, which you were kind
enough to submit to my perusal
on the 26th ultimo.

Very respectfully,
Leon Roberton
Secretary of the Navy

Honorable
Hamilton Fish
Secretary of State.

Recd Jan'y 24. 72

Copy
No 27.



U. S. Consulate

Barcelona, Jan'y, 6th 1871

the Hon. H. Fish

Secretary of State

Washington.

Sir:

I beg to inform you that
the "Numancia" sailed yester-
day for Havana from this
port, with her full complement
of men, and ready for action,
if occasion requires. The "Nu-
mancia" is the largest and
finest iron clad war frigate
that the Spanish Government
possess and is their great
pride and boast.

She registers 4000 tons -

S. inch

naval and military matters
at present. — 1200 Spanish
troops (regulars) left Bar-
celona for Cuba two weeks
since. The Spanish papers
are at a loss to know for
what reason Genl. Sherman
and Lieut. Grant are visiting
Spain for at the present
time. —

I am Yours very respectfully
Henry Duggles
U. S. Consul

Mr Wood



American and Spanish Commission
Washington February 12th 1872.

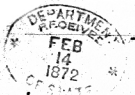
Hon Hamilton Fish
Secretary of State

Sir:

In compliance with the request of Mr Jelliffe, the Attorney in the case, I have the honor to ask you should you deem it proper to do so, to forward to the office of this Commission the papers which Mr Jelliffe tells are on file in the Dept. of State in the claim of Anna Thompson Duggan vs Spain under agreement between that country and the United States for the settlement of claims of American citizens growing out of the present insurrection in Cuba.

Very respectfully,

Your obedient servant
George. O. Moore
Secretary



American and Spanish Commission
Washington. February 13th 1872.

Hon. W. Hunter,
Second Assistant Secretary of State.
Sir:

I have the honor to hereby
acknowledge the receipt of your
communication of the 12th instant
in regard to the claim of ^{for}
Don Manuel Prieto of Spanish
government. Together with the
papers in connection with the
said claim as per the accom-
-panying enclosures.

Very respectfully
Your obedient servant,
George O. Moore,
Secretary.

American and Spanish Commission,
Washington, February 18, 1882.

Hon. W. Hunter,

Second Assistant Secretary of State.
Sir:

I have the honor to hereby acknowledge the receipt of your letter of the 14.th instant, together with the accompanying papers in the case of Anna Thompson Duggan vs Spain as enumerated in the list of enclosures.

I am, Sir,

Your obedient servant,
George O. Moore
Secretary.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 365

February 16-29, 1872



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

Washington: 1964

Feb 21 / Sent to July 24.

Newark N. J. July 16. 1892

Don Hamilton Fish
Gray State

Sir - I trouble

the liberty of asking information
of you with reference to the status
of my children - I was born of American
parents in the State of Connecticut
in 1820 - in 1839 I emigrated to the
Island of Cuba - I married a
native of Cuba by whom I had five
children - My wife dying in
1862 I returned to the U. States my
children remaining in Cuba -
One of my daughters visited me
recently and wishing to return
applied to the Spanish Consul
in New York for a passport He
informed her that she was a citizen
of the U. S. & must apply to You.

Department in Washington
Please inform me if his statement
was correct - I have never become
allegiance to the Spanish government
An early reply will much oblige

Yours Obed. Servt.
Matthew Van Lattel
224. Cyden St.
Newark N. New Jersey

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.

Call *Instructions* *Condit*
Mr. Wood
Treasury Department,

Washington, D. C., Feb. 17th

Sir:-

*DEPT. OF THE TREASURY
FEB 18 1872
CP-111*
*Note Consul at
off days. 21, 1872
RDP
with copies forward*
I have the honor to transmit herewith, a certificate of the U. S. Consular Agent at Baracoa, Cuba, which was attached to an invoice of merchandise recently imported from that port into Baltimore, per Schooner "Pearl", which it will be seen is not made out in accordance with law and regulations of your Department, and will therefore thank you to cause the necessary instructions to be forwarded to the said officer so that, in future, he may affix
To

Hon. Hamilton Fish
Secretary of State
Washington

proper certificates to invoices of
goods destined for the United
States.

I am, very respectfully
Yours truly
J. B. Smith
Secretary

Washington, Feb. 17th, 1842.

Sir:

Will you please communicate to the Committee on Foreign Affairs a statement of the compensation now allowed for clerk hire in the consulate general at Havana, and whether in your opinion any further appropriation is necessary to provide for this expenditure, which is now understood to be paid out of the salary of the consul

general.

With much respect,

Your obedient servant,

A. P. Bark

Hon. Hamilton Fish,

Secretary of State.

Mr. O'Connor
FEB 19
1872
HARRIS RECEIVED WITH ENCLOSURES IN
106 (encl. report) sent Mr. Pratt

Ans^d Mar 1

Baltimore, February, 17th 1872.

See Mr. O'Connor
Report of Feb 22
Honorable, re the case



Hamilton Fish.

Secretary of State.

Washington, D. C.

Sir,

I have the honor to submit to your consideration
the following statement and accompanying docu-
ment (marked A), in reference to a claim which
I hold against the City Council of the City of Havana,
in the Island of Cuba.

The enclosed document (marked B) proves my
status as a naturalized citizen of the United States.
In March 1859, I inherited, through the death of
my mother, - two lots of ground and two houses
built thereon, in Zanja Street, in the City of Havana.
These two houses had been constructed, as provided
by the ordinances governing in such cases.
Subsequently, the widening of Zanja Street was
determined upon by the City Council, in contra-
-vention of the permits previously granted for the
erection of the said two houses, and to which I

demurred, as entitled to do. Notwithstanding
my protest, the City Council ordered the demolition
of the said two houses, which was accordingly
carried into effect.

In reference to this business, I respectfully
and that, I have taken every possible measure opened
to me, as an American citizen, to obtain redress in
the premises. I have, likewise, availed myself of
the good offices of the several Consuls of the United States,
who held office at Havana, during the time that
this act of spoliation was pending and effecting, but
to no purpose. The original documents and
papers relating to this subject are now on file at the
Comulate General in Havana, and I most respectfully
request that the Department of State would be pleased
to direct them to be transmitted to Washington, in
order to have the case fully investigated.

I respectfully submit that, as a citizen of the
United States, I have been denied, by the City
Committee and authorities of Havana, the rights gua-
ranteed to me under the stipulations of the
Treaty of 1795, existing between Spain and the
United States; and hence must appeal to my

Government for such support and protection as it may deem me to be justly entitled to.

The valuation of the property involved was originally \$11,478.⁶⁶/₁₀₀, to which should be added the interest, at six per cent, from 1858, to such date as full satisfaction shall have been rendered to me, and besides such measure of damages as may be deemed adequate to reimburse me for the taxes consequent upon said spoliation, taking into consideration, also, the fact that, the houses could have been rented for the sum of \$200. per month. - The enclosed account, marked C, I respectfully submit, as the measure of redress to which I deem myself entitled and amounting to \$76,220.⁶⁶/₁₀₀ - dollars.

In conclusion, I beg to state that the documents, now on file at Havana, contain original papers, which give full details of all the proceedings connected with this transaction.

I am, Sir,

Very Respectfully

Your Obedt. Servant.

Felipe Arango.

address - N 49. St. Paul Street.

State of Fla.

Test
Jm Thompson

State of Maryland }
Baltimore City } S.S.

On this 17th day of February A.D. 1872, before
the subscriber, a Justice of the Peace of the State of
Maryland, in and for the City of said, personally
appeared Felipe Arango, a citizen of the United
States, temporarily residing in the City of Baltimore, and
known to me to be the person he represents himself to be,
who signed the foregoing letter in my presence, and
made oath on the Holy Evangelists of Almighty God that
the statements contained in the aforesaid letter, addressed
to the Honorable, Hamilton Fish, Secretary of State of
the United States, are to the best of his knowledge
& belief just and true.

Sworn to before me:

Wm D Thompson
J. P.

State of Maryland, Baltimore City, Set:

I HEREBY CERTIFY, That

Esquire, before whom the annexed affidavit

was made, who has thereto subscribed his name, was, at the time
so doing, a Justice of the Peace of the State of Maryland, in and for the
City of Baltimore, duly commissioned and sworn.

In Testimony Whereof, I hereto set my hand and affix the seal
of the Superior Court of Baltimore City, this 17th day of
February A.D. 1872

Geo Robinson
Clerk of the Superior Court of Baltimore City.



United States of America, State of Connecticut, ss.

At a Superior Court, holden in and for the County of Fairfield, on the

2^d Tuesday of October A. D. 1858

BE IT REMEMBERED, That on the 11th day of November in said year, Felipe Arango of Westport

in said county, appeared before said Court, the same being a Court of Record, with common Law Jurisdiction, a Clerk and a Seal, and made application to said Court, to become a citizen of the United States:

And upon examination first had, it being made to appear, and this Court having found to their satisfaction, that the said applicant is a free white male person of lawful age, an alien, and a subject of ~~the~~ *Spain* ~~Queen of the United Kingdom of Great Britain and Ireland~~ *Spain*

that he is now of the age of 44 years;

that he was born in *Cuba* in said Kingdom; that he has resided in the United States constantly for more than five years last past, and in said State of Connecticut for more than one year last past, and that he has during all said time behaved himself as a good citizen, has a good moral character, and is attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. It also appearing to this Court, that said applicant

did, pursuant to the laws of the United States, appear before *a court of competent jurisdiction in & for the City and State of New York*

Court within and for *more than two years previously* *on the* *day of* *the* *same being a Court of Record,*

with common Law Jurisdiction, a Clerk and a Seal, and on oath did declare that it was bona fide his intention to become a citizen of the United States, and to renounce all allegiance and fidelity forever to every foreign Prince, Potentate, State and Sovereignty whatever, and particularly to *Victoria, Queen of the United Kingdom of Great Britain and Ireland, the Queen of Spain*

as by the Record of said Court appears. And the

said applicant now here in this Court, declares on oath, that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State and Sovereignty whatever, and particularly to *Victoria, Queen of the United Kingdom of Great Britain and Ireland, the Queen of Spain*

of whom he is now a subject; and he also declares

on oath, that he will support the Constitution of the United States of America.

WHEREFORE, the said applicant is hereby by this Court, admitted and declared, to be a citizen of the United States of America. — *Amos S. Treat - Clerk*

HENRY D. ARBETHNEY, Clerk of the Superior Court in and for said County, hereby certify, that the foregoing is a true copy of record.

In Witness whereof, I hereunto set my hand and the Seal of said Court, this 14th day of February 1858



Henry T Blake Clerk.

A.

(Copy)

(Translation)

Permits granted by the Hon: City Council of the City of Havana, to build the house, No 3, on Zanja Street, in said City. ~ 1846. ~

I, Isidoro Sanchez, first Captain, Commander of the Company of Firemen of this City, Chief architect appointed by the Queen, and Chief of the authorized Society of architects to the Hon: City Council of this most faithful City;

In conjunction with Mr. Fernando de Solalla Torontegui, Licentiate and General Sindical Attorney, at the request of Mr. Antonio Hermenegildo Valdes Arango, hereby certify having drawn a straight line, according to municipal regulations, on the true boundaries of the land where the house he intends to erect is to stand, conformably to Government Regulations.

The house will be situated outside the walls of the city near the "Barrio de Guadalupe", and will be No 3, Zanja Street, between Galians and Razo Streets. ~ The gutters of the said house must be a quarter of a vara (Spanish yard) higher than the pavement of the street, and the breadth of the street must measure

see return

seventeen bars and three quarters, and in order that
the delegated Aldermen of the city may, if they
think proper, grant the permission solicited, I
issue the present certificate in the city of Havana,
on the eighteenth day of January, one thousand
eight hundred and forty six.

(Signed) L. Fernando de Polanco,

(a Rubric).

Charges of the Chief Architect: forty four reals:

(a Rubric).

Havana: date as above: Permission is
granted to the applicant to erect that which he
solicits, in virtue of the foregoing certificate:

(Signed) Joaquin de Peralta: - a Rubric: -

(1) José Francisco Cabrera: - a Rubric:

Permit granted in 1857,

To His Excellency the Civil Governor:

I, Antonio Hermenegildo Valdes

Alonso, superior officer of the military department
of this city, being a native and citizen of Havana,
in conformity with your superior order, dated

eighth of April, do respectfully inform you concerning
the plan, with duplicate thereof attached, for the
rebuilding of premises on the land, in Zanja Street,
No 5; I respectfully solicit you will be pleased to
ratify and confirm the foregoing permission, - all the
necessary legal measurements and other requisite
conditions having been fulfilled. Havana, December
fifteenth, one thousand eight hundred and fifty six.

(Signed) Ant^o Hermenegildo Valdes Arango.

(Seal and Rubric).

Havana, December, seventeenth, one thousand
eight hundred and fifty six; ~ The Chief Architect
of this City, Mr Gale de Arismabarreta, will make
the necessary enquiries and ascertain whether all the
proper and legal forms of measurements have been
strictly complied with. ~ The delegated Aldermen will
attend to their duties in this matter.

(Signed) ~ Echavarria. (Rubric)

To, His Excellency the Civil Governor.

Sir: I have received the foregoing order from
you, as also the petition of Mr. Antonio Hermenegildo

Valdes Arango, by which I see that it will be necessary
that the front of his proposed building should
advance far out into Zanja Street, and even very
near the rail-road. ~ As I have in my possession
a superior order, by which I am bound to see that
the width of twenty meters, on each side of the railroad,
is allowed, ~ I hereby send it to you, so that you
may examine it conjointly with the Captain General:
be pleased to let me know what part of the railroad
this superior order refers to, - whether it means along
the entire line or not? It is necessary to determine
this at once, not only on account of this particular
case, but of others which may occur in future.
This is all I have to communicate to you upon the
subject at present. Havana, November 24th, 1856.

(Signed) ~ Gale de Arizabarrata.

(a Rubric)

Havana, Decr. 1st 1856. Let the above superior
order be asked for, ~~and as copy~~ the ~~entire~~ ^{entire} form and a
copy of it being made by the Secretary, let the
matter be reported on.

Signed Echavarria. (a rubric)

In Havana, on the 2nd of December 1856, The Chief Architect, Mr Gale de Arizabalorda, presented himself at the Secretary's Office, and delivered to me the Order to which he referred in his former memorial, - the copy of which is as follows;

(Signed) L. Francisco Flaquez - (a rubric)

The Civil Government of Havana:

The Chief Architects of the City shall understand that H.E. the Governor and Captain General has been pleased to order that, it shall not be permitted that buildings be erected within a zone of twenty meters to the right and left of the road, without authority from His Excellency, after hearing from the "General Direction of Public Works."

This is a copy: Havana, September 15th 1856.

(Signed) Echavarría - (a rubric)

1. Sr. Francisco Flaquez (a rubric).

Havana, December 4th 1856. - Let this be delivered in form to His Excellency, the Civil Governor of Havana, begging him to give me his opinion on this point.

(Signed) Mr. Echavarría,
Seal and Rubric }

Civil Government of Havana. (Real).

Having obtained the necessary advice from H. E. the Governor and Captain General, in reference to the permission solicited by Mr. Antonio Hermenegildo Valdes Arango, to build a house in the vicinity of the railroad, - His Excellency wrote me on the 18th instant, as follows: "With regard to the request of Mr. Antonio Hermenegildo Valdes Arango, to build a house in the vicinity of the Rail-road, I have consulted with the "Board of Public Works", and, in conformity with their views on the subject, I am of opinion that you should grant the permission requested, - it being so understood that the shortest distance to the rail-road, from which the intended building is to stand, is not less than twenty feet. I inform Your Excy. of this matter, and return the enclosed document, in order that the Honorable City Council may please to give their approval of the plan, and that the Governor may issue the proper licence. Thus I have the honor to answer your favor of the 10th of December on this subject." May God grant you many years, Havana, January 24th 1856.

(Signed) Don Ygnacio Echavarría,
(a Retiro)

To, The Honorable President of the City Council;
Third Section: Havana, January 28th 1857.

Let this document pass to the Chief City Architect,
Don Gale de Arisnabarreta, so that he may proceed to
measure correctly and report upon the plan, and
afterwards, to the Councilman of the Hon: City
Council of this City, that they ^{may} fulfill their duty:

Echevarria:

(Rubric and Seal).

I, Gale de Arisnabarreta, Professor of
Mathematics of the Royal Seminary of Nobles
in Velazco, Architect of the Royal Academy of
Nobles and of the Fine Arts of San Fernando of
Madrid, - Head Master of Public Works in this City,
to the Honorable the City-Council thereof, do certify
that cooperating with the General Sindical attorney,
and at the request of Mr Antonio Hermenegildo
Valdes Arango, have determined that, two fronts
of constructions on Zanja Street, N^o 5, and at the
corner of Rayo Street, are to be so built that the
narrowest part of Rayo Street shall measure eight
varas and twenty one inches, and nine varas and

a half in the widest part, - and Zanjá street is to measure seven varas and three quarters in the widest part, and seven varas and three inches in the narrowest part; and the ground floor of the house to be half a vara higher than the level of the street pavement; the iron gratings of the windows not to project more than seven lines from the front wall of the buildings, - neither are they to have gratings nor butt-hinge-supports, outside the said seven lines. - The water pipes of the roof or tiles may discharge their waters within the pavement of the street, but not on the surface, because it would molest the passers-by.

The manager of the work, to act in concert with the Street Surveyors for properly placing the stone facings, - so that they being correctly placed, the permission of the delegated Aldermen may be obtained. - To deliver the present in Havana, on the 11th day of February 1857.

(Signed) Francisco Campos. (a Rubric)

(do) Gale de Arismatarelto. (a rubric).

Charges of the Syndical Attorney - forty four reals;

(a rubric) -

Charges of the Chief Architect: forty four reals, - paid;
(a rubric): = This is noted (recorded) in the
"Book of Public Construction," page nineteen,
N^o 512, - (a Rubric). Charges, seven dollars, as
follows: twelve reals for each delegated Alderman, -
which they place in the municipal funds for the
poor; and four dollars and a half to the Secretary's
Office, - which are also destined to the same
municipal funds for the poor. =

(Signed) Juan Gisbert - (a rubric).

Duly collated, and will be found at Chapter
Third - articles seventeen and nineteen of the
Records; signed - Alatorre. (A rubric).

~~~~~

Chambers of the City Council;

To the Hon: the City Council;

From the information given by  
the Chief Architect of the City, - the Aldermen  
believe that there is no reason to alledge, why Your  
Excellencies should not approve of the plan and  
straight measurement of the building which  
M<sup>r</sup>. Antonio Hernandez y Gildes y Gildes Arango  
intends to erect: provided always it be executed  
in the manner it has been agreed upon.

Solely on this condition the matter will be presented  
to His Excellency the Political Governor, that he may  
grant the permission solicited. - Havana, February  
13<sup>th</sup>, 1857. = By the Honorable Count de Santovenia:

(Rubric) -

Pedro R. Pedrosa -

(Rubric): =

= The foregoing report having been read at the  
meeting of the Corporation of the City of Havana,  
held on the day on which this certificate is dated,  
agreeably to the opinion of His Excellency. It was  
there and then furthermore stipulated that, -  
Mr. Antonio Hermenegildo Valdes Mangu  
should strictly comply with Article N<sup>o</sup>. 128, of  
the "Municipal Ordinances," which article provides  
that the water pipes or spouts should be fixed in  
the wall, as far as the pavement of the street, in order  
not to cause damage to the neighborhood, - and, in  
case these conditions are not observed, he will suffer  
the penalty indicated in the forementioned article of  
Municipal Ordinances: Havana, February, 13, 1857.

(Signed) L. Francisco Flaquez.

(Rubric) -

Havana: February 21<sup>st</sup> 1857.

Granted: conformably to the decision of the  
Honorable the City Council of the thirteenth instant,  
aforementioned, approving of the aforesaid plan, - on  
condition that the building is to be commenced within  
three months from the date of this permit, otherwise  
it will not be valid. - Conformably to Article N<sup>o</sup> 119. -  
of the "Municipal Ordinances," = Echarrria = (Rubio).  
Political Governor of Havana. - Official Seal and Stamp: =  
Voted: = Saumell = Rubio = Comissary of Police in  
the Third District =. Official Stamp: Havana,  
February 27<sup>th</sup> 1857. = Pinoyra = Rubio. =

---

Translation.

Certificate:

I, Juan Bautista Givrine, Architect for the general Public, holding a license granted by the Hon: City Council of this City, do hereby declare that being requested by Mr. Felipe Arango, to survey two houses, his own property, being No: 3. and 5. Zanja Street, demolished by order of the Political Governor of Havana: I observed that the stonewall of the front facing the street still exists, even as high as the beams over the doors, - the masonry being in good condition and of excellent materials. In the interior, all the walls and stone pillars, and even the mortar work, were pulled down, except the boundary walls, which still stand, in the same condition as they were previous to the demolition, inside, and also the back part and side on the East. The materials of the demolished premises are of good quality. Finally, I do declare that I knew these houses, before they were demolished, and, as a practical man, I am positive that they were in good condition and no part of them, neither the sides nor the ends, threatened ruin. I am ready at any time to verify the present assertion in due form. Havana, September 14<sup>th</sup>. 1867.

(Signed) Juan Givrine. (Retire).

Charges - Eight dollars.

Valuation - of the Houses, numbers three and five, in Ganja Street, belonging to Mr. Felipe Arango, by whose order this estimate has been made.

The Ground:

Contains eighteen varas in front and thirteen varas at the back in one part, which make a total of two hundred and <sup>thirty</sup> four varas - surface; and fourteen varas in front and fourteen behind, in the second, - making another total of one hundred and ninety six varas - surface: so that altogether, the two surfaces contain four hundred and thirty varas, which are here estimated at twelve dollars, per vara. . . . . \$ 5,160.00

Masonry:

For forty four varas of foundation, in stone and mortar work, under the principal front wall, facing Ganja Street, at five dollars, per vara, the width of the said foundation wall being twenty seven inches (varas of Burgos) 220.00  
 Amount Carried Over: \$ 5,380.00



Amount Brought Over. . . . . \$ 5,380.<sup>00</sup>/<sub>100</sub>

For the same number of varas of foundation,  
for the second principal wall of the said  
house, - the same size, and made of the same  
materials, as the first: . . . . . 220.<sup>00</sup>/<sub>100</sub>

For twenty eight varas of ditto, ditto, - under  
the third principal inside wall, of both  
houses, at the same price, as the two first: . . . . . 140.<sup>00</sup>/<sub>100</sub>

For ninety six varas, in columns of stone &  
mortar work, twenty two inches thick, at  
four and a half dollars, per varas: . . . . . 432.<sup>00</sup>/<sub>100</sub>

For eighteen varas of stone and mortar work,  
added to the said columns and over door  
frames of timber, at the same price, of four  
dollars and a half, per varas. . . . . 81.<sup>00</sup>/<sub>100</sub>

For ninety six varas stone and mortar work,  
mixed with brick, twenty inches thick, in  
the second principal wall, at four dollars  
and a half, per varas. . . . . 432.<sup>00</sup>/<sub>100</sub>

For eighteen varas of stone and mortar work, added  
to the same columns and over door frames of wood,  
at the same price of four dollars and a half,  
per varas. . . . . 81.<sup>00</sup>/<sub>100</sub>

and carried forward: \$ 6,766.<sup>00</sup>/<sub>100</sub>

Amount Brought forward . . . . . \$ 4,766.<sup>00</sup>

For seventy two varas in columns of Stone and mortar  
work, - mixed, - half a vara in thickness, at four  
dollars and a half, per vara. . . . . 324.<sup>00</sup>

For fourteen varas of stone and mortar work, added  
to the same columns, and over the wooden frames  
of the doors, at four dollars & a half, per vara. . . . 63.<sup>00</sup>

For seventeen varas and a half in cornices, in brick,  
painted white, at five dollars & a half, per vara. . . . 96.<sup>25</sup>

For forty varas in brick columns, made above the  
principal walls of the house, number three, at five  
dollars, per vara . . . . . 200.<sup>00</sup>

For thirty varas of brick walling on the said  
columns and over door frames in wood, at five  
dollars, per vara. . . . . 150.<sup>00</sup>

For thirty varas, surface of partition wall, in  
brick, made at the top of the house, at three  
dollars and a half, per vara. . . . . 105.<sup>00</sup>

For nine varas of stone and mortar work, -  
half a vara thick, which forms the bastion of  
the principal front wall of the house, number  
five, at three dollars, each: . . . . . 27.<sup>00</sup>

And Carried over . . . . . \$ 7,731.<sup>25</sup>

Amount Brought forward

\$ 7731.25

For nine varas of stone and mortar work, over  
the second principal wall, in the middle of the  
same house, at three dollars, per vara. . . . . 27.75

For six varas of the same, in the wall which  
separates the two Houses, on the West side, at  
three dollars, per vara. . . . . 18.00

For one hundred and twenty six varas of  
stone and mortar work, which forms the wall  
dividing the two houses on contiguous ground,  
making the corner of Rays Street, at four  
dollars and a half, per vara. . . . . 567.00

For nine varas in cornice, on the top part  
of the house, number three, - front-facing  
Zanja Street, which cornice is made of stone  
and brick, at six dollars, per vara. . . . . 54.00

For three hundred and twenty four varas of  
flooring, in common Hamburg flag stones, for  
the first floor of the above mentioned two houses,  
containing six apartments, at one dollar  
and a half, per vara. . . . . 486.00

And carried forward . . . \$ 8,883.25

Amount Brought forward \$ 888.25

For twenty two varas in gutters, for draining —  
under the same floor made of brick and flag  
stones of St. Michael, at three dollars & a half per vara. 77.

---

For four but-hinges, in stone of St. Michael, with  
grooves at the ends, also for draining, two varas and  
a half long, and three inches wide, twenty —  
dollars each. . . . . 68.

For seventeen varas of flooring in earthenware  
slabs forming a square like band in the two  
before mentioned houses, at two dollars and a  
half, per vara. . . . . 42.50

For twenty four varas of wall in stone and  
mortar work, made to separate the yards of the  
houses from the adjoining ground, fourteen inches  
in thickness, in common material, at two dollars  
and a half, per vara. . . . . 60.00

For the cost of a sewer two cubic yards <sup>(more)</sup> in depth,  
made of common stone and mortar and Roman  
cement, and a brick wall on the floor, with a  
day pipe to carry off the waters. . . . . 5.

---

Amount carried over. \$ 9186.75

Amount Brought Over. . . . . \$9,186.75  
 For a fire place, with two brick arches, covered  
 on the top part with superior Catalonian or  
 earthenware slabs, surrounded with stone, and  
 four stoves with three ash-holes in the ground;  
 this fire place is two varas in length, one and  
 a half in height and twenty seven inches wide, 45.  
 For a spring, in stone and mortar work, and  
 brick, two cubic varas in depth, - the floor  
 in earthen-ware slabs, half a vara square each,  
 with a window in the same half a vara  
 square, and all valued at. . . . . 75.  
 For thirty six varas of tiled roof, over wood, only  
 on the part where there is masonry, at a dollar  
 and a half, per vara. . . . . 54.  
 For eighty four varas of tiled roof on timber  
 with ridges, and principal water courses, -  
 through the tiled roof, the tiles being of  
 first rate quality, at three dollars, per vara, 252.  
 For thirty six varas of ditto, - tiled roof on the  
 top of the front, facing Zanja street, at  
 the same price. . . . . 108.

Amount carried forward. . . . . \$9,720.75

Amount Brought forward . . . . \$9,720.75  
 For the reflecting in stone of two balconies on the  
 before mentioned top part, in common brown stone,  
 one row and a half long, - half a row wide,  
 and half a row thick: the whole valued at  
 thirty dollars. . . . . 30.00  
 Value of Lots \$5,160: Masonry \$4,590.75 = \$9,750.75

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### Carpentry:

For door frames, in pitch pine wood,  
 rough timber, each frame being two rows long, half  
 a row wide, and eight inches thick, twelve  
 apertures, - the tops being in white American  
 pine wood. . . . . \$ 48.00

For twelve nailed doors, in pitch pine wood, ~~the~~  
 their framing and lining in pine wood of the  
 Country, - all well nailed, with folding sides, on  
 common iron-hinges, and valued at thirty dollars } 360.00  
 each,

For two hundred and sixty-two rows of roofing, to receive  
 tiles, the beams being five inches high, four inches wide, in  
 in cedar wood, - the covering of the same, at four dollars } 1048.00  
 per row.

Amount carried over . . . . \$ 1480.00

Amount Brought over. \$ 1,180.00

For the door of the parlor, which serves for both halls, number, three and four, in pine wood timber, two sashes and a half in height and one sash in width, in one piece, well nailed. . . . 6.00

For a staircase in pitch pine wood, with two pillars in cedar wood, well fashioned up, and a banister of the same. . . . 36.00

For four doors in pine wood and cedar wood, belonging to the upper stories of the house No. 3, at twenty five dollars and a half, each. . . 102.00

For a water receiver, in wood, placed over one of the doors of the fore mentioned upper story, at the back of the house No. 3. eight dollars and a half. . . . 8.50

Amount. \$ 1,322.50

### Blacksmith's Work.

For eight rails of iron trellis for balconies, and a running ledge without banister, in wood, valued at two dollars and a half per rail. \$ 20.00

For an iron grating over the stairs of the sewer, in soft iron, made in the country at 12.12¢. . . 2.12.

Amount carried forward. \$ 22.12

Amount Brought forward . . . \$ 22.12  
 For eight iron rings, placed on the wall which  
 divides the two houses from the ground contiguous  
 at 75¢ each. . . . . 6.00

Amount \$ 28.12

### Iron Work.

For ninety vases of water  
 pipes and tubes under the same, including  
 the iron to sustain them, painting, &c. &c;  
 at 75¢ per vase. . . . . \$ 67.50  
\$ 67.50

### Sum Total:

|                          |              |
|--------------------------|--------------|
| Value of the Ground.     | \$ 3,160.00  |
| Do. of Masonry.          | 4,590.75     |
| Do. " Carpentry.         | 1,632.50     |
| Do. " Blacksmith's work. | 28.12        |
| Do. " Iron Work.         | <u>67.50</u> |

Grand - Total = \$ 3,478.87

Eleven thousand, four hundred and seventy  
 eight dollars and eighty seven cents.  
 Currency of Spain, in gold.

Thus &c.



Thus, according to the preceding summing up, the whole valuation of the two houses, numbers three and five in Ganga Street, amounts to Eleven thousand, four hundred and seventy eight dollars and sixty six cents, which sum the appraisers estimate to be exact, and quite fair, according to their judgment, saving errors and omissions, & the strictest honesty having been observed throughout.

Havana. March 25<sup>th</sup> 1866.

(Signed) Juan B<sup>te</sup> Lloréns. (architect).  
14 / Ramon Urtebarra. (mason).

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# C. Account.

Value of the two Lots and House. . . . . \$11,478.62  
Interest from 1858 @ 1872 - 14 years, -  
at 6% on said value of \$11,478.<sup>62</sup> } 9,642.04  
Rent of the House @ \$24.00 per annum, 14 years. . . 33,600.00  
Expenses, incident to legal proceedings, travelling &c.,  
connected with the case. . . . . 1,500.00  
Damages. Estimated by Claimant. . . . . 20,000.00  
\$ 76,220.66

Total Amount of Claim.

Seventy Six Thousand, Two  
Hundred and Twenty Dollars and Sixty Six cents,  
in the gold currency of Spain, then and now used  
in the Island of Cuba.

~~~~~

State of Maryland }
Baltimore City. } I.S.

On this 17th day of February, A.D.
1872, before the subscriber, a Justice of the Peace
of the State of Maryland, in and for the city aforesaid,
personally appeared Felipe Arango, a citizen of
the

the United States, known to me to be the person
he represents himself to be, and who made
oath on the Holy Evangel of Almighty God that
the foregoing document, marked A, contains a
correct translation of the papers and documents
relating to the permits granted by the Authorities
of Havana, Cuba in the years 1846 and 1857,
for the Erection of two houses in the said City of
Havana, and subsequently demolished by order
of the said Authority, and for which he now
claims compensation, as per the Account, &
marked C. Hereto annexed;

Sworn to before me:

Wm D Thompson
J. P.

State of Maryland, Baltimore City, Set:

I HEREBY CERTIFY, That

Esquire, before whom the annexed affidavit

was made, who has thereto subscribed his name, was, at the time
so doing, a Justice of the Peace of the State of Maryland, in and for the
City of Baltimore, duly commissioned and sworn.

In Testimony Whereof, I hereto set my hand and affix the seal
of the Superior Court of Baltimore City, this
day of July 17
A. D. 1872

Geo Robinson
Clerk of the Superior Court of Baltimore City:

February 20 1898

Senate Concurrent Resolution No. 18.

relative to the recognition of belligerent rights of the people of Cuba by the Government of the United States.

Whereas: The people of the Island of Cuba are now and have been for several years in a state of revolution against the authority of Spain, and

Whereas: The present government of Spain is itself the creature of a revolution commenced long since the Cuban revolution was inaugurated and,

Whereas: The present recognized government of Spain is continuing to wage a war against the natives and resident citizens of Cuba, unjust in its purpose, vindictive and cruel in its general prosecution and horrible and revolting to the moral sense of mankind in its detail marked as it is by acts of cruel barbarity and savage malignity unheard of and unknown to civilized warfare, and,

Whereas: The people of Cuba have for nearly four long years in arms resisted the tyranny of Spain and borne themselves with a fortitude and courage creditable to the patriotic efforts of any people or age, and by their sublime devotion to the principles of self government

commended themselves to the sympathy and support of the patriotic heart of universal mankind.

Therefore Be it Resolved by the Senate of the State of Kansas the House of Representatives concurring therein that our Senators in Congress be instructed and our Representatives requested to use their official influence to procure by the Government of the United States the recognition of belligerent rights to the people of Cuba

Resolved. That the Governor of the State be and is hereby requested to transmit a copy of this preamble and resolutions to each of our Representatives in Congress, and to his excellency the President of the United States.

Adopted by the Senate. February 18th 1872.

Geo. C. Browther.

Secy. Senate.

Concurred in by the House of Reps. Feb. 18th 1872.

Alex. R. Banks.

Chf. Clk. H. R.

J. W. H. Smallwood, Secretary of State, of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original

Enacted in by the House of Reps. Feb. 18th
1872.

Alex. R. Banks.

Chfclck. H. R.

J. W. H. Smallwood, Secretary of State of the State
of Kansas, do hereby certify that the foregoing
is a true and correct copy of the original

Resolution on file in my office.

In testimony whereof, I have here-
unto subscribed my name and
affixed the Great Seal of the State.
Done at Topeka this 20th day of
February, A. D. 1872.

W. H. Smallwood
Secretary of State.

Executive Mansion.

Mr. Mallory O. H.
Sec. of State. Kas.
Resolutions of the State
Legislature, relative to
the inherent rights of
the people of Cuba.

Respectfully referred to the Secretary of State.

By direction of the President:

March 4 1872

O. E. Babcock

Secretary.

file

DEPARTMENT
RECEIVED
FEB
23
1872
STATE

Washington D. C. February 20th 1872.
Honorable Hamilton Fish
Secretary of State
Present

Sir:

I have to acknowledge the receipt of your note of the 20th of January, stating that the papers relative to my case were to be transmitted to the Joint United States and Spanish Commission now sitting at this city.

I suppose that the Commissioners to whom said papers have been transmitted are arbitrators, that is to say persons chosen by parties who have a controversy to determine their differences. I also suppose that there is no possible controversy in regard to my national character as an American citizen, since I was admitted to be such by the decision of a Court of Justice, according to the laws of the United States, the certificate of this court importing absolute verity. Consequently neither the Commission nor any other court either of justice or equity, or Board of arbitrators of any kind have jurisdiction to review or reconsider what a court of justice of the United States has decided.

My national character being thus beyond doubt, I am unable to perceive how the particular point of the restoration of my property, embargoed in open violation of the treaty of 1795, may be made the proper subject of an arbitration. And this being so, I beg leave to submit respectfully that all that portion of my claim, relative to the restoration of my property, be withdrawn from before the aforesaid Commission, and be prosecuted directly by your Department, as a matter of course which cannot be subjected to accommodation or arbitration of any kind.

In the absence of my counsel, Honorable William M. Evarts, I am also unable to enter in a judicial controversy before said commission, since the Spanish Government has left me in such an state of poverty, in consequence of its unlawful measures, as to make me unable to apply to another lawyer for consultation and to incur the expenses of retaining his professional services. The longer the embargo continues, the more I am injured. The bad and careless administration of my property makes me sustain heavy losses, which are increasing every day, as it is easy to prove.

I am very far questioning the right or the power of the United States Government to take such steps as the arbitration aforesaid; but as the Court of Claims decided in one very remarkable case such arbitration is an act of appropriation which entails the necessity of giving indemnification to the party who does not consent to that arbitration. Consequently I do respectfully set forth that the questions of my American citizenship and of the restoration of my property are not submitted to said arbitration with my acquiescence and consent; and that if I am compelled by the Government to appear before said arbitrators to discuss a matter finally decided by a court of the United States, I shall obey as I ought to do, but under the very respectful although firm protest, which I do hereby establish.

I have the honor to inclose a copy of an important document, which I desire to have filed with the other papers of my case. I beg you to cause it to be filed.

I am, Sir, with the greatest respect, your obedient servant.

Ramon Fernandez Criado y Gomez



N. 333.

Mr. Fish to General Sickles.
Department of State.

(N. 311.)

Washington November 25, 1870.

Sir: I inclose a copy of a decree said to have been made by a military tribunal in Cuba, and published in the *Diario de la Marina* on the 9th of November, current.

This decree purports to condemn to death sundry persons named in it as the central republican junta of Cuba and Porto Rico, established in New York, and to confiscate their property. It appears affirmatively in the decree that none of the condemned had appeared before the court.

This revolutionary body, known as the Cuban junta, voluntarily disbanded itself about one month before this decree was made, and announced its intention to discontinue any hostile purpose it might have entertained against Spanish rule in Cuba. During its previous history its acts, so far as conflicting with the laws of the United States and the international duties of this Government, were repressed by the President. This Department has also been officially informed by Mr. Roberts that the state of affairs in Cuba is regarded as a favorable one by the Spanish government, and that in consequence of that the extraordinary powers previously vested in him had been withdrawn. This Government has, therefore, seen with surprise and regret

the announcement of a policy in Cuba which is apparently uncalled for by any present emergencies, which is not in harmony with the ideas now entertained by the most enlightened nations as to the treatment of political offenses, and which, as it appears to us, will tend to continue the unhappy disturbances which exist in Cuba. We recognize, however, that, so far as this is a purely domestic question between the government of Spain and the persons or properties of those who are subject to that government, the United States have no other right to interpose than that growing out of the friendly relations which have always existed between them and Spain, and the good faith with which they have observed their duties and obligations in this contest. It appears, however, that on this list are to be found the names of some persons who claim to be citizens of the United States. As to each such person, you will inform the minister for foreign affairs that, if it shall appear that his claim to be a citizen of the United States is valid, and that he has done no act to forfeit his rights as such, it will be claimed and insisted that he is entitled to the trial by civil tribunal and in the ordinary forms of law which are guaranteed to citizens of the United States by the article of the treaty of 1795 which has already been made the subject of correspondence between you and the Spanish government.

I am, &c.,

Mr. Jefferson



Mr. Wood
day. say 'ack' & say
officer has not
can receive it.

225 South Broad Street.

Philadelphia Feb. 20th 1872.



Hon. Hamilton Fish
Secretary of State.
Washington
Sir,

I am favored by your communication of the 17th inst. and thank you for the information it contains. I have read it with the feeling of natural indignation, which the barefaced and unscrupulous falsehoods of the Spanish Authorities provoke; and at the same time with some discouragement at the thought, that such base fabrications and sophistries may impose upon and deceive our Government into permitting my brother, D. Howard, to be sacrificed to the intrigues and enmities of the Spaniards in Cuba.

I deny that my father ever renounced his American nationality and that he ever held the office of Police Commissioner or any other office under the Spanish Government; such a thing was never known

in our family. My father lived but seven years in Cuba and did not speak the Spanish language; his age and social position were above his holding any such office. My brother was born in this country and never renounced his citizenship; he was here more or less of his time, until after graduating as a Physician, when he removed to Cuba. He was always known then as an American.

The law referred to of July 4th 1870 in relation to foreign citizenship may have been published in the Gaceta de la Habana; this is an official paper but little circulated through the Island; only seen and read by those who may chance to hold office and my brother would most likely not even know of such law being published. It may be that he did not enroll his name at the U. S. Consulate Agency at Cienfuegos, though he certainly had a certificate from the U. S. Consul at Trinidad of his being an American Citizen; his name would probably appear in the records there or at Cienfuegos at that time.

The certificate of residence (Cédula de domicilio) was considered in Cuba as of no import; merely a local police regulation. No one then resident

the Island ever knew of any distinction being made between foreigners and Spanish subjects holding these Cédulas; it was merely required that all residents should have them. If my brother did hold such an one, it was as like many other foreigners, without suspicion of invalidating in any way his American nationality. Surely, a very slight hold and pretence for the outrage that is being attempted against him.

It is well understood in Cuba, that the whole case against my brother, has been the plot of a few enemies; and to justify their proceedings against him in the eyes of the United States Government, the effort is being made to invalidate his American citizenship. An affidavit signed by Manuel Capote, which has been sent to the Department by my brother J. G. Howard of this City, will bear evidence to the way these matters are managed in Cuba; this same Capote was under duress, compelled to testify against my brother out there; but being now free and out of reach of the Spaniards, he has voluntarily under oath retracted his first statement as explained in the paper.

I cannot but hope that this government will see that justice is done, and avert its pro

-lection to one of its citizens, so foully and trash-
-crously dealt with, by those who hold power in
Cuba, and who stop at nothing to carry
out their vindictive purposes.

May I beg the favor of hearing the Defendant
what further matters may be developed in my
brother's case, that I may be able to explain and
produce evidence to refute any false statements.

I remain Sir

Respectfully yours

Emilio Dutton.

Office of the U. S. Dispatch Agency, New York.

OFFICIAL BUSINESS.

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

Cal^o Feb. 21 1872
W. P. 186



ask 11 Mar

Ad

To the Honorable Hamilton Fish,
Secretary of State.

The memorial of Luisa M. de Zenia, the
widow of Juan Clemente Zenia who was an Ame-
rican citizen, respectfully sets forth, in her own na-
me and in the name of Aledad Zenia, the only
daughter of the deceased, now a minor of twelve
years of age: -

That your memorialist has established
her domicile in the city of New York, where she
resides at n^o 158 West 14th street.

That the husband of your memorialist,
Juan Clemente Zenia, although a Spanish
subject by birth, was admitted to be a citizen
of the United States, by the decision of the
Court of the 4th District of New Orleans, La.,
on the 24th of December 1852, as it appears
from the certificate n^o 1 herewith accompanied:

That the aforesaid Zenia enjoyed all the
rights and privileges of the American citizenship
and when in 1867, he intended to travel through
Mexico and Cuba, he obtained his passport
as such American citizen, which document is
the same which your memorialist now exhibits,
marked n^o 2, and dated on the 1st of February
1867.

That Juan Clemente Zenea, neither before nor after the date of this passport has ever renounced the allegiance to the United States or given up his American citizenship:

That your memorialist, as well as her daughter Ciudad Zenea, became naturalized in the United States, in consequence of the naturalization of Juan Clemente Zenea:—and that the aforesaid minor Ciudad Zenea not only is clothed with the American nationality but cannot renounce it until she becomes of age;—the result of all these facts being that both the widow and the daughter are entitled to the protection of the Government and laws of the United States:—

That although Juan Clemente Zenea has lived for some time in Mexico, and also in the island of Cuba, he always retained his domicile in the United States, and his absence was always a temporary one, he having always a very decided esprit de retour to his adopted home the United States:

That in the latter part of 1870 while Juan Clemente Zenea was in New York engaged in newspaper business and also as a teacher, a representative of the Supreme Government of Spain came from Madrid to the United States, to enter into arrangements with

the revolutionary Government of Cuba, through his agents in this country, or otherwise.

That the aforesaid Envoy, being a particular friend of Juan Clemente Zenea, and having full confidence in the honesty of his character, and his love of peace notwithstanding his liberal principles, proposed him to go to Cuba and confer with General Céspedes, about the offers made at that time by the Government of the Government of Spain, Marshall Serrano, Duke de la Torre:—

That as it appears from the declarations publicly made at Madrid by the aforesaid Envoy, Don Nicolás Azcarate, one of the offers of the Spanish Government was that the whole of the confiscated property should be restored, and that the military organization known as the voluntiers should be disarmed and disbanded:—

That Juan Clemente Zenea being a Cuban by birth, and also a prominent one, holding as a poet a very distinguished place in the Spanish Literature, deemed that he could assist his friend in his peaceful undertaking, accepted the proposal, and consented to go to Cuba under the several guarantees of his national & American character, of the national Spanish honor, and of his Christian and humane mission:—

That the aforesaid Envoy provided Zenea with a safe-guard in the handwritings of the Spanish Minister at Washington (as Mr. Azcarate has publicly stated at Madrid), in which the aforesaid Envoy ~~stated~~ ^{stated}

Señor Roberts, ordered, by authority of the Government of the Republic, and in the name of His Highness, and of the Spanish nation, all the authorities of the island of Cuba, both military and civil, the naval officers, and the Volunteers, to give Genca free passage into and out of any port of said island, and permit him to go wherever he might choose and deem it proper:—

That Genca went in fact to Cuba, landed there successfully, travelled without any obstacle through the insurrectionary districts, reached the seat of the Cuban Government, and had an interview with General Cespedes:—

That on the return of Juan Clemente Genca, bringing with him the answer of the Revolutionary Government, and also the wife of the Cuban President, who wished to come to New York; and at the very moment in which the party was about to leave the shores of the island, they were discovered and captured by Spanish forces, whose officers disregarded the safeguard of the Spanish Minister, and took Genca to Havana:—

That on the arrival of Genca to Havana, the wife of President Cespedes was released and permitted to come to New York, but Genca was committed to a cell in the fortress "La Habana," where he remained for eight months, and from where he was taken on the 25th of August 1871, to be shot as a criminal:—

That Juan Clemente Genca did not go to Cuba to

take part in the revolution, and that even in case that he had entered the island otherwise than as a peace-commissioner, he could not be submitted to a court-martial, but tried by a civil tribunal and in the ordinary forms of law, guaranteed to citizens of the United States by the 7th article of the treaty of 1795." See Mr. Fish to Gen. Pickles, Nov. 25 1872. pag. 735. Papers relating to the Foreign Relations of the United States transmitted to Congress Dec. 4 1871.)

That the act of ^{Don} Zenia going to Cuba as a commissioner of peace, with the knowledge and consent of the Spanish Government of Madrid, could never be considered as a hostile act against Spain, nor as a violation of the neutrality laws of the United States:—

That in consequence of the dreadful action of the Spanish authorities of Cuba, and of their violation of all the principles of the law of war, and of the law of nations, as well as of the treaty of 1795 between Spain and the United States, the wife of Juan Clemente Zenia and his daughter have been left in the most complete state of destitution, and bereaved of all means of living;— while during the life of ^{Don} Zenia they always enjoyed the comfort becoming to a man of refined intelligence as he was, and devoted to literary and educational pursuits:—

That in consequence of these facts the petitioner deems herself and her daughter entitled to claim for

indemnification, - if such a word can ever be employed, - of the loss they have sustained: -

That this indemnification according to the American principles and laws ought to be in the form of exemplary damages, since the outrage has also been utterly unjust and unparalel: -

That the honor of Spain is engaged in this matter, and that her duty to grant the fullest possible redress is exceedingly imperative: -

And that therefore, your petitioner, in her own name and in the name of her daughter, Piedad, enters a claim against the Government of Spain for the sum of one hundred thousand dollars to be divided between her and her daughter, equally, with interest, from the date of the execution, the whole to be paid in gold at the shortest possible opportunity.

To obtain this indemnification the undersigned asks for the interposition of the Government of the United States in behalf of her claim, and through diplomatic correspondence since the case cannot fall under the jurisdiction of the commission established by the agreement of February 12th 1871, between the United States and Spain. And she will ever pray.

New York 21st February 1872.

Luisa M. de Zenca

Sworn, subscribed, and acknowledged
before me February 21st 1872

J. W. M. Cole, Public Notary by order

Harvard. July 22nd 1872.

It is most astonishing to Americans here that our Government seems so indifferent to outrages here on American citizens. Dr. Howard, whose name has been often mentioned in the papers, is a striking example of this. The final decision in his case seems to have been against him; for he was brought to this city a day or two since, his hair cut close in convict style, and the prison dress put on him. He is sentenced to a long term of imprisonment. I talked with our Consul General's Clerk about him. - He told me that the Consul General had urged the attention of the State Department to his case, most strongly, but Secretary Fish had not even answered his letters. This Clerk has often visited Howard in prison and states the facts of his case as follows. - Dr. Howard was born in Philadelphia, but has lived here many years, practicing medicine in another part of the island. - He married a Cuban wife and has several daughters. He has never been

Copy to Harbinger
Oct 13. 72

naturalized and is consequently an American citizen. Some time ago the Spaniards found in a captured camp of the rebels a medicine chest marked with Dr. Howard's name.

Upon this single item of evidence they convicted him and he is sentenced to a long imprisonment. The Roster says that he sold that medicine chest more than two years before to a friend of his, and has no idea how it came into the hands of the rebels. - The Clerk told me that he was utterly broken in spirit by his misfortune, that his health was feeble, and he did not believe he would live a year.

I do feel most heartily ashamed of my country when I see our citizens, convicted of no crime but upon mere suspicion, thus left to languish and die in Spanish Prisons. If our Republican party cannot display a greater respect for justice and common humanity, the sooner it goes to destruction the better.

Now this Dr. Howard an Englishman, this Admiral would be instructed to make a peremptory demand for him

immediately, and he would be given up.
It is the great American Republic which
alone refuses to protect its citizens. — In
spite of all our spread eagle speeches, the
fact remains, that Englishmen are pro-
tected abroad, but Americans are not.

x x x x x — Our Consul General
has just called upon us. — I asked him
about Mr. Howard. — He confirms all I
have heard before, says he had an inter-
view with him in Prison a few days ago,
and that he now felt worse in his
life than he did, when he looked on
that old man broken in health and
spirits, believing him at the same time
to be entirely innocent.

Copy referred to the
Secy of State. This was
transmitted to me to be
brought to the notice of the

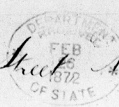
Att. Gen. & Secy of
the Interior
for official
correlation.
J. May 1872
M. A. 1872

Respy referred to the
Secy of State. This was
transmitted to me to be
brought to the notice of the
Adm^r: & seems
to have official
circulation.

Wm. B. Colfax

Nov 10. 1872.

Mr. Batts
18 mch



Mr. Batts
New York Feb 23 1872

Hon Hamilton Fish

Secretary of State

Dear Sir

I herewith
inclose the reply of Messrs John + Vincent Ken-
niger to the letter of the Spanish Minister
on the subject of their expulsion from the
Island of Cuba.

If a personal interview with either of
those gentlemen or with their counsel for any pur-
pose shall be desired by you, they will attend
you at once. - They hesitate making personal
solicitation from motives of consideration for
your time, at the same time you can ap-
preciate the state of anxiety they feel that their
case will receive as favourable consideration as
if they pressed it by waiting on you person-
ally.

Yours very Respectfully
Samuel Elyon

Copy to Span
Minister
18 mile

New York, February 22^d 1872

To the

Hon. Hamilton Fish,
Secretary of State.

Dear Sir.

We have the honor to acknowledge the receipt of your communication of the 27th of January last, covering a translation of a note from Mr. Roberts, the Spanish Minister, in answer to the memorial of the first of the undersigned addressed to you on the subject of his expulsion from the Island of Cuba.

We beg a moment's consideration to this statement.

Mr. Roberts states in the first place: - "that the conduct of the Messrs. Menninger at Havana has been very improper and contrary to the laws of the country in which they resided."

It will be seen that the letter of the Minister connects Mr. Vincent Menninger with Mr. John Menninger in its statements; and as they were joined in the order of expulsion and as Mr. Vincent Menninger is also a

citizen of the United States seeking its protection, in order to save repetition, Mr. Vincent Henninger respectfully begs leave to join in this reply, so far as the allegations against him are concerned. —

Referring to the first charge in the letter of the Spanish Minister, — it is, — that our conduct at Havana has been "very improper and contrary to the laws of the country".

In what respect our conduct has been improper, or in what particular we have violated the laws of Spain is not stated, — and therefore we are no nearer to a solution of the reasons of our expulsion than before the receipt of the Minister's letter.

No one can meet an allegation so general by proof, or in any way except by a denial — which we, each for ourselves, now interpose in the fullest and most explicit sense in which a denial can be made.

The first of the undersigned has been for forty years a resident of Cuba, engaged in large mercantile

transactions, and the second is now of thirty years of age, and we both state, without any reservation, that we have never knowingly been guilty of any improper conduct towards government or laws of Spain, and challenge the production of any truthful testimony to the contrary.

The next statement is that "The authorities had for a long time" "had knowledge of the underhanded" "practices of these gentlemen, who" "were favouring the Cuban insurrection," "and serving as intermediaries between" "the ring-leaders of the war and" "the insurgent emigrants in this" "Republic."

"Desiring however to avoid" "complications and guided by motives" "of benevolence the Supreme Authority" "of Cuba warned these gentlemen" "to desist from their conduct, but" "as this step was followed by" "no result, it was found necessary," "in order to prevent greater evils," "to expel them from the island" "Yc. Yc."

Thus again, reference only is made to the general charges of

"underhanded practices" or "favouring the Cuban insurrection" without any specification of what those "underhanded practices" were, or in what way or how, we "favoured the insurrection", - and again we are of necessity driven to the only defence of which such charges are susceptible, that of an explicit denial, - which we make.

Referring to the latter part of this charge, it may be contended, and we willingly accept such a construction, that what is intended by "underhanded practices" and "favouring the insurrection" is that we "served as intermediaries" between the ring leaders of the war and the insurgent emigrants in "this Republic". -

Had the names of the persons between whom, it is alleged, we have been "intermediaries" been given, or any other fact capable of proof or disproof, we could have met the issue, but as none are given, our answer must necessarily be as general as the charge.

The Commercial House of the first of the undersigned, in Havana, has been long engaged in extensive business, and has correspondents in various

parts of Europe, and in the United States. As with all such houses, letters are constantly sent to the care of the House, for persons residing in Cuba, the contents of which cannot, of course, be known to them.

From the commencement of the insurrection to the present time, injunctions have been given by the House to its correspondents, that nothing should be sent to its care that in any way could compromise its position towards the Government.

It is believed that this injunction has been respected, and the first of the undersigned does not know or believe that any letter has been sent through his House in violation of this injunction, unless the same has been sent from some source unfriendly to him and intercepted before reaching his House, for the express purpose of compromising him.

Since this matter has been before the Secretary of State, Mr. John Henninger has been informed of facts, which induce him to believe that such is the fact. But he desires to state - that so far as he knows or believes, no

letter from any person in the United States, who then was charged by the Government with acts of injury against the Government, or who was not in the free enjoyment of his civil rights, has ever been sent to the care of his House for delivery, to any person in Cuba or elsewhere, against whom the Government had taken exception known to the public, or who was not in the full enjoyment of his civil rights.

All this correspondence passes through the post-office at Havana - is delivered by its officers to the House - opened there, and such as is intended for other persons is forwarded to their address.

It would be so absurd for disaffected persons to send reasonable correspondence through the public post under the control of the Government, that for this reason, if there were no others, we do not believe any such was ever sent through our House.

It is then stated that "the Supreme Authority warned these gentlemen to desist from their conduct." The only warning or suggestion of complaint that either of us ever

received, is that referred to in the memorial of Mr. John Koeninger, to wit:— that in February or March last he was sent for by the Civil Governor of Havana and told that information had been laid before the Government, that letters from disaffected persons in the United States, addressed to like persons in Cuba, had been sent to Havana to his care.— He assured the Civil Governor that he had no knowledge of any such letters, and that he did not believe any such had been sent, but that if any such letters were sent to his care, he should feel it his duty as the commercial representative of a foreign Government, to send such correspondence to the officers of the Spanish Government, and would do so. With this assurance the Governor appeared satisfied.

From that time forward no letters of this description ever came to his care to his knowledge, or any which he had reason to suspect were of such a character; nor from that time did he ever receive any hint or suggestion that such was suspected.

So far, therefore, as warnings are concerned, we aver that the above is a true account of all that ever passed between any official of the Spanish Government and ourselves verbally or in writing, as to any "improper conduct" "under-handed practices" or, as to their being "intermediaries between disaffected parties" or otherwise.

This then is the sum of the charges made against us, as the reasons for our expulsion.

It is respectfully submitted that they make no case against us, if our rights as citizens of the United States are to be adjudged upon the most ordinary principles governing proceedings between accuser and accused.

The communication from the Spanish Minister then proceeds to inform the Secretary of State, "that Mr. John Neuminger has in fact renounced the citizenship of the United States," and offers, as proof of this averment, as follows: "by sending to the Superior Government of said Island on the 24th of November 1870 in accordance with the provisions of the law concerning foreigners, of

" June 4th 1870. + + + a list of the
" subjects of Sweden and Norway
" residing in Havana + + and in it the
" name of his wife + + + and those of
" his two daughters + + + unmarried, 24
" and 22 years of age, and natives of
" that city."

The fact stated, that Mr. John Kemminger returned the names of his wife and two daughters to the Government at Cuba in the list of subjects of Sweden and Norway, is true, but he is altogether unable to perceive how his statement, that his wife and daughters are citizens of another State, proves that he himself has renounced his own allegiance to the State in which he was born and of which he is a citizen.

Acting, as he did in that matter, without much reflection, to meet simply a police regulation, he returned the names of his wife and daughters as subjects of the State of which he was a Consul.

Probably he committed an error, but that error, not being made by his wife or daughters, can not affect their status, - and as

it was not a representation respecting himself, it cannot in the remotest degree affect his own status.

It is in the very place inserted in the letter of the Spanish Minister, that, if what had already been stated was not sufficient, according to the consular regulations now in force in the Island of Cuba, the General Government is authorized to suspend from his functions, and even to expel from the Island any foreign Consul, who may conspire against the public tranquility &c.

Admitting the fact that the General Government had the right to suspend a Consul from his consular functions, and even to expel him from the Island, so far as expulsion is concerned it has no application to the case of Mr. John A. Cunningham.

On the first day of November last an order, dated on the 3rd of October, appeared in the official gazette, suspending him from his official duties as Consul General of Sweden and Norway.

He has made no complaint

to the Government of the United States of this order suspending his Consular functions, for he held no such office under this Government.

That there may be no misapprehension as to the character of this order, we here insert a translation of the notice as published:

' Official:—

' Supreme Political Government
" of the Province of Cuba.

" His Excellency the Superior
" Political Governor in virtue of the
" faculties conferred upon him by Art. 31
" of the Consular Regulations in force
" on this island, has thought fit to
" suspend Mr. John Neuninger from the
" office of Consul of Sweden and Norway
" which he held in this city.

" Which by order of His Excellency
" is published in the Official Gazette
" for general information. — Havana 31st
" Oct. 1871.

(Signed) Raman. M. de Araytegui.
" Secretary."

On the third of November — three days after the date of this order — an officer of the police corps of Havana called upon him and read to him

a notice, informing him that by order of the Captain General he was directed to leave the Island in fifteen days. This was not addressed to him as Consul, but was given to him simply as Mr. John Munniger.

Shortly after the receipt of this notice, Mr. John Munniger received from the Consul General of the United States at Havana, his passport as an American citizen, dated on the 8th day of November.

This passport to him as an American citizen was exhibited to the officials of the Cuban Government, received their seal, and was certified as exhibited to them, and signed by the Secretary Don Miguel Ferrer. — Under this passport he left the Island for the United States.

It will thus be seen that the punishment visited upon him as Consul was suspension, not suspension and expulsion, and from the time that ^{of suspension} order was made he ceased to be Consul, — and all power over him as Consul ceased.

The subsequent act on the 3^d of November was of expulsion, and that

was against him as an individual.

The attempt, therefore, to justify Mr. John Henningers expulsion under the right of the Government to expel a Consul fails—as he was clothed with no consular powers, nor subject to consular punishment when the notice to leave the Island was given to him.

The letter of the Spanish Minister closes its statement of reasons for Mr. John Henningers expulsion as follows:—"And Henninger" therefore in accepting the Consulate of "Sweden and Norway renounced" with full knowledge, de facto and de jure, all protection as an "American Citizen".

We shall certainly not consume the time of the Secretary of State in showing the fallacy of this proposition.

His acceptance of the office of Consul from Sweden and Norway did not in any respect affect his status or rights as a citizen of the United States, nor did such acceptance deprive him of any

protection he was entitled to as a citizen of his own country. -

The practice of our own Government, as well as that of most of the Governments in Europe, to the contrary, is of very-day occurrence. Many of our Consuls are citizens of other States, and no claim has ever been made by us or them, that by accepting these offices they become citizens of the United States; while, on the other hand, citizens of foreign States are recognized as Consuls in this country, without either becoming citizens or losing their citizenship in the country from which they are appointed.

The practice of the Spanish Government in this respect is also in conformity with the general usages of nations. The gentleman now recognized by that Government as Consul General of Sweden and Norway is a Spanish subject enjoying all his immunities and privileges as such, and the same

gentleman had for some years before the suspension of Mr. John Kamminger filled the office of Consul from Denmark in the Island of Cuba.

This status is also expressly recognized by the Internal Revenue Law of the United States, which declares that Consuls of foreign Governments who are not citizens of the United States shall be exempt from Income tax.

We therefore most respectfully submit to the Secretary of State that nothing is shown by the letter of the Spanish Minister to impugn our right to the address we seek at the hands of this Government.

First: Because no allegation of any act of impropriety committed by us against the Government of Spain is made. That the general allegation that we have been guilty of "very improper conduct" cannot be met by disproof, except by an explicit denial, which is made.

Second: That the general allegation that we have been "intermediaries between

disaffected parties", is without any specification, susceptible of disproof, and to that we make an official denial. -

Third: - Our status as citizens stands unimpeached, and nothing upon which a party would be put upon his trial, before any tribunal known to civilized nations, is alleged against us.

Fourth: - The Treaty between the two countries intends to provide that in all proceedings for "offences committed by any citizen or subject of one party within the jurisdiction of the other, the same shall be made and prosecuted by authority of law only and according to the regular course of proceedings usual in such cases". - It is not at all denied that either Government under the Treaty may provide for its security against the machinations of either - but until some specific "machinations" are even alleged, the party aggrieved may invoke the Government to whose protection he is entitled for a redress of his violated rights.

Wm. W. Wm. Wm.
Wm. Wm. Wm.



American and Spanish Commission
Washington February 28th 1872.

Mr Chiew

Dear Sir:

I am instructed by the Commission to obtain from the Dept. of State, if it is practicable to do so, a set of the books entitled "Correspondence of the Department of State, in relation to the seizures of American Vessels and injuries to American Citizens during the hostilities in Cuba," which was transmitted to the Senate in obedience to a resolution. The books are for the use of the Commissioners. Will you please send them by the bearer of this?

Very respectfully
your obedient servant
George O. Moore

Report
March 1

W. Ward



Forty-second Congress.
Second Session.



CONGRESS OF THE UNITED STATES.

In the House of Representatives.

February 28th 1872.

Mr Banks, from the Committee on Foreign Affairs,
reported back the Resolution submitted by Mr Cox,
on the 26th January last, which was agreed to:

Resolved, That the President be requested to furnish
this House, if not incompatible with public interests, all
information in possession of the State Department, rela-
tive to the reindenture or reenslavement of Chinamen
in the Island of Cuba, by decrees lately issued by
Captain General Valmaseda, and what action, if any,
has been taken by the Executive to prevent the extension
of human slavery contemplated by said decrees.

Attest.

Ernest Horn Clerk.



Friend Rep,

Feb 28th 1872

Hon. Hamilton Fish

Secy of State
Dear Sir

Permit me to
bring to your attention to the
enclosed important paper touching
the connection & imprisonment
of Dr Howard by the Cuban author-
ities.

Yours very truly
Wm D Kelley

Red Paper

Philad^a (Feb^y 12th 1872.

Henry C. Baird Esq.
Philad^a.
Sir.

The kind interest you have evinced in the case of Dr Howard at Cienfuegos, encourages me to ask the favor of your examining the paper I herewith inclose, bearing very strong evidence of the conspiracy forged against him to satisfy the prejudice and revenge of some enemies in Cuba in the guise of Spanish volunteers.

(The affidavit duly attested of Manuel M Capote, made in N York on 8th inst, which I accompany with a translation, explains itself and was freely and voluntarily given by him as a matter of conscience, and is moreover confirmed by the declaration and protest to the Spanish Consul at New York recently when summoned by the said official to corroborate the testimony he (Capote) had previously given in Cienfuegos, against Dr Howard and others, and which he refused to do.

I also know further from the said Capote, that a Capt of Volunteers named Jose Casanova was the person who actually framed the first deposition of Capote at Cienfuegos, alleging

that Dr Howard being an uncle of the Cavas, was sufficient cause for the proceeding.

All the foregoing very abundantly proves that the whole case against Dr Howard was unscrupulously manufactured for a purpose, and by drawing the attention of our government to it, should certainly cause more decided action to be taken in behalf of my brother for his release, and for shortening of his unjust detention by the Spanish authorities.

It is a most unqualified outrage that an innocent man, an American citizen should be dealt with in this manner, with such perfect impunity.

I have to solicit your valuable cooperation with the family and friends of Dr Howard, in representing to our government, the truth of the case, and necessity for more energetic interposition. You will thereby confer a lasting favor upon many, and upon,

Yours very respectfully
J C Howard M.D.

402 S 1 Broad St.

25 Feb 28

omit Spanish +
copy the translation

V

Al Sr. Manuel M. Capote y Espinosa, Dgo.

Reciba la debida

racion dada por mi en la cedula de Empuñados Sr. D. D.
Emilio Howard en la Causa que a este Sr. de le sigue por
delle de infidencia, ha sido dada tanto por la presion que
Cada es mi por varias personas, Como por el finis y tener
que supieron infidencia, exponiendo q^o de no declarar en
Cierta cantidad una acusacion por los voluntarios de la
jubilacion; y en consecuencia y obsequio de la verdad de la
declaracion, Como formalmente declaro; que dicha declaracion
Corres completamente de fundamento, siendo por an-
siguiente contraria a la realidad; y que solo ampro-
a dicho Sr. Howard Como Testigo que fue de mi Casa,
no teniendo tampoco conocimiento de los hechos a que fue
imputado acusado. Cuidados de New York Febrero
ochos de mil ochocientos ochenta y dos

Manuel M. Capote y Espinosa

State of New York,
City and County of New York, } ss.

I, **CHARLES E. LOEW**, CLERK of the City and County of New York, and also Clerk of the Supreme Court for the said City and County, the same being a Court of Record, DO HEREBY CERTIFY, that



Henry Woodington
whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written was, at the time of taking such proof or acknowledgment, a Notary Public in and for the City and County of New York, dwelling in the said City, commissioned and sworn, and duly authorized to take the same. And further, that I am well acquainted with the handwriting of such Notary, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine. *I further Certify that said Instrument is executed and acknowledged according to the law of the State of New York.*

In Testimony Whereof, I have hereunto set my hand, and affixed the Seal of the said Court and County, the

day of

187 2

Chas E Loew

Clerk

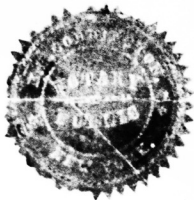
United States of America
State of New York

Copy taken after
the transcription

City & County of New York SS

I hereby certify, that on this 8th day of February A. D. 1872 before me a Notary Public of the State of New York duly commissioned and sworn, personally appeared Manuel M. Capole to me personally known and known to me to be the individual who prepared and subscribed the foregoing instrument who being by me duly sworn did depose and say that the matters therein stated are true of his own knowledge.

In Witness whereof I have hereunto set my hand and affixed my official seal the day and year above written.



Henry R. Coddington
Notary Public
New York C.

J. Manuel M.^{re} Capote y Espino-
sa, do. say:

That the declaration
made by me in the town of San
Fuegos against Dr. Emilio Howard
on the occasion of his trial for
the crime of treason, was made
owing both to the pressure brought
to bear upon me by various per-
sons, and to the panic terror with
which they inspired me, I supposing
that if I did not declare in a cer-
tain sense, I should be dragged
by the volunteers of the town;
therefore, for the sake of truth,
I must declare, as I formally do de-
clare, that the said declaration
is entirely without foundation,
and consequently, at variance with
the facts; that I only know
the said Mr. Howard as having
been my family physician,
and that I have no knowledge of
the acts of which I was induced
to accuse him.

Manuel M.^{re} Capote.

New York, Feb. 8th, 1872.

Copy and translation of the affidavit.

De Feb 28

Doubtless

I, Manuel M^a Capote y Espinosa, do declare that the deposition made by me in the town of Cienfuegos against Doctor Emilio Howard in the case brought against him for treason, was made by me owing to the pressure exercised on me by various persons, and by the panic and fear with which they artfully impressed me, alleging that if I did not testify in the required sense, I would be killed by the volunteers of the town; I consequently for the sake of truth should declare, and do solemnly declare, that my said deposition was entirely false and contrary to facts; that I only know Doctor Howard as a physician that he formerly was of my family, and that I had no knowledge of the matters that I was constrained to accuse him of.

Done in the city of New York

February 8th 1873.

(Signed) Manuel M^a Capote