

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 374

July 1-15, 1872



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

Washington: 1964

Counsellor and Attorney of U. S. Supreme Court.

And District Courts, Solicitor of Claims, &c.

Washington, D. C., July 1

1872.

For Hamilton Fish and as here July 5

Secretary of State

Sir

The Steamer Edga. Stearn
shipped on board at New London Conn., two min
boys. One of them only 17 years of age for the
his boy. (the other having died after many hardships
the yellow fever) it seems was not aware of the
destination of the Steamer. The Steamer first
sailed at St Domingo - thence to Cuba. There
two men or boys when on the Coast of Cuba, men
sent ashore to land seven Cuban soldiers. They
sailed so, on returning to the Steamer, they were
unable to reach her. - the Steamer putting to sea,
and these boys were forced to seek the shore
again, and for several days without any food
but such as they could find on the shore, they
were in great distress, after watching in vain
for the return of the Steamer, (which they have now
been since) they undertook to reach some settlement

...and were taken up by a Spanish Gun Boat and
landed in St. Jago de Cuba. The American Consul then
sent them on a vessel to Mexico thence to New
York home to London which he reached in
June last. This boy rec'd \$4 on shipping but has
nothing since. I state these facts as what I
understand from letters sent me. I make this
comparatory to filing the proper papers, that the
Department may be apprized of the facts and that
such relief may be afforded as the necessities of the
case may render proper. Ample compensation
should be made to these boys by the Means
as it seems to their friends. We understand the
Steamer is now in the hands of the Government.

With great respect

Your Obt. Servt

X. Christie
att'y at Law

Will the Department please advise me what
course should be pursued to secure the objects
desired

A.C.

HERNANDEZ, EPPLEY & GUERRERO,

Civil Engineers and Surveyors,

CORNER OF CHURCH AND GEORGE STREETS,

New Brunswick, N. J., July 4th 1872

Hon. Hamilton Fish

Secretary of State.

Washington D.C.

Dear sir: I have to

inform your department that in spite of the decree of the King of Spain
lifting the embargo on my properties on the Island of Cuba, a copy
of which was transmitted to me by your department, the Spanish Authorities
of the Island do not seem disposed to deliver them to my agent in Cuba.
The decree is signed by the Acting Captain General Ceballos on the 15th
of April last, and I believe it was published in the official paper on
the 24th of the same month.

I do not know that it is proper for the American Consul in Havana
to take possession of them, should it be so, you will greatly oblige me
by communicating it to him that he may take the necessary steps towards
obtaining them or else inform me of what I ought to do under the circumstances
and oblige

Your obedient servant

✓ - Joseph Hernandez P.O. Box 133.

NEW-YORK.

July 5, 1872

Hon Hamilton Fish
Secy of State

Sir -

I am compelled to call the attention of the State Department to my claim which has been pending as long in their hands. The facts are simple and matters of record - In March 1869 I bought of Augustin Canyo a mortgage for \$27,280⁰⁰ made by Francisco Acosta wife to the former on property at St. Sebastian Cuba and an assignment was made thereof which was at that same time (March 1869) acknowledged

Very respy Yrs.
Geo. W. Fiske

Times), Col. H. C. Church (Army & Army Journal), Gen. Sherman &c &c who know me well & can vouch for my standing - I do not feel inclined to submit to such performances from Spain any longer and I feel confident that the Administration will prevent it -

County Clerk - Some months
afterwards the Spanish Govt
embargoed the debt as the
property of Mr Conroy, who
they claimed to be a rebel,
altho to the best of my belief
he has taken no part in
the insurrection.

But all went I am an
American Citizen, by birth &
parentage. I have never even
been in Cuba. This debt
was personal property, which
followed the owner ^{being}
brought it in good faith, long
before any embargo was thought
of and I had ~~none~~ a perfect
right to do so under the
laws of the U. S.

After ~~the embargo~~ I placed
the matter in the hands of the
State Dept - a long correspon-
=dence ensued which resulted
in a request from Havana
for me to send them my
original papers. I did so
& the only answer received was
that I must "appeal to the
Courts" they still keeping my
papers - This was in Nov/91
and since then nothing has
been done.

I have no wish to
embarrass the State Dept ~~me~~
but I must now insist
upon some action being taken
in my case - The papers
on their face show the truth.

Washington, D.C.,

July 8th 1872.

10 July
Jedidiah

1872
Honorable Hamilton Fish,

Secretary of State:

ack 12 July

Sir:

As counsel for Mr. Joseph Hernandez, a citizen of the United States, in respect of his claim pending before the United States and Spanish Joint Commission, I have the honor to apply for a certified copy of the decree of the Spanish Government, (under date, it is believed, of the 15th of April last) releasing from embargo the property of Mr. Hernandez on the Island of Cuba.

Mr. Hernandez was notified by the Department of State of the fact of this decree having been made.

Yours obedient servant,
Edwin Stanton.



Made
memorandum
with reference to
the preceding
correspondence, and
submit it with this
to Mr. Olcott, copy 10
J. L. R. M. Wood
dated 20 July

Mr. Hon. Hamilton Fish -

July 8th 1872

Sec^y of State, Washington,

Dear Sir,

My last letter addressed to

you remains unanswered.

Since I wrote you, I have rec^d an official letter from Madrid; by which I learn that the Minister of the United States, at the Spanish Court, cannot take official action in the case of Ramon Martinez Hernandez, in which I am deeply interested, but must await instructions from Washington, before asking for the removal of the embargo from the property of Mr Hernandez, in conformity to the precedents established in analogous cases.

In consideration of the claims presented by a citizen of the United States in his Memorial to the State Department, and by myself, a person well known to you and our Minister General Sickles, as deeply interested in the reclamation of the property of Mr Hernandez, I earnestly and respectfully request you to instruct our Minister, to bring to the notice of the Spanish Gov^t, the claim of Ramon Martinez Hernandez.

A copy of this claim and all the papers thereto annexed, were sent by your Department to Cuba, and by the authorities of that Island were sent to the Spanish Legation at Washington for settlement, and, as your last letter informs me, were sent by the Spanish Minister to Madrid. - These papers therefore, are now awaiting action at the proper Department.

of the Spanish Government in Madrid. -

It is not probable, or in any way reasonable to suppose, that these papers will be taken up, read, and satisfactorily acted upon by the Officers to whom they have been referred, until ~~their~~ attention shall have been called to them by the American Minister, -

I ask in this case, that you shall ~~do what~~ the Government has heretofore done - I ask you to follow the precedents now recorded in the State Department. and grant to me what you have granted to others,

The property of Mr Hernandez, has not been confiscated, - only seized or impounded, and held by Spanish Officials - We ask for no damages,
We ask only restitution of possession, which we believe the Spanish Government will grant to us, when our case is properly presented,

If there are grave State reasons, that prevent your granting the humble prayer of a humble Citizen for justice, then please say so to me, and I will try to submit to a great Wrong, with a hope that some other Administration may not be controlled by the same causes

Respectfully & Truly Yours

Wm. L. G.

Silas M. Stivers

In O'Connell

[To make sure]

This Ramón Martínez Hernández
is on the calendar
of Mixed Com.

Department of State
Washington 187

Ramon Martinez Hernandez

This case is on the calendar
of mixed commission

I have
examined papers filed with commission
there are only two papers
1st letter from H. J. Alexander
attorney for Hernandez.

2^d short letter from Hernandez
to Asst Sec of State (Davis),
acknowledging receipt of a letter
and signed. Ramon Martinez Hernandez
The papers throw no light on
the case

Henry O'Connor

July 17-1872

Washington D.C.
July 8th 1812.

Hon. Charles Hale.
Acting Secretary of State.
Present.

Sir: I have the honor to acknowledge the receipt of your note of the 29th of June, respecting the case of Mr. Felix Gorin, in which I find these words:—

"It is believed that this case, as it
"now stands is a proper subject for the
"Mixed Commission. The release of
"the property from embargo would
"appear to have concluded the case,
"so far as it was a matter for di-
"plomatic correspondence."

I think that the proper construction to be placed upon these words is that the property of Mr. Felix Go-

Mr. Govin has been released, and that at presents, as the case now stands, the only question to be discussed is the question of damages, a proper subject for the Joint Commission.

. May I ask you whether I am right or wrong in such a construction?—

. Mr. Govin who is now in Florida, wrote to me, on the 29th of June, (the same date of your note) and he did not say a word about the release of his property.

As Mr. Govin has a brother named Lore' Govin, whose property was embargoed and released at the request of your Department, I am afraid of the possibility of a mistake in the names. At all events, you will excuse me, if I call again your attention on this subject, and

request of you some further information
in a matter which is of immense
importance for my client.

I am, Sir, very respectfully
your obedient servant

J. L. Rodriguez

1412. 26. St.

Mr. Payson
ackd July 22

Navy Department.

Washington July 10 1872

Sir:

I have the honor to submit
herewith for your information a
copy of a communication from
Commander E. E. Potter, commanding
U.S.S. Shawmut, dated the 13th ult.,
relative to affairs in that quarter and
to the steamer Virginus.

Very respectfully,

Edw. A. Mearns

Secretary of the Navy.

Hon.

Hamilton Fish,

Secretary of State.

Wm. Shawmut (all News)
J. A. Puerto Cabello Venezuela
June 13th 1872

I have to report that this ship left
Port of Spain, Trinidad May 22nd and arrived
at La Guayra May 25th. Left La Guayra June
5th, and arrived here June 4th 1872. While
at Port Spain we received many attentions
from Gen. Longdon, the Comdg^t Officer of the
troops Capt. Rickett, and from the U.S. Vice
Consul Mr. Edward H. Fitt. On the 27th of
May I went to Caracas, and called upon the
U.S. Minister, Mr. Pile and in company with
him called upon the President of Venezuela,
Guzman Blanco. I had heard the Virginie
was at Puerto Cabello, and Mr. Pile informed
me that there were negotiations entered into be-
tween Mr. Quisado, her owner or the agent
of J. F. Patterson & Co of New York, and Gu-
zman Blanco for the purchase by the Venez-
uelan Govt. But as Venezuela had lately
given passports to the Spanish Charge'd Affaires
and as she did not wish to give further offence
the

the Chargé had been asked if Spain had any claims upon the Virginie which would prevent her transfer. The Chargé replied that he could not give an answer and the "Tornado", a Spanish Man of War was despatched to Havana to communicate by telegraph with Madrid. Her return is expected before the middle of this month. The Virginie is at present unable to go to sea. I have examined her myself and do not consider her a safe vessel at sea. There is no American on board of her, and but two Assistant Engineers claiming to be such. At La Guayra I found the Spanish Frigate "Gerona" which was in New York a year ago, a description of which the Dept. is without doubt in possession of; at this place I find the old side wheel steamer "Pizarro", which has been on this station a number of years, and the "Arapiles" an iron clad Frigate of the French pattern; carrying twenty guns, seven of which (six on the gun deck & one under the Top Gallant Forecastle firing directly ahead and on either bow) are 310 & 250 Pdr. Armstrong Guns.

made with steam when she first left Spain, about ten knots; this has been considerably reduced. She is about 5000 tons & is plated about the water line with 4 inch plates; has been in commission four years. I understand she will shortly go to New York to have her bottom cleaned. I expect to remain here until something definite occurs concerning the Virginius. She is undergoing repairs and has no coal. Capt. Bowen who brought her here from Aspinwall & was discharged here, told me that he left Aspinwall to avoid the "Wyoming."

Very Respectfully
Your Obedt. Servt.
Edw. & C. Potter,
Comdr. Comdg

To the

Hon. Geo. M. Bibbison,

Secretary of the Navy
Navy Department

Washington, D.C.

P. June 20th/72 — No material change in affairs since above was sent.

Edw. & C. Potter,
Comdr. Comdg

Bureau of claims
July 15 - 1872

Subject

Communication from
Navy Department, enclosing for
information of this Department, copy
of report of Commander E. E. Potter
of the "Chammut," relative to
Steamer "Virginian," report
dated June 13th 1872, and giving no
information additional to that
already in possession of this Department
- calls for no action except
to file and acknowledge to the
Navy Department.

Henry C. Sumner

List of Claimants.
Before
American & Spanish Commission.

1. Story Henry
2. Gonzalez Gregorio
3. Machado Juan F.
4. Moliere Peter
5. Edwards James M.
6. Price Leopold A. &
7. Yzquindo Francisco C.
8. Montgomery William
9. Pinto Felix Govin y
10. Cabias Theodore
11. Lavigne Lucien
12. Delgado Jose G.
13. Angarica Joaquin G. de &
14. Lowe, Gidson, Curry, Chas. & Barthum, John

- | | |
|--------------------|-------------------|
| 16. Angarica | George |
| 17. Angarica | Mannel G. & |
| 18. Richiller | Jose Garcia & |
| 19. Sello | Antonio |
| 20. Siller | Santiago C. & |
| 21. Siller | Felix |
| 22. Siller | Thomas |
| 23. Buzzi | Pedro David |
| 24. Brito | Jose Vicente |
| 25. Bode | George |
| 26. Casanova | Innocencio & |
| 27. Codrize | Hewlett C. |
| 28. Cubuda | Emilio F. |
| 29. Casanova | Brothers & |
| 30. Criado y Gomez | Ramon Fernandez & |

31. Dehou Daniel
32. Delgado Joaquin M. &
33. Dominguez Fernanda &
34. Danford Knowlton &
35. Estrada Ralph
36. Fritot Henry
37. Foster Thomas R.
38. Gutierrez Eusebio &
39. Gorn y Pinto, Jose &
40. Duggan Anna Thompson
41. Hernandez R. M. &
42. Hernandez Jose
43. Lima Juan B. de
44. Lanza Manuel
45. Ponci de Lem, Jose Manuel

45. Madan Cristobal
46. Mueses Martin
47. Mora Thomas J.
48. Mora Antonio M. E
49. Mora Magdalena Larrea de E
50. Mora Fausto
51. Madeira Louis C.
52. Macias Jose M.
53. Montijo Manuel Antonio
54. Prieto Manuel E
55. Mestre Paulina A.
56. Matthews John
57. Wyeth Albert
58. Wingate Geo. W.
59. Wilson Augustus

- | | |
|---------------------|---------------------|
| 10. West | James H. |
| 11. White | Andrew D. |
| 12. Norris | Harry |
| 13. Manning | John |
| 14. Polkamus | Charles |
| 15. Portuondo | Guan F. |
| 16. Poy | Gonzalo |
| 17. Phillips | Augustus E. |
| 18. Patchot | Pedro |
| 19. Rozas | John C. |
| 20. Rojas | Manuel Joseph de S. |
| 21. Rojas | Perfecto de S. |
| 22. Rodriguez & Co. | M. C. |
| 23. Rivas, y Lamer | Ramon E. |
| 24. Shlakman | Margaret C. |

75. Silwell Silas M.
76. Silva Emilio de
77. Shannon John
78. Smith Henry J.
79. Simmons Dr. A. T.
80. Santa Rosa Augustin
81. Schmidt E. G.
82. Taylor & Co. Moses &
83. Valles Estevan B.
84. Machado John A.
85. Street Henry J.
86. Glant Peter
87. Griffin Joseph
88. Wandell, Messrs
89. Jones William A.

90. Alfaya Joseph M.
91. Ortega Jose Maria
92. Placencia Joseph M.
93. Johnston Hugh
94. Campbell Chas. H.
95. Arango Augustin A.
96. Youngs Smith & Co.

87 Sanford Knowlton & Co. Peter & Henry & Co.

1872

Aug 16 Mrs. Memorial with papers

88 John Francis Cahill

1872

August 27th = Mrs. Memorial and other papers



at 10:43 a.m. Mr. Britte

Telegram,

New York July 10, 1872.

Mr. Hamilton Fish,

Sir

As Commander of the Cuban
Republican Schooner Pioneer,
I protest against the seizure
of my vessel as illegal and
contrary to every principle of
international law.

I hereby notify you that I
shall hold the Government of the
United States responsible for
damages unless the vessel is
immediately released.

Francis L. Norton,

Commander Cuban War

Vessel Pioneer,



*one or two
July 10
1872*

New York, July 10th 1872.

To the Hon. Hamilton Fish,
Secretary of State,
Washington, D. C.

Sir,

On the 12th day of Feby last year I sent you a communication from this city stating that the Spanish government of the Island of Cuba had unlawfully issued on the 10th of April, 1870 a decree ordering the embargo of my property. In said communication I enclosed the official paper where the decree was published, and likewise my papers of naturalization, dated March 17th 1869.

In June 1871 I received from the Department of State an answer signed by the Assistant Secretary and dated the 2^d of that month informing me that a Board of Arbitration was expected soon to organize in the city of Washington for the settlement of the claims of citizens of the United States for wrongs and injuries committed against their persons and property in the island of Cuba, and that when that Board should have adopted rules to govern the mode of presenting claims and the evidence in support of them, measures would be taken for bringing such rules to the knowledge of the persons interested.

As it is now more than one year since I received this answer and have not heard any thing about the matter, it seems judicious for me to inquire very respectfully of you if that Department has taken any action in regard to my complaint. I deem it very important to add here

My embargo was decreed & I have not received my pecuniary assistance from my relations in Cuba, on account of the Spanish law which forbids any assistance to the embargoed person. And as I did come entirely penniless to this country in 1869 and so did my wife and children, it has been a source of great toil and pain for me to procure the necessary means to support my family, and consequently for three long years we have been and are still living in miserable dwellings, without furniture, carpets, garments nor beddings, occasionally without fire in winter, and at times without any or very scarce food. These have been the causes of the loss of three of my children, of the present delicate condition in the health of my wife, and moreover, of my own health which was affected by a bronchitis that has become chronic for want of physical attendance.

For a period longer than ten years, previous to my departure from the Island, I kept and had under my charge two of the largest schools in the city of Matanzas. Many parents and tutors of children instructed in those schools owed me at the time of my going away from the city several sums of money to the amount of Ten Thousand Dollars, which my hasty departure hindered me from collecting, and likewise the embargo which besides obstructing all correspondence with my debtors has denied me the right to collect in due time what is now an impossibility, the greatest number of my debtors being at present away from the city, others having died, and, as I am told, all disqualified to pay me.

I have, Sir, the honor to be your obedient servant.

Fernando Dominguez,

La Paz, Julio 10, 1872.

Excmo. Sr. Presidente de los Estados-
Unidos, General Ulysses S. Grant.

Washington.

Excelentísimo Señor. —

Me hago un deber de remitir a Vuestra
Excellencia un ejemplar de mi obra titulada "Org-
mas del Derecho Internacional."

Al hacerlo, tengo la convicción de que
este modesto trabajo merecerá de Vuestra Excellencia
benévola acogida, como un homenaje de respeto
debido al digno representante de la gran na-
ción que ha contribuido mas que otras a asian-
zar y establecer en el mundo los principios del
derecho moderno.

Me honro de tributar este pequeño ho-
menaje al distinguido Presidente de los Es-
tados Unidos, y en este motivo me suscribo
de Su Excellencia —

Mui atento y
obediente servidor —

Agustín Aspiazú

(Translation.)

To his Excellency
the President of the United States,
General Ulysses S. Grant,
Washington.

Most Excellent Sir:

I make it my duty to transmit
to your Excellency a copy of my work entitled
"Dogmas of International Law."

In doing this, I am convinced that
this modest production will be benevolently received
by your Excellency as a homage of respect due
to the worthy representative of the great nation
which has contributed more than others in
securing and establishing in the world the
principles of modern law.

I honor myself in paying this
small tribute of respect to the distinguished
President of the United States, and on this
occasion subscribe myself Your Excellency's
Most respectful and

obedient servant,
Agustín Asprague.

Treasury Department,



Washington, D. C., July 11th, 1872.

Honorable Hamilton Fish,

Secretary of State

Sir:

I have the honor to transmit herewith, for the information of the Honorable the Secretary of State, copy of a letter of Captain David Ritchie, U.S. Army, commanding the Revenue Steamer "Moccasin", dated at New York, P. S. the 9th instant, reporting the boarding by him, while cruising, of a Schooner called the "Pioneer", which is supposed to be in the employ of the Cuban insurgents, she is heavily armed, and officered and manned by persons claiming to be in the service of the so called Cuban Government; also his seizure of said vessel and her detention in the

Harbor of New York.

Captain Ritchie has been instructed
to hold the Schooner, until further
orders from this Department.

Yours,

Very respectfully,

Geo. S. Brinkell

Secretary

U. S. Revenue Marine,
U. S. Revenue Cutter "Moccasin"
Newport R.I. July 9th, 1872

Sir,

I respectfully report while on a cruise, having boarded a Schr. who when hailed claimed to be Schr "Resolute" (late Rev. Cutter) and when boarded boreed a vessel without papers, and a document was produced said to be the commission of one of the Officers of the Cuban War Schr, "Pioneer". When boarded by this vessel the following bearings were taken, viz. Point Judith N. by N. 1/2 N magnetic Beaver Tail Lt. N. N. W., Brentons Reef Lt. Ship N. N. E., 1/2 E, this bearing making the Schr. inside Block Island, and within four (4) miles of Pt. Judith, and the Officer commanding said to be on shore

named S. L. Norton a Captain in the Cuban Navy by commission. Took her in tow she showing no legal papers known to me, and towed her to Newport and anchored her near this vessel, leaving an Officer on board.

Upon examination found two 20 pdr. Rifle Cannots, One 18 pdr. Rifle thirty two stand Small Arms, and about twenty six hundred lbs Powder.

Crew about sixteen (16) all told, The Battery was covered by sails, only the ordinary crew of a Coasting Vessel about decks when boarded, I found the Officer in charge Uniformed, and upon request was shown the Colors, (A flag I have never before seen).

Having no instructions from the Department to permit such Vessels without lawful papers to cruise on our

inland waters, and not knowing her intentions, I deemed it my duty to seize the vessel, and ask instructions from the Department.

I Am Sir,

Very respectfully
Your Obedt. Servt.

David Ritchie
Capt. U. S. R. M.

Care George S. Boutwell
Secretary of the Treasury
Washington D. C.



Mr. Wood
Collection and Exam Office
OF
ALFRED SCHLESING.

Washington, D. C. July 11, 1872

The Honorable Secretary of State
U.S.



Sir:

It is represented by the relatives and heirs at Cologne of one John William Cimmermann, who is alleged to have died as a broker in Havana in the year 1870, that enquiry for them at Cologne was made through the Government in the year 1871, and they have charged me with the prosecution of the matter.

As the particulars of the enquiry are not stated, I beg leave respectfully to enquire of the Department whether any information on the subject is in its possession.

I have the honor to be
Sir, very respectfully
your obedt. servt
Alfred Schlesing
Att. at Law



New York

11 July, 1872

Very
Honorable

Hamilton Fish

Secy of State

Washington D.C

Sir.

In my statement published in the
New York Tribune of this date, a
copy of which I herewith enclose, the
Editor of that paper makes me say
that "I look upon the entire affair
as a mere piece of petty malice
which the present administration wishes
to shew towards Cuba"

I feel it my duty to deny this.
I never made such a statement, nor
is such my opinion. It would be
absurd for me to charge the adminis-
tration for an act of which they were

at the time it was
committed.

I yesterday forwarded you
by wire my protest, as Commander of
the Cuban Schooner of war "Pioneer",
against her seizure, and as a
duly Commissioned Officer of the
Republic of Cuba, I again respectfully
demand her release -

This demand is made
upon the ground that at the time
of the seizure the vessel was a
regularly Commissioned vessel of
the Cuban Republic, and upon the
high seas - I contend that she
was beyond the jurisdiction of the
United States - Captain Ritchie
himself admits that she was four
miles from the land, thus placing
her one mile beyond the marine
league recognised as the limit
prescribed by international law
and I could produce many authorities

where the vessels of one Belligerent have been captured by the forces of another within four miles of the coast of a neutral power and the capture considered legal and in no way a violation of neutral rights.

Regarding any question that may be raised concerning the outfit of this vessel it is my duty to inform you that we are prepared to shew by positive proof that we have in no way violated the neutrality laws of the United States - None of her crew were engaged for war purposes in this country - she vessel was regularly purchased by agents of the Cuban Government in foreign waters, beyond the jurisdiction of the United States. Her ammunition, small arms, gun carriages and every thing else belonging to her equipment, as a vessel of war were purchased and placed on board of her by agents of the

Cuban Republic, in foreign waters
beyond the jurisdiction of the United
States

That the Cuban revolutionists
had the right to fit out this vessel
and send her out under their flag
I think cannot be doubted and
the simple fact that the Govt of
the United States has not recognized
them as belligerents does not justify
the seizure of their property by
officers of the United States Govt
upon the high seas.

Belligerency is a matter
of fact, and not a matter of
opinion - The Govt of Peru has
recognized the independence of
The Republic of Cuba, and many
if not all, of the other South American
Republics and Govts have recognized
them as belligerents.

Last fall the Govt
the United States issued a proclamation

as understood, declaring that they
would observe a strict neutrality between
the govt of Spain & the people of Cuba -

Why issue such a proclamation if
you do not recognise a state of war
as existing between the govt or people
specified, and You certainly cannot
recognise such a state of war without
recognising both parties as belligerents.

We have it reported from
Havanna that the Spanish fleet has
been ordered to sea in search of this
vessel, the "Pioneer", with orders to capture
her wherever found - and it is also
reported that they have been using Am.
waters as their cruising ground, and
American ports as their places of rendezvous
- And all this with a view to the capture
of this little schooner of the "glory of
which United States Officers have
robbed them. Why? This if the

Cuban flag is not that of a belligerent.
The Spanish Government have
built their ships of war in American
ports - the arms and ammunition
with which they are seeking to destroy
this Cuban Republic have been purchased
mostly in American cities, and shipped
openly and without concealment to
the island of Cuba, with the full
knowledge and consent of the officers
of this government. Have the same
privileges been extended to the Cubans?
Answer, and the records of American
courts will answer, No. They have
been persecuted in every way - they
have been tracked through the streets
of the cities like felons, and dragged
from their homes by American police
officers under warrants issued by
American judges; and upon what
charge? No other than that of
conspiring against Spain.
It has been left for the

United States government in the
Nineteenth Century to declare it a
crime for the slave to strike for his
freedom - Is this U.S. neutrality?
or is the course that has been pursued
by the U.S. Govt regarding Cuba in
accordance with your interpretation of
international law?

I have the honor to be, Sir,
Most Sct
Francis L. Norton
Commanding Cuban Republican
Sch of War Pioneers

VIOLATION OF NEUTRALITY LAWS.

Francis L. Norton, commander of the Cuban frigate-of-war **Pioneer**, seized by a United States revenue cutter, on the morning of July 9, makes the following statement:

"I am the commander of the war frigate **Pioneer**, lately seized off Newport, and now under arrest by the United States revenue cutter. This vessel we claim to be a regularly-commissioned vessel of the Government of Cuba. She was armed and equipped in foreign waters, outside of the United States. She has in no way violated the Neutrality laws, and, at the time of her capture, she was, as I understand, four miles off from Point Judith, under full sail. If she was trespassing upon United States waters, I contend it was the duty of the commander of the revenue cutter to order her off, before resorting to a seizure. Regarding the statement that the vessel will be held as a pirate, I will simply say, that I hold a commission at present from Carlos Manuel de Cespedes, President of the Republic of Cuba, of which the following is a copy:

"**C. M. DE CESPEDES, President of the Republic of Cuba.**
To all whom it may concern:

"Know ye, that to Capt. Francis L. Norton of the Cuban Navy I have conferred the special commission of arming, and equipping, and manning the enemy's vessels that he may capture in the war now existing between this Republic and the Spanish nation, fully authorizing him, so that, under our national flag, and observing the rules and prescriptions of International law, he may employ those or other vessels commanded by officers of the Republic of Cuba in chasing, capturing, and destroying, if necessary, the vessels of war or merchant marine that fly the enemy's flag.

"Therefore, I invite the agents and Consuls of this Republic to aid him, the said Capt. Francis L. Norton, in every way. **CARLOS MANUEL DE CESPEDES, President.**

"**FRANCISCO MARCKO, Sec. of War and Marine.**"

"Under this commission and authority this vessel has been manned and equipped. We shall contest the legality of the seizure, and ascertain, if possible, if a people struggling for an independence, as the people of Cuba are doing, have any rights which the Government of the United States is bound to respect. I look upon the entire affair as a mere piece of petty malice which the present Administration wishes to show toward Cuba."

1482 Treasury Department,

D.C.

Washington, D. C.

July 12, 1872.

Sir:

Referring to your letter of the 9th instant in reference to the detention of the Cuban schooner "Pinar," I have the honor to transmit herewith a report from the Collector of Customs at New York, N. Y. relative to the manner in which she is equipped and manned, and other circumstances which induced the Captain of the U. S. Revenue Cutter "Albatross" to take her into New York.

I have the honor to be, Sir,

Very respectfully,
Wm. A. R. Smith
Secretary

Secretary of State
Department of State.

Copy

Custom House.

Newport, R.I., July 10, 1872.

Sir:

I had the honor to receive your telegram at 5 o'clock P.M., last evening directing me to hold schooner "Pioneer", seized by Capt. Ritchie, U.S. Rev. Cutter "Mocassin", and report to the Department the facts in the case.

I have respectfully to report that said vessel was boarded off Point Judith by the Cutter at 8 o'clock P.M. on the 8th inst., and an officer sent on board to examine her character; after doing so the officer in charge of said schooner was taken aboard the Cutter, who exhibited his Commission which set forth that he was a Lieut. Commander in the Cuban Navy, by the name of Y. R. Hattrick; he also stated that the Capt. was on shore for medical advice, whose name was F. L. Norton.

There being no legal papers found on board, she was towed into this port by the Cutter and anchored

in the inner harbor at 9³⁰ P.M. Yesterday an examination was made of the vessel and equipments, and two 20 lb. parrot guns, and one 18 lb. rifled French gun, thirty-two stands small arms, and about twenty-six hundred lbs. of powder was found on board.

After arriving in the harbor the commanding officer made the following statement, viz: that about two weeks ago, off Charleston, S.C., they landed a messenger with dispatches for New York, and they had orders to proceed to somewhere off Muntuck, and there wait for further orders, and that the officer had been absent much longer than was expected.

They report four officers and sixteen men at present, though two of her officers are in New York; executive officer, Lieut. Commander, V. R. Hattwick, Capt. R. Leair, and 2nd Lieut. J. A. Lawrence, all of whom are Americans, except the last. The crew is made up of all nationalities.

The officer in charge further says she was

fitted for the Cuban service in New York.

I think it doubtful whether the above statement of theirs is correct - the first statement made by the officer in command was that the Captain was on shore for medical advice.

I am, Very respectfully,

Your Obedt. Servt.

(Signed) L. W. Macy.

Collector.

To
Hon. Secretary
of the Treasury
Washington, D.C.

U. S. Navy Department.

Washington July 15th. 1872

Sir.

I have the honor to return

herewith despatch No. 96, from the U.S.
Consul General at Havana, which
accompanied your letter of the 10th instant,
relative to the course pursued by the
Spanish authorities towards the American
steamer "Columbia"

This Department will do
whatever may be in its power to carry
out the views of the Department of
State in this matter.

Very respectfully,

Leon Holmes

Secretary of the Navy

Hon.

Charles Hale,

Acting Secretary of State.



Treasury Department,

Washington, D. C.

July 13th 1872.

The Honorable

Hamilton Fish,

Secretary of State.

Sir:

I have the honor to acknowledge receipt of your communication of the 13th inst. in reply to letter of this Department of the 11th inst. and stating that Capt. Ritchie's report relative to the seizure and destruction of the Schooner "Pioneer," together with other letters on this subject, have been referred to the Attorney General; that the evidence in your possession does not furnish at present a decisive answer on the subject, but the facts warrant an examination, which will be ordered to be made by John A. Gardner, the Attorney of the United States for the District of Rhode Island. The continued detention of the vessel being desired meanwhile; also desiring

that the Revenue officers be instructed to give such facilities as may be in their power to Mr Gardner.

In reply I have respectfully to state that the commanding officer of the Revenue Steamer "Moccasin" has been directed to afford facilities to Mr Gardner, and that the detention of the vessel seized will be continued, agreeably to the desire expressed in the communication from the Department of State above referred to.

I am.

Very respectfully,
Geo. S. Conwell,
Secretary.

Custom House

Newport R.I. July 13 1872

Sir

Herewith I have the honor to enclose copy of a Libel served by W. S. Marshalle on the Cuban schooner Provenir, and also demanding the surrender of said vessel to him.

I informed the U.S. Marshal that I was instructed by the Hon Secretary of the Treasury to hold the vessel until further instructions, and that I could not give her up to him until directed so to do by the Department. He however went on board and nailed up his notice of Libel -

I would most respectfully say that I received a telegram dated
the

The 9th inst, and also a letter dated
the same day to hold the vessel and
report all the facts in the case, relating
to papers, armament, and crew, all of which
has been complied with by me - In letter
dated 9th inst forwarding report of Capt
Riethe, and also my letter of the 10th
inst giving full report of all the facts
that had come to my knowledge -

Capt Riethe received instructions this day
from your Honor to hold the vessel.

This letter being of later date than mine,
Capt Riethe now considers the Schooner
in his charge, and not acting under
me as Collector.

The U.S. Marshall does not recognize
any one but me, as Collector, in his
demand. Will you please instruct
me as to where keeping the vessel

& in, until then, I shall hold here

I am very Respectfully

Your Obedt. servt.

S. W. Macy

Collector.

Hon Secretary of the Treasury

Washington D.C.

Telegram

New York July 13. 1872.

Mr. Milton Fish,

Secy of State,

I learned here that
the case of the Pioneer is
in your hands.

Do you see any reason
why to hold it? If not
why do you not let her
go free at once?

Emilia C. O'Connell

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 375

July 16-31, 1872



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

Washington: 1964



ackd
I think this
the case mentioned
in note of 11th inst
again 16 July - by
for the entry will
be with the stolen
or this examine
how it is
C. H. July 19
20 July

New York July 17th 1872

Mr Bidan

Hon Charles Hale
Assistant Secretary of State
Washington D.C

Dear Sir

Since your letter of the 22nd ultimo with
regard to the embargo of my property in the Island
of Cuba, I have heard nothing further, and would
like to know if any decision has been arrived at in
my case.

My Atty at Havana, presented a Memorial to the
Captain General on the subject, but he will not answer
~~and in the meantime they will not deliver the property~~
they have seized belonging to me. As by the decree
published in the official paper of Havana, which
I enclose you, it appears that the embargo
laid upon the property of Thomas S. Mora is ordered
to be raised; the Commission of Embargoed Properties
pretend that they have never laid any embargo on
Thomas S. Mora but on Don Tomas Mora, and conse-

quickly cannot release the former. But I will call your attention to the fact, that the Spanish Government seized the property of Thomas J. Mora under the name of Dr. Tomas Mora and I would like you to send a statement of these facts to the Spanish Minister so the decree may be published in a manner that I could get what belongs to me. Trusting that you will lend your valuable aid to my case and will overlook the trouble I give you.

Yours, dear, sir

Your most obt. & humble serv

Thomas J. Mora

PRIMERA SECCION.

OFICINAS SUPERIORES GENERALES.

GOBIERNO SUPERIOR POLITICO
de la provincia de Cuba.

SECRETARIA.

Negociado de politica.

Habiéndose comprobado que D. Tomas J. Mora es ciudadano americano y prestado este juramento de no haberse ocupado jamas ni pertenecido á expediciones filibusteras, ni á sociedades con el objeto de destruir de modo alguno el dominio español en esta isla, el Excmo. Sr. Gobernador Superior politico, ha tenido á bien declarar que dicho individuo no es el D. Tomas Mora declarado infidente por decreto de 15 de Abril de 1869 y que por consiguiente se levante el embargo que se haya efectuado de los bienes de aquel en esta isla.

Lo que de orden de S. E. se publica en la Gaceta oficial para general conocimiento y fines consiguientes.

Habana 14 de Mayo de 1872.—El Secretario,
P. S. M. Crespo Quintana.

P.O. Box 5091



Received July 17th 1872

Sir:

I have the honor to enclose herewith a copy of the statements of Joseph Augustus Chaureau taken at the Custom House, here, yesterday afternoon and evening, reduced to writing by me, and subscribed by him in the presence of Captains Ritchie and Meay; a copy of the statements of Barn and Johnson, reduced to writing by me and subscribed by his mark, on board the "Moccasin", in presence of said Captains; and a copy of a bill of sale and endorsement thereof shown shown me this day by said Chaureau. —

I received telegram as follows this am viz:

"Dated New York 17. 1872"

Received at July 17

To Mr. Gardner U. S. Dist. atty

I will be with you tomorrow morning.

H. L. Norton Commanding Pioneer "

I telegraphed you this am as follows:

"Have obtained important statements from officers of 'Pinar'. Two have, this morning, abandoned their uniforms. Indications are that they mean to leave."

Captain Ritchie states that his officers regard the officers (excepting Chaumeau) and men of the 'Pinar', all manifest a determination to leave, but that they are without funds; that two of the officers, Leain and Keatrick, have taken off their uniforms and in his opinion are only waiting for funds to be off. They have now had an opportunity to confer together, since making their statements, and Chaumeau, who appears to be the master spirit, has admitted to Captain Ritchie that his vessel, to use his expression, "has gone up".—

Chaumeau desired to be present while Johnson was interrogated, but when I told him I proposed each should be questioned apart from the other,

he introduced his request

Very respectfully
John A. Gardner
U.S. atty R.I. District

Hon Charles Hale
Acting Secretary of State
Washington D.C.

Know all men by these Presents
That I Lambert Vertan of New York of the
United States of the first part for and in
consideration of the sum of one Hundred
Thousand dollars in Bonds of the Republic
of Cuba to me in hand paid at or before
the unsealing and delivery of these presents by J.
Augustus Cheamcan, a citizen of the Republic
of Cuba, but now in the Republic of Haiti
of the second part, the receipt whereof is hereby
acknowledged, have bargained and sold
and by these presents do grant and convey unto
the said party of the second part, his executors
administrators and assigns, all my right-
title and interest in the American Schooner
"Resolute" ^{now} ~~and~~ lying in the port of St. Marc's
Republic of Haiti, which ^{said} vessel as it appears
by her register was built at Philadelphia in
the United States, is of 78. Seventy Eight Tons
Register, has a round stem and an Eagle
head and two masts, and United States Revenue
Cutters build, to have and to hold the same
together with her masts, sails, boats rigging, anchors,
chains, ^{and} appurtenances as she now lies unto
the said party of the second part his executors
administrators and assigns forever, And I do
give myself, my heirs executors and administrators
covenant and agree to and with the said

party of the second part - to warrant and defend
the sale of the said Schooner "Resolute" hereby
sold into the said party of the second part,
his executors administrators and assigns,
against all and every person, and persons
whosoever, save and except a certain
Mortgage Executed by myself in favor of
James E. Ward & Co Merchants of New York
for the sum of Two Thousand (\$2000) dollars
United Currency, which the said party of the second
part hereby obligates himself to pay -

In witness whereof I have
hereunto set my hand and seal the 4th
day of June in the year One Thousand Eight
hundred and Seventy two, at St Marks
in the Republic of Haiti

Signed, sealed & delivered
in the presence of
James E. Ward

Gambert Norton
signed / Sale Owner

(Seal)

Don Juan de la Oyarza states that he was born in
Barranquilla, is 30 years old. Has followed the seas for
12 years, Came from home in March last in
English Mail Steamer to New York. Had been
before. Went on board the "Pianco", then the
Resolute in New York shipped in Water Street.
Don't know the names of the ships. They were
loading the vessel when I went on board at New York
shipped for a beaman. I saw the Boatman of the
Pianco. The ballast was taken in after I got there.
I saw the ballast put on board it was iron ballast
and there were two guns with it. The Stewards in
New York put it in. I engaged with Capt. F. L. Norton
made my contract with him at the vessel Capt.
Norton was there three or four times a day
during the loading of the cargo. Don't recollect whether
he was there when the ballast went on board. I saw the
guns when they came down to be put on board, it was
in the day time, They came down in waggon Capt.
Norton and the Chief Mate Mr. Hattrick (on board now)
seemed to have the whole charge and were the only ones
I saw giving orders. There were no other guns put in
at New York. I know of the same ballast and
the two guns are on board now. Myself Charles Hamilton,
a black, and one other, on board now, I don't remember
his name, a black, a carpenter by name of _____ and
board now, and the Steward, a Portuguese, on board now
(Chambers & Captain being sailors from New York also)

...sometimes kept the Captains medals
going out from New York. I don't see Chauncey doing
anything. I shipped to go to the West Indies after
fruit and back to New York. I did not know
what the guns were for I thought they were going to
send them down to the West Indies. The guns were
placed down aft, right in the bottom of the vessel, and
the cargo went in on top of them. The guns were
the only ballast which went on board in New York.
There was no iron ballast put on board there,
and there is no iron ballast on board now
and never has been since ^{we} sailed from New
York that I could see. Should have ~~been~~ from
one hundred to two hundred of the round and long
shot which we have on board now went on at
New York. The long ones are shells. They were brought
down in drays also. I don't know whether they were
all brought at the same time. Mr. Hattrick was there
to receive them. They came ^{also} ~~also~~ in the day time. They were
also covered up by the cargo. I don't recollect whether
Capt Norton was there when the shot and shell were
put on board. Went from Pier 8 to opposite
Hoboken - staid a couple of days getting her sails.
Lent - took ~~not~~ ⁱⁿ ~~nothing~~ there. A tug took us
from Pier 8. All except the Captain and Chauncey
were on board when we left Pier 8. They came on
~~board~~ at Hoboken from Jersey City. Had been
in New York but 3 days when I shipped. Had never

* There was no change of position of guns. Shot or shell before we got to St Anne Bay

seen Captain Norton and Chaureau before. I was looking for a chance to go to sea along the docks, went from New York to St Anne Bay. Did not discharge the guns, shot a shell but took in the stone ballast there, which we have and heard none. next went to a place near Jamaica shore and spoke a Pilot, I was below asleep at the time. Did not know what took place, next went to St Marks - The ship went into port close to the wharf - then we got the gun carriages, the rammers (two) and sponges for the guns, some shells, one shot. They were brought out by lighters and brought on board by Niggers. Mr Chaureau was on shore all the time. Next went to Port au Prince and came to anchor within about half a mile from shore. Saw the powder which we have and heard none, also the small arms, muskets bayonets and some water Mr Chaureau and ~~some~~ ^{shore} men met at the time there, no body else. Then went to sea and didn't stop anywhere else until we landed Chaureau at Charleston. The flag which we now have at the Pike was hoisted a couple of days or so after we left Port au Prince - Have sailed under that flag ever since. Call it the flag of the Republic of ~~Guinea~~ - When the flag was hoisted Captain Norton issued a paper that we were a ~~British~~ man of war Mr Chaureau gave him the papers. They (the officers) all got their papers then. They were all used for them to be officers. I have got one which was handed

the same time which I have here
and ~~as~~ ^{reads} as follows

Quintanilla's Warrant - Republic of Cuba

Know all men whom I may
concern that under and by virtue of the Authority
conferred upon me by Carlos Manuel de Céspedes
President of the Republic of Cuba I hereby appoint
Bernard Johnson a Boatswain in the Navy of the
said Republic with the same salary as that paid
a boatswain in the Navy of the United States
given under my hands and seal the Cuban
Schooner of War "Pionero" June the sixth 1872

Francis S. Norton

Captain of Frigate Commanding
the Cuban Navy

Charles Hamburg the Gunner received a paper ^{also}
the same time I did the Carpenter also. The first
time I knew anything of this vessel having changed her
character and was no longer to be engaged in the
fruit business was when the flag was produced June
8th 1872. So one had told me before that what
business he was going to engage in. The men had
had no notice prior to this time that the vessel
was ^{to} be used for trading purposes and used
to be used for war purposes. I did not object to
serving on a war vessel, and nobody asked me

whether he did or not - at any time. I thought
the Captain was going to carry out these guns, that he
and sell them at the West-Indias when I saw them
come on board at New York. The Guns had been
blacked in position and everything arranged as it
was vessel before the Commissions were issued.
No Americans came on board at any ~~other~~ place
that I know of in any of these ports - I know
Captain Nortons brother, ~~the~~ ^{the vessel} was on board in
New York pretty much every day in New York.
Where he came on board he would go down into the
Cabin. He and the Captain and Hattericks would
generally be down in the Cabin together - The gun
carriages were new when they came on board -
new in Port au Prince - We mounted the guns
on sea - I never have seen Captain Nortons
Brother since we left New York - We had an
Englishman (dont know his name) from a passenger
from New York to Port au Prince. we took all the
crew which we now have, as additional to that
which we had in leaving New York, at Port au Prince
Especially a boy, Clarence, whom we took on board
at St Johns Bay. They came out in a boat
in the morning at Port au Prince and came
right up on deck ^{on deck} and went to work. The Carpenter
and since the Gunner I think shipped in

~~was given the same day the same~~
day after said.

Witness

S. W. Macy

Colly & Customs

Dania Riteau

Capt. A. S. B. H.

Barnard ^{his} Johnson
made

Joseph Augustus Chauveau states at Newport
July 16th 1872 that since his statement last
evening on board the Moccasin in Newport
Harbor, he has received instructions from Capt
Horton whom the ~~messenger~~^{messenger} told him was in
Washington D C when he gave them, that they
were given to him the messenger by Capt Horton
in Washington but did not state when they were
given, but stated that they were given to him
~~orally~~^{orally} and not in writing. He said Capt Horton
told him to communicate to me the orders. I have
received nothing in writing from any body more
than what I had last night, that is the written
order I produced then. I do not know the name
of the man that brought the order but he came
to me with it. He told me his name but I can't
keep the English names, I never knew the man
before, never had seen him before. He met in my room
in the Union States Hotel here in Newport. A day.
He sent his name by the servant, that is the servant
brought it without card. I had left word at the
office, if any body asked for me to direct them to
my room. He came in with the servant and said
he had come from Capt Horton. I had received a
dispatch from Capt Horton this A. M at 10 o'clock
saying that the messenger would be here and
that he would meet me in the hotel. I did not
read where the dispatch was dated, the dispatch

to him on board the Pioneer. He said the instructions were that Capt. Antin appeared of my conduct and for me to remain in command of the vessel until he arrived here which would be on Thursday morning next by some steamer to this place, and he said that Capt. Antin told him to say that he instructed me to call on the District Attorney here and tell him that on his arrival he will show him how the vessel was sold to the Cuban Republic and all the particulars concerning her. That is all he stated and I understood that I am to continue in command and to exercise my judgment as to all matters until the Captain arrived. The messenger has gone back. I saw him at 1/2 past 4 this P.M. He said he was going back by the Wednesday boat the way he came. He left me at the Hotel.

The first time I saw the Pioneer was in New York last April at 8 Pier East River. I went to see her by chance. I was walking along in the pleasure of seeing the vessels. My attention was attracted to her by the cut of her rigging. Three or four days after that day I went on board of her alone staid about 12 minutes, asked a sailor if I could look around and left. The next time I went on board was the 22nd of April on

on the North River I understood she was going
to Jamaica is which place I desired to take
passage. I engaged passage as a passenger
of Francis & Norton the Captain. He charged
me for taking me to Jamaica 32 currency. I paid
him in advance. He gave me a receipt I tore
it up in his presence when he gave it to me. He
sailed the 23rd. I went on board then. I did not
see her advertisement to sail for Jamaica until
after the time I have spoken of when I saw
her at Pier 8 East River. But don't remember
whether she had left there before I saw it. I
have known the Captain before, and was in the
habit of meeting him sometimes in the street. Have
known him for more than a year. First got ac-
quainted with him in New York. Never had known or
met him any where else and had known him for
about a year. First time I was in New York was
1860 next time in 1864 next time in 1869 next in 1870 and
in 1871. Became acquainted in 1871. I had met him
two or three times at a hotel in New York before we sailed.
I engaged my passage and paid him at a hotel
~~don't~~ ^{don't} remember the name of the hotel. It was in
Jurey City. That is the hotel I mean on Taylor's being
suggested he says that is the name. At this point
he says I was appointed an agent of the Republic
of Cuba about sixteen months ago. to go to
the United States, Europe, or elsewhere. to

to procure two vessels for the said Republic.
He declines to answer whether he succeeded in
getting any other vessels than the *Ronier*.
Had been absent from the Republic about a
year when I applied to Capt Norton for a
vessel. I told Capt Norton in New York that
I wanted to get a strong and fast sailing
vessel to take out to the Republic to be equip-
ped as a war vessel. He told me where the
Resolute (near the *Ronier*) was and to go and
look at her and see if she would suit
my purposes. I did so and subsequently told
him I would buy her. And if she acted right I
would take her. Capt Norton and I had a talk
about the propriety for sea, and the understanding
between him and me was that heavy guns were to
be shipped as ballast, but I did not see the
guns on board until after we left New York.
Declines to answer whether he had agents to buy guns
for me as far as I know know that I desired to
buy the vessel except Capt Norton. I did not
know that Lambert Norton brother of the Captain
was the owner until we got out to Port au Prince.
I had been informed that he would be there
to meet us before we arrived there and he was
there when we arrived. When I talked with Capt
Norton I supposed he was the owner of the vessel.

negotiations with him on
that supposition - I was the only passenger
out from New York. All the rest were officers or
men of the vessel Mr Hathuck was the first
mate 2^d mate was Andre Spieder and three
men. Do not know what Ami was whether passenger
or not - I left the vessel at St. Ann's,
I was absent from the vessel six or seven
days at St. Ann's, but decline answers
for what purpose. From St. Ann's we
went to Port au Prince, and then met
Lambert Norton, brother of the Captain
Took in some stores there. Were in
that port about six days. From Port
au Prince, we went to St. Marks Bay,
Lambert Norton accompanying us to
that point. I paid Lambert Norton
for the vessel at St. Marks Bay, in
Cuban Money \$100.00. I took her
for myself in the name of my Country
This was done between one and two
miles from the shore. Capt. F. S. Norton
was present when I did it. Took
a bill of sale of him, which is in
New York. I declared ^{transferred} and whose
possession it is, it may be on board
the "Pioneer" now, if so I will bring it
by on tomorrow. It has never been

I never received
any other papers relating to the vessel
except that bill of sale, Lambert Norton
went on shore after this transaction
and I have not seen him since.
I think he is in New York now, don't
know his residence. I obtained the
flag we said under in our Republic.

There has been no change of
letter to the Director since my transac-
-tion with Lambert Norton to the
present date. The Republic of Cuba
furnished the money which I paid
for her. He declines to state where
he went after he left St. Marcos
Bay. Had seven more men on
board than we had when we left New-
York. They were found in the
hold of the vessel that is all I know
about it. Declines to answer where
the Armament & Ammunition not
taken from New York was shipped. I
frisk landed at Charleston from the vessel
in the United States (though not the ~~the~~ landing
I made) on the 14th of June with dispatches to
several persons in the United States, from
Officials in the Republic, Declines to answer
to whom the dispatches were sent.

17
From the time I left at Charleston until
last Wednesday, when I went on board
of her in this harbor, I had not been on
the "Pioneer". We were on sea when the
commissions were presented to the Officers
excepting my own which I had received
before. The Captain gave out the commis-
sions when the flag was hoisted. Capt.
Norton got his from the Cuban Agent
on the deck of the vessel on the same day -
I wish to state that the commission was
handed to Capt. Norton on the deck of the
vessel on the day we hoisted the flag.

I believe that Capt. Norton knew
all the time in New York that I was
acting as the agent of the Republic of
Cuba. Spoider, Charlie Johnson
were the crew when I first went on
board in New York.

signed J. Augusto Chauveau

Treasury Department,

1421 DA.

U.S.

1872

STATE

Washington, D. C., July 18th, 1872.

Sir -

Referring to a communication from the Department of State of the 3rd Ult. transmitting a translation of a note of the 25th May last, from the Spanish Minister, covering affidavits in regard to the alleged fitting out at New London, Conn. of the Steamer "Edgar Stuart" in which letter an investigation was solicited, I have the honor to transmit herewith, a copy of a report with accompanying documents, of an investigation made under the authority of this Department.

I have the honor to be

Very respectfully
Wm. A. Richardson
Acting Secretary

Wm. Hamilton Fish
Secretary of State

Washington, D.C.

June 10, 1872.

Hon. George S. Boutwell,
Secretary of the Treasury,
Sir:

In compliance with the instructions embraced in a letter of the Department of the 5th instant, directing us to proceed to New York, and to New London, &c., to investigate the truth of certain allegations in regard to the loading, equipment, and clearance of the steam yacht, "Edgar Stuart", as the same were contained in copies of papers transmitted to the Treasury Department from the Department of State, (of which papers copies were put in our possession,) we proceeded to the places mentioned, on the 5th and 6th instants.

It being the more especial object of our investigations to ascertain under what marine

papers the "Edgar Stuart" was sailing, and where and by what authority they were issued; whether she cleared from New London; what was her port of destination, and ~~what~~ her lading, and whether the Collector of the port of New London and the Captain of the Revenue cutter "Campbell" or any Government officer knowingly aided in the equipment and sailing of the "Edgar Stuart" in violation of the Neutrality Act of April 20, 1818, we beg leave to report as follows:

That we found on inquiry at New London that the steam yacht "Edgar Stuart" was cleared from that port on the 28th day of March, 1872, for Key West, Florida, George Mitchell being Master, by Deputy Collector, C. G. Sistare; that the clearance was based upon a Temporary Register issued by the Deputy Collector on the same day, upon the surrender of an enrolment and yacht license; that her lading consisted of arms and ammunition

shipped by Francis Darr, and consigned to order, as will be seen by reference to the copy of the manifest [The copies of the Clearance, Temporary Register, and Manifest, are herewith produced, marked, respectively, A, B, and C.]

We further ascertained that the "Edgar Stuehr" was laid up for the winter of 1870-1871, at New London, and re-appeared at the same port, in September, 1871, to be laid up for the ensuing winter; that about the middle of March, 1872, she was taken out on a trial trip by Mr. Blunt, the owner; that soon after Capt. Mitchell, of Brooklyn, N.Y., came to the Custom House with regular yacht papers, issued from the port of New York of the date of March 21st, her ownership being changed; the person named as sole owner and master was Jimmie W. Butcher of that city. Captain Mitchell wished his name endorsed on the papers as master, which was allowed March 23rd. At the time of

indorsement he inquired if he could proceed to sea without further trouble. He was informed that he could do so, but that he must take no freight or passengers on board as he was under yacht license. He was asked why he had so much coal on board. His answer was that he wanted enough to take him to Key West, that he did not know what might happen, and he wanted to have enough. On being asked what he intended to do when he got to Key West, he said he did not know, but that he should go the coast of South America, and that if he did so, he should throw up his yacht license and take out Register at that place. On the 27th of March thereafter, the "Edgar Stuart" was seen by the master of the Revenue cutter "Campbell", Captain Warner, going into Gardiner's Bay; the Campbell sailed near to her, and lay by at anchor during the night; the next morning a Tug with a lighter in tow came near the "Campbell", and Genl. Darr boarded her from the tug and showed Captain

Warner a copy of what purported to be an old letter from some one of the Departaments, in which it was decided that munitions of war might be shipped to foreign countries without violating the Neutrality Act. Captain Warner stated to us that he took a copy of the letter, but he was unable to produce it, when the undersigned called upon him.

Captain Warner further stated that he was informed by Genl Darr that he had on board the lighter, small arms, powder, and fired ammunition, which he wished to transfer to the "Edgar Stewart". Genl Darr was then told that he could not transfer them to the yacht, as she was under a yachting license, and that if he did so transfer them, his yacht would be seized. Upon Genl Darr's further inquiry what he should do, he was advised to go with Captain Warner and report to the Collector of Customs at New London. Capt. Warner and Genl Darr then went in the tug to New London, and laid the matter before

the Collector. In the presence of the Collector, Genl Darr was again informed that he could not take the freight of the lighter upon the yacht, as long as she was under a yacht license. He then stated that he was going to Key West, and after some conversation with the Collector, he made out a manifest and went back to his vessel, and Captain Warner was instructed to supervise the lading of her cargo, and to see that she returned to port with it, and that she took out a register. The "Stuart" accordingly took on her cargo under supervision of Lieut. Dennet of the "Campbell", returned to New London, obtained a Temporary Register, and clearance, and went to sea.

The foregoing statements of facts seems to us to explain the movements of Capt. Warner in connection with the "Edgar Stuart", as they are set forth in the affidavit of Clark S. Rogers, and relieve him from the suspicion of any intentional co-operation with the master of the yacht, in violating the Neutrality laws.

The same facts would also seem to show that the collector of the port of New London confined himself within the strict limits of the law in granting a clearance to a vessel laden with arms destined for a port of the United States.

In the copy of the affidavit of Walter J. Chaney contained among the papers transmitted from the State Department, it is alleged that the collector in conversation with him, on the evening of the 23^d of March last, had informed him that the Stuart was going to Cuba, and had requested him to say nothing about it, because it was desired that she should get away. On further inquiry of Mr Chaney, he stated to us that he did not judge from Mr. Marshall's language, that he had any positive knowledge that she was going to Cuba, but that the collector was convinced of it from common report. Mr. Chaney also stated that he did not infer from the collector's words that he was in collusion with the Cubans, but simply that

he sympathized with them. The statement of Mr. Chaney that the Collector told him that the Custom House would be kept open all night, is explained by a statement to the Deputy Collector to us that it was the common custom for him to go, at all hours of the night, to clear vessels, but that he had no instructions to keep the office open for the "Stuart" to clear.

Respectfully submitted,

(Signed) S. J. Kimball

Chf. Revenue Marine Div.

(Signed) D. Lyman.

Chf. Navigation Div.

(Copy)

Report

in regard to the clearance
of the
Steamer "Edgar Stuart."

COASTWISE CLEARANCE.

A.

District of

New London

PORT OF

New London

28th day of March 1872.

George Mitchell

Master of the

Steamer

Edgar Stuart

of

New York

having sworn,

as the law directs, to the within Manifest, consisting of

482

articles of entry,

and delivered a duplicate thereof, permission is hereby granted to the said vessel to proceed to the Port

of *Key West*

in the State of

Florida

GIVEN under my hand at

New London

the day and year above mentioned,

(Signed)

C. S. Sistrunk

Collector

No Naval Officer.

OATH OF MASTER TO MANIFEST ON CLEARANCE COASTWISE.

District of *New London*

Port of *New London*

I, *George Mitchell*, master (or commander) of the *Steamer* called
the *Edgar Stuart*, of *New York*, do swear (or, if scrupulous of

swearing, do solemnly, sincerely, and truly affirm and declare) to the truth of this manifest, and that,
to my best knowledge and belief, all the goods, wares, and merchandise of foreign growth or manufacture
therein contained, were legally imported, and that the duties thereon have been paid, or secured,
according to law.

/signed/

George Mitchell

DUPLICATE REGISTER.

No. 8 *Temporary*

Form B.

No. 8584

In Pursuance of an Act of the Congress of the United States of America entitled "An Act concerning the registering and numbering of Ships or Vessels," approved December 31, 1792, and of "An Act to regulate the advancement of Tonnage of Ships and Vessels of the United States," approved May 4, 1844.

George Mitchell
of *Brooklyn* - State of *New York*
having taken or subscribed the oath required by the said Act, and
having sworn that he together with
James W. Bletcher
of the City & State of *New York*
is the sole and

only owner of the Ship or Vessel called the *Edgar Stuart*
of *New York* whereof *George Mitchell*
is at present Master, and as he hath sworn is a citizen of the United States
and that the said Ship or Vessel was built at *Switzerland* State of *Connecticut*
in the year 1859 - as appears by Certificate No 87 issued at the Port of
New York March 21, 1872 now submitted for this Register

And said *George Mitchell*
having certified that the said Ship or
Vessel has two Masts and that
her length is One Hundred thirty six feet
her breadth Twenty four feet
her depth Thirteen feet
her height Four feet
and that she measures Two Hundred forty nine
and Eighty two hundredths, viz.

Capacity under tonnage Act.

Capacity between decks above tonnage Act.

Capacity of hold below tonnage Act, etc.

Tonnage 241 82

TOTAL TONNAGE

241 12

that she is a Steamer has a round or stern
and a figure head.
And the said *George Mitchell* having agreed to the description
and advancement above specified, and sufficient security having been given, according to the
said Acts, the said Steamer has been duly
registered at the Port of *New London*

Given under my hand and seal at the Port of *New London*
the 28th day of *March*
and eleventh year 1872

Noted Officer.

L. S. Bristow
Off. Collector

1992
15.
Copy
DUPLICATE REGISTER.

No. 8 "Temporary"

OF THE

Steamer

CALLED THE

Edgar Stuart

241 $\frac{82}{100}$ Tons.

ISSUED AT THE PORT OF

New London

DISTRICT OF

New London

March 28th A. D. 1872.

Geo. J. Marshall
Collector.

Mr. Ward
Department.

Washington July 18 1872



Sir,
I have the honor to enclose
herewith for your perusal a despatch
dated the 7th instant, received from
Commander John L. Davis, Commanding
the U.S.S. Wyoming, now at Aspinwall,
relative to the Edgar Stuart, &c

Will you please return the despatch
to the Department after having availed
yourself of its contents?

By direction of the
Secretary of the Navy,

Very respectfully &c

E. R. P. Rodgers
Chief of the Bureau of Land
& Rocks.

Hon.
Charles Hale,
Acting Secretary of State.

JOHN G. KERSHAW,

ATTORNEY-AT-LAW,

No. 124 South Fourth Street.

Compromises Effected,
Differences Adjusted, and
Settlements made throughout the United States.



Philadelphia, July 19th 1872
Airt 9. N. 125 " 19 "

Hon. Hamilton Fish

Sec'y of State

Washington D.C.

Dr Sir;

Just before
the adjournment of the last Session of Congress
Hon. Wm. D. Kelly reported to me that the Com-
mittee on Pensions had reported a
Bill which passed the House, in which one
John Davis, a Marine, who lost a leg from
injuries received on board the Cateron,
lying in Mobile Bay in 1865, was granted
a Pension

Permit me to enquire, if
your office is the proper one to which to
make the inquiry, whether said Bill
became a law?

Very Truly & Respectfully

Yours Obedt Serv^t

John G. Kershaw



New York July 18th 1872

I have the honor to inclose
herewith Copies of Statements of
Barnard Johnson and Captain Norton,
relating to the "Pineau", made, reduced
to writing, and subscribed on board
the "Moccasin" in the same manner as
those heretofore forwarded to Hon. Charles
Fisk acting Secretary of State. Your
telegram of this date is at hand

Very respectfully,
John A. Hendon
U.S. atty N.Y. District

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

(11)
André Arndt states that he was born in Austria is 25 years old has followed the seas for about 9 years. First came to this country 2 1/2 years ago. Just went to New York January 16th 1872 from Leghorn in the Lady Blenheim a New York ship as carpenter on her. Carpenter by trade. Just knew Capt Watson the day I shipped to go on the Resolute now called the Amers. There was a runner at the sailors home where I boarded at 338 Pearl Street New York who told me they wanted a carpenter at one of the shipping offices & directed me to go to a shipping office in South Street, forget the number. - They told me where the vessel was and I went to the Pier where the Resolute lay and engaged to go as carpenter from New York to St Ann's Bay and then back to the United States. Then went back to the shipping office and signed articles the same day. This was on the 4th of April I think went on board that day. The Cargo, ballast, and every thing was in then. hatches down. She left the Pier the same night & went over by Jersey City and sailed from Jersey City on the 24th of April and went direct to St Ann's Bay. The first I knew of any gun being on board was when they were getting there.

gun was got out at sea. Up to this time I was ignorant of the fact that any arms powder or war materials were on board. Before the time when the guns were got up we had been to St Anne's Bay, to Port au Prince, to St Marc's Bay & then out to sea. I don't remember him coming out from St Marc's Bay before the guns were got out. I was on duty all the time from the time we left New York until the guns were got out except for 4 days while in port at Port au Prince where I was confined to my berth by sickness. I never saw anything brought on board the ship at any time. I helped get the guns on deck, never saw any thing come on the vessel at any time. Saw the crew come on board, none of them never been there if I have thought she was to become a war vessel. I did see the gun carriages come on board at Port au Prince. The man Charlie told me the guns were on board and I suppose the carriages were for the guns. I did not know that there was any powder on board. I did not know what they would do with guns and gun carriages without powder that was their business and not my business. He produces a Carpenter's warrant a copy whereof is hereunto annexed.

(3)

which he says has been in his chest ever since he received it that no one told him to bring it here to day and he don't know why he should have gone to his chest for it and brought here on board the Moccasin. He says the guns were got up on the day the warrant bears date & that the same was delivered to him then, that he read it and ~~accepted~~ accepted it after the guns were got up.

(signed) Andron Z. Gordier

Republic
of
Cuba

Carpenters Warrant

Know all men whom it may concern
that under and by virtue of the authority
conferred upon me by Carlos Manuel
de Cespedes, President of the Republic
of Cuba - I hereby appoint Andrew
Spoider - a Carpenter in the Navy
of the said Republic, with the salary
as that paid a Carpenter in the Navy
of the United States -

Given under my hand on board
the Cuban Schooner of war Tioner
June the sixth 1872.

(signed) Francisco J. Norton
Captain of Frigate, Commanding
the Cuban Navy

Carlos Manuel de Céspedes. Presidente
de la República de Cuba

Por la presente sepan enantes este despacho
viesen, y atendiendo a las circunstancias
personales que amuestran el Ciudadano
Francisco L. Norton, y en uso de las facultades
que me están conferidas, he venido en nombrarle
"Capitan de Fragata" en la Marina de Guerra
de la Republica, debiendo gozar, en virtud de este
nombramiento del sueldo y consideraciones correspondien-
tes a este empleo

Dado en la residencia del Ejecutivo a 1.º de
Setiembre de 1871. Cuanto de la Independencia.

El Presidente

El Secret. de la Guerra

C. M. de Céspedes.

y Marina

Fran. Marco



True Copie

F. L. Norton

Carlos Manuel de Céspedes Presidente de
la República de Cuba.

A todas las que el presente despacho viere, Salud:
que al Capitán de Fragata de la Marina de
guerra de esta República Francisco D. Norton
he conferido y confiero la Comisión especial
de equi ^{part}, armar y tripular las barcas
enemigas que puedan capturar en la guerra que
actualmente existe entre la República y
el Gobierno de España autorizándole
plenamente para que bajo la Bandera
nacional, y observando las reglas y prescrip-
ciones del derecho internacional emplee
en otras buques al mando de oficiales
de la República en perseguir, capturar y
destruir si necesario fuere, las barcas de guerra
o mercantes que ^{marchen} bajo el pabellón
enemigo.

Por tanto invito a los Ministros
y A. Jentes Diplomáticos, como a los Conde-
mas de la República a que presten incorpo-
ración a los actos del Capitán Norton.

Dado en la Residencia del Ejecutivo a 1º de Set
de 1871

El Presidente

El Secretº de la Guerra y Marina

Ch. De Céspedes
Correct. Copia
F. S. Norton

Francisco Maceo

Thomas L. Norton states that he is at present
 Captain of Frigate of the Navy of the Republic of Cuba,
 at present commanding Cuban Schooner of War
 Pioneer, He further states that the Vessel the Pioneer
 was duly purchased by citizens of the Republic of
 Cuba from her then American owner Lambert
 Norton that after being so purchased her
 present armament was placed on board
 beyond the jurisdiction of the United States
 and she was duly Commissioned in
 accordance with the rules and specifications
 of international law as a vessel of war of the
 Republic of Cuba. A people with whom the
 United States are at peace. This Vessel the
 "Pioneer" was formerly the American Schooner
 Resolute. The Resolute took out her register
 from the Custom House in New York in
 March last. She loaded from that port with
 General Cargo for St. Ann's Bay Jamaica
 where she proceeded and discharged her cargo.
 She stopped at no intermediate ports between
 New York and Jamaica. She committed no
 hostile act against any people or government.
 She cleared regularly from St. Ann's Bay in accor-
 dance with law, and proceeded to
 Port-au-Prince Haiti. I there stated as master
 of the "Resolute" to the American Consul, Mr. Bassett
 that the owner was negotiating for the sale of

the vessel to foreigners. Mr Bassett asked at what price and I replied Twentyfive Thousand dollars. The vessel was cleared from Port Au Prince Haiti and proceeded to St Marks Bay Haiti where the sale and transfer already referred to took place and she ceased to be an American vessel. She has never been represented as an American vessel since that date. At the time of the sale of the vessel at St Marks Bay there was no American Consul present at that place. As I was informed he had had a controversy with the authorities of Haiti and had left St Marks and had proceeded to Port Au Prince to consult with the Consul General Mr Bassett. The greater portion of the Planers crew were taken on board in Haiti, I would further add that while at St Marks the Haitian authorities sent orders to the vessel that no person must visit or go from the vessel excepting the Cuban Agent who was negotiating a purchase as the country was in a state of Revolution. The Cuban Agent to whom I refer was Mr Chameau. I have been in Albany N.Y. about 30 years of age. I have been a seafaring

man, ship owner and ship-master since my
fiftieth year. Left home at fifteen for sea,
I caught the "Resolute", as Agent for my brother
Lambert Vinton in the latter part of march do
not remember dates, think the register was taken
out in April, the papers on file in the New
York Custom House will show. She had
been sold a few weeks before that in Philadelphia
by the Government to a man by the name of
Cooper President of Camden New Jersey. I took
possession of her as Master at once.

upon my said purchase at Philadelphia,
she then went through the Haritan Canal
to New York where she was loaded for Jamaica
as already stated at Pier 8 or 9 East River with a
general cargo of provisions. Shipped by A. F.
H. Solomon, Company of New York and consigned
to their friend the American Consular Agent at
St. Ann's Bay Jamaica to whom it was delivered
etc. To the best of my knowledge the con-
signee was the real owner. I simply took
it on freight. About six tons of iron ballast,
consisting of two old guns, brought as old iron
guns, and a few of empty cannon shot, and
a thousand pounds of six pound shot (solid)
was also placed on board. The shells
were not serviceable. These articles were
purchased purely as ballast to be used in
burning the vessel. They were purchased
of a man by the name of Fenger at New-
York. I do not know his first name.
His place of business to the best of my
recollection is on the corner of Dry Dock
and Church, to the best of my recollection
all of the ballast was purchased of him.
I made the purchase of the ballast. I think
the bill of sale, the receipt calls for three
cents a pound. I think it can be proved
but am not sure whether it is on board

...the ... small blouses of any
reception, with the exception of a Carbin
and revolver of my own, and no powder
bought, knowledge - nothing of a contraband
nature. I will state positively
there was no powder and nothing contra-
band in its nature - Frager handed the
ballast to the vessel. He employed the day
The purchase included the delivery, sent
out as Master of the vessel, the papers of the
vessel were a Register Shipping Article
Clearance & bill of health. Continued
commander of the vessel, as an American
vessel, until she was transferred to their
state, when I took command as commissioned
Officer of the Republic of Cuba. At the time
of the sale the Register or rather one half of the
Register, that is the American Register, was
enclosed in a letter addressed to Her Excellency
Consul General at Potosi, Quino. The
other half is my possession on board of the
vessel, or rather was before I left her outside
before the seizure. The other papers of the
last of my knowledge & recollection are also
on board. There were no men shipped for
the Cuban Service in the immediate time
knowledge for the Force, and that the Shipping
Articles of the vessel will show. There
were three men before the mast, in land

mate, one steward, one first mate and myself. The second mate was the present Carpenter of the "Pioneer" and James H. Hattwick was mate, Andrew de Andre was steward. There was also three passengers. One a British subject, who left the vessel at Port au Prince, Kocore-Cain and her chamberlain. (At this point the left hand one half part of the register, but from top to bottom and the shipping articles are brought from the "Pioneer" to the "Moccasin" Capt. Norton having sent the key of his desk for them. By the shipping articles the following names viz, James H. Hattwick mate John Johnson 2^d mate Andrew de Andre cook Thomas Mitchell H. B. Deane

note

Offerburg, A.B., Benjamin Johnson, A.B., Charles
Lambert, A.B., Captain Norton, state that of their
murder Thomas Mitchell and Isaac Offerburg de-
scended from the vessel as she lay in the stream ready
for sea, and Charles Peterson was taken in their
place, not having time to get away. I waited two
hours for Charles Peterson after hearing about for
Charles Peterson to bring his clothes on board. My
General Commission and my appointment as Captain
of Frigate in the Cuban Navy certified copies
of which from the originals here produced constituted
my authority to command the "Pioneer" at the
present time. At the time the schooner Revolution
was purchased by Lambert Norton, the said
purchase was purely one of speculation and he was
prepared to sell to any person offering the best
price. I told Mr. Cassett at Port Au Prince we
had opened negotiations with the Cubans and if they
paid the price she would be transferred to their
service. Every thing ^{relating to the vessel} a matter of record. Her
owners have been in possession of records that in her entrance
and clearance at all the different ports. She took no
clearance from St. Domingo Haiti, because she could not
clear as an American vessel, and it would ^{not} have been
proper to hoist the Cuban flag for the first time or
rather to put her in Commission in those waters.
As soon as I left that jurisdiction I put her in Commission.
My brother, the only one I have living, Lambert Norton,

John W. Aldrich and did at the time of the
purchase of the vessel. He was down to the vessel
from time to time while she was in New York. We
met of course as brother would meet who were
interested together, but he not being a seafaring man
interested pretty much everything to me. I had no
power of Attorney for act for him any authority was
really confined. Even in communication with him
daily. He was in St. Marks at the time the transfer
of the ship was made although I did not see him.
Persons were not allowed to come out to the ship
and no one was allowed to go on shore from the
ship. To the best of my knowledge there was a Cuban
Agent sent to St. Marks to meet Mr. Chamorro and discuss
the purchase. I think he carried with him the bonds
to purchase her, that is only supposition however. All
I know is that the bonds were paid at the time of
the transfer. I don't think I can go any further
without encroaching upon the private affairs of
others. I think I have explained now everything that
has any bearing upon the case. I believe it is a
recognized principle of International Law that a
ship having been transferred to Government service and
duly commissioned as a vessel of war, her previous
ownership cannot be brought in question by a seizure.
All questions relating to her should be submitted
to the power issuing the commissions and in making
this statement I wish

that I do not recognize the
justification of the Act of Sins of the Pirates
by Root Officers but consent to make the
statement in order to convince the admiralty
if they will be convinced, that we have paid
all due respect to the neutrality laws of
the United States -

I first knew Chauncey when he applied
to me for a passage to Jamaica, and that
gives rise to another remark which I shall
be justified in making, I have never
been in any way connected with any Expedi-
tions fitted out in the United States
in connection with Cuban discontents
prior to the date on which I took command
of the Pioneer. Regarding friendly intercourse
I have known for years many of the leading
resident Cubans now resident in the
United States and have sympathized with
them in their struggle for independence.
Chauncey applied to me while I was loading
the vessel. That was the first time I had
ever seen him. It was at fifty Exchange
Place New York. I went into the Office
to enquire for a gentleman, he was there
and introduced himself to me. Somebody
must have told him I was going to
Jamaica for the first thing he asked was

of a vessel I had, the result of the connection was he would go and look at the vessel and if satisfied with her accommodations he would go down, which he did - I think his principal object in going down was in relation to the Steamer Edgar Stewart, then at Kingston, Jamaica. He went over to see the agents of the Edgar Stewart at St. Ann's Bay and that is why I judge such to be the fact. Our first meeting was probably four or five days before we sailed. It may have been more, the meeting I have spoken of was the first time I ever met him to know him. After that meeting I met him perhaps a half a dozen times. He came two or three times to ascertain what progress I was making in loading and, when I should require him on board. He came to ^{the} Office of my brother in law Charles W. Hanson at that time private Office 58 Broad Street. I knew from hearing that he was a Cuban and from hearing that he was connected with the Cuban cause but I simply took him as a passenger. I would have taken Don Valmaseda as a passenger if he had paid me the money. My connection with him, if relating to the Cuban cause was merely in relation to its prospects. I think he asked

me I can't say at what interview if that vessel meaning the 'Resolute' could be purchased by the Cubans and I replied yes if they will pay for her. I don't know that I can say anything more than that I ~~had~~ had frequently contemplated entering in the Cuban Service, but had now brought things to a satisfactory conclusion until they purchased the Resolute, The commissions which I have

procured and dated September the first 1871, and
were issued with the view of fitting out a steam Frigate
of which I wished to take command. Which Plan
was not carried out in consequence of want of money.
My first acceptance of these commissions and the
responsibilities of the office was dated at St. Marks,
Haïti at the time of the transfer of the steamer Re-
soluto. They were in my possession, that is, came to
me at the time we were negotiating for the steamer
in England. They were handed to me then for the
purpose of satisfying me that the authority was on
hand. They were despatched as I understood by a
special agent from Cuba. I brought them across the
Atlantic with me. They were in the possession of Cuban
agents when the Resoluto left New York to be delivered
to me whenever satisfactory arrangements were made
or completed for my acceptance of them. They were
recommended by myself to a Cuban agent in New York.
I decline to state who the person was. I simply
state to the best of my knowledge & belief the gentleman
was a Cuban agent. I returned from England
the latter part of February last for the purpose of
ascertaining if the amount of money required could
be raised, and finding it could not I returned there
~~commissions~~ never having ^{formally} accepted them. They
were again placed in my hands upon the transfer
of the steamer Resoluto, when I formally accepted them.
They were not handed to me by the same person to whom

New York Mr. Chamman has had them
when I received them after the sale. I was aware when
I left New York that the commission had been sent to
Jamaica, but their being sent there had no reference
whatever to the shrover Decalogue. I do not know at
what time my brother went to St. Marks. He must
have gone by boat from Port au Prince. I met him at
Port au Prince after we sailed from New York. I don't
know that he left New York before I sailed. I know
when I sailed that he was going to cover or later to
the West Indian but I did not know that he
was going to Port au Prince especially. We made
no definite arrangements to meet in the West Indian.
I did not know that he was at Port au Prince
until he came on board of the vessel. I was not
present when he signed the bill of sale, but I re-
cognized his signature as soon as I saw it. The
bill of sale was delivered to Mr. Chamman at the time
of the sale to the best of my knowledge and belief and
I have not seen it since. I must here state that I
decline to answer questions relating to matters occurring
beyond the jurisdiction of the United States. He then
identified his signature and his brother's signature
to the bill of sale produced yesterday by Chamman
and says he has no doubt it is the document. I
knew nothing except by hearsay of the sale & transport
of the vessel and from perusal of the document. I don't
tell when the document was written. The signatures of it
are mine and

~~of the~~ Dear signed no ship, and brought to me
I should not have delivered the vessel without it.
Signed them board the vessel. I did not witness the
placing of the signature, but I understand ^{that} it is his
signature.

I have stated all the
conversation I had with Chaumra in New York
that would have any bearing. If I understood
to state anything more it would be pure
work - I had no ^{conversation} ~~connection~~ with ~~him~~ ^{Chaumra} about any
guns. I had no conversation with him about
the ballast, or be taken out in her not being
knowledge - He did not being knowledge state
that he was an agent to buy war vessels for
the Republic of Cuba. So may be that he said
something true of that, for he did ask me if the
"Resolute" could be bought for the Cuban service.

He had nothing to say about trying the "Resolute"
that is I don't remember such conversation in par-
-ticular - There was no arrangement whatever
made for the sale of the vessel before she reached
Fort Am Pinard - The question as to whether the
"Resolute" could be purchased, I think was asked by
Chaumra after the ballast was put in, but
I do not state positively with regard to that
but it had no bearing upon the purchasing of the
ballast. I had at no time any conversation or
arrangement verbal or written or otherwise with
Chaumra in relation to taking out guns, the
onboard with the ballast or in ballast.

was taking it as ballast. I don't remember that he ever said anything to me as to the character of the metal. He desired to purchase, as to their sailing qualities or otherwise. At this time he asked if the Resolute could be bought, or at any other time, still there may have been some such conversation.

The same ballast is still in the Resolute, and two of the guns on deck now mounted, were a part of the same, as well as shot & shell below, on board now. It was all sold with the guns, and all comprised in the one bill of sale, everything on board except the personal effects of the officers and crew. The Resolute had been a cutter and was cutter built and the idea was purely speculative which prompted her purchase by my brother. He thought she might be sold to the Venezuelans or some other South American Republic, constantly in a state of revolution, at a good price. I asked Mr. Smith the American Minister at Port au Prince if he thought she could be sold to the Haitian Government, he replied, they had no money. After that the sale was made to the Cubans. He thought she might bring a better price with them on board especially as iron ballast of some kind had to be procured. There is no other ballast that will give the same weight in so little space. Shell is hollow, but these were about as compact as any as they were case shot and there was

Only fifty of them however, we have fired the guns at sea since they were mounted and think two of the shot taken out as such vessels. A gun is not a gun in the strict sense of the word unless it has appendages along with it, a gun without carriage, rammer, ammunition, &c might as well be called an iron coating as a gun. It cannot be considered as a gun in a hostile sense of view unless it can be used as a gun.

Beyond the jurisdiction of the United States and through the Custom House of a foreign state we were furnished with the certificate necessary for her armament and equipment, and no portion of her armament ~~or~~ ^{or} equipment was placed on board after leaving New York until we reached Haste. I have not procured certificates of discharge of my arms at the Custom House in New York since my arrival in the United States and have not ^{had} my bonds cancelled for the same. I have known Cain for several years. He has been running a vessel of copper and shipwreck. I was with Cain in Europe last fall where he had command of the Bark Mary Ann of Belfast. I saw him in Glasgow, London & Liverpool. He was at Glasgow or Town at the time I received my commissions in Liverpool, I am not sure which. At the time my commissions were sent out to me one or two blank ones were sent, and I gave one to him (Cain) in Glasgow, but the steamer business falling through it was never acted upon. On not further notice it was filled out

it or not at the time. It was signed and handed to him and for all that I know he has had it ever since. I can't say whether he is acting under that commission to day or not. I have never seen that parchment or he recognize it since, nor have I given any commission or enlisted any men for the Cuban service within the jurisdiction of the United States.

When I left the "Pioneer" before she was taken into receipt by the "Procession" I left her in charge to the best of my knowledge of Mr. Hattinck. I considered him in my absence in command. I instructed him (I would like to put that down) to keep the vessel beyond the United States jurisdiction, and if spoken by ^{any} ~~an~~ Government vessel to at once hoist ~~this~~ flag and proclaim his nationality. I was to have boarded him again by a fishing boat. I left him in charge of the schooner of war "Pioneer." He had nothing to do with the papers of the schooner. He could not have produced the shipping articles or the half of the Register which I have produced here without breaking open my private draw which was locked and of which I had the key which you can send from here with orders to unlock the draw and bring the papers which were brought.

At the time the "Plover" was hailed by the "Hornet" and at no time could anybody on board the "Plover" know, nor could they know, anything about the papers of the "Resolute" produced here unless they got open my drawer clandestinely. My brother Lambert boarded in at Montauk, he came off in a small boat which I sent from the vessel. In charge of Bruce Cairn with instructions to go to Stonington to telegraph my brother in law, Charles W. Warren, to inquire where Chauncey was and to get some notions. He went to New London, was detained something like two days by the fog and met my brother at Montauk point in his own boat, and brought him off in his boat sent ashore for two casks of water, the men scupped to Watch Hill and landed my brother, and then put off to sea. Went on within a couple of miles of shore to land him, he was with us about four hours. He came simply to say that Chauncey could not meet us at the time specified. That was all the business he had. I returned off Newport on the fourth of July and waited until the fifth - seeing nothing of Chauncey. - I took the small boat with Captain Cairn and came ashore at Newport. Found my brother ^{here} with a few provisions, which were sent in want of sent down by Chauncey, which we took off to the vessel in a fishing boat, my

boat not being large enough. I sent him
back with our boat when I found my brother
here and went off with the provisions in a
fishing boat - did not hire any men. I did
not want to draw attention to the vessel.
Thought we had better do the work ourselves.
Come in and left the boat and went to New
York that night, my brother staying here for
some private reasons of his own - we never
hired any boat off this coast with a view
to having them come to us, and going ashore
by them, and no one went or came on the
shore in any boat whatever when there was
any person other than some of the "Pisano" men
or my brother —

signed F. L. Nol



Washington July, 19. 1872

July, 1872

Hon. American Consul

Secretary of State of the United States of America.
Sir:

As Consul of Guernsey, I have the honor to inform you that, under the protection of the laws of the United States, we respectfully entreat your earnest consideration of the evidence submitted, of the violent kidnapping, without warrant of law, in the City of San Francisco, by persons having no such official character or authority, into employment and grand larceny of the Consul of the Kingdom of Spain for California, of the said Guernsey, and the robbery of him by the said Vice Consul, by his agent and hired servants, of a large amount of coin and other things.

The recent prompt return to the protection of the flag of the United States, in Canada, of a person charged in one of our States with a serious misdemeanor, because he had been seen to enter the vicinity and the British flag, by his unlawful arrival in British territory, assures us that the President of the United States will

The case now brings to the notice of the Supreme Court,
indicate the rights of the United States and of the State of California
concomitantly violated, less the damage upon person and property
found to be and by perpetrated by some officer of a foreign power
against Citizens of the United States there being no more actual
protection against such Delicts, than the man was for whom we
are concerned.

The moneys of which he has disposed are already
held by the Chief of the Bureau employed by the Secretary of
Spain. Subject to the order and disposition of the Government of
the King of Spain.

And we respectfully pray that by their honors and pro-
cedure as may be fit and effectual, restitution of the moneys ta-
ken from him be made at the said Pereda, & direction of the Repre-
sentative of the Government of Spain, now well, & is with ^{the} doubt,
make that prompt return to which the United States and the State of
California, as well as the wronged party himself, are entitled.

We have the honor etc. etc.

with the most respectful consideration

Yours devoted servant

Albert Pike

Robert W. Fulton and

John B. McKoon

of Counsel for Guarantuna Pasa.

402. 6th St. N.W.

United States of America.
State of California
City and County of San Francisco.

To His Excellency
Ulysses S. Grant,
President of the United States
of America.

The Petitioner of Buenaventura Pereda,
at present, a Resident of the State
aforesaid, respectfully represents:
That herebefore born from about the
12th day of September 1868, he
was a soldier in the Spanish army operat-
ing in the Island of Cuba, stationed at
Santiago de Cuba: that he continued in
the service aforesaid, until about the
17th day of March - 1891, at which
time, on account of the barbarities inflicted
upon the native Cubans, who had declared
their Independence of Spanish authority, and
taken up arms, to maintain said cause,
in the perpetration of which barbarities
he was at first reluctantly compelled to
aid, by orders of his superior officers,
he deserted from said Spanish army
and sailed for the Port of New York
in the United States;

That on the 26. day of April 1871
he arrived in the said state and City
of New York, and took lodgings in the
said City;

That before leaving the Island of Cuba,
he converted all of his property into coins,
notes of the Bank of Havana, and
Bills of Exchange, hereinafter more fully
set forth and described; and that the
value and amount of his said property
was at least Forty one thousand Dollars
in the current money of the United States.
That after remaining in the City of New
York, until the 23 day of May 1871
he proceeded to the City of San Francisco,
in the State of California, where he orig-
inally intended to operate in trade as
a merchant: but finding upon his arrival
that his health was delicate, and the
climate severe, on the advice of physicians
and friends, he, sailed on the 14 day of
July 1871 for Peru. That he
remained there only a short time, his
health having so greatly improved that
he resolved to return to the said State
of California; that he stopped at the City
of Panama, on his way back, where he
entered into a business arrangement
with one Felix LaCruz, a resident

from the State of California, but at that
time temporarily absent on business:
That by said arrangement, he agreed to
advance, and did advance to said Las
Casas, the full sum of five thousand
dollars, in gold coin, to be invested in
Bijoux and Tobacco, to be purchased
by said Las Casas on account of said
Petitioner in Havana, and shipped to
said Petitioner at San Francisco: he
said Petitioner consenting to allow said
Las Casas, one half of the profits to
accrue from said adventure, and therefore
said Petitioner took and received from
said Las Casas, a Receipt or obligation
for the said five thousand dollars,
and which said obligation, was among
the papers of Petitioner herewith re-
ferred to and more fully described:
That said Petitioner duly reached San
Francisco, arrived on his return from
Panama, on or about the 12th day of
September 1871, and stopped at the Hotel
known as Gaillard's Hotel, near the cor-
ner of Kearney and Sutter street, and
took rooms at said Hotel.
And said Petitioner further represents,
that on the 15th day of September 1871,

...
... of said Hotel, with an acquaintance, a person to said petitioner's apartment, stepped up to him and requested him to proceed to said petitioner's room, stating that another person desired to see said Petitioner on business of importance: That it was then, about the hour of 6 o'clock P.M., and Petitioner without suspicion of foul play, left the table, and went to said stranger up stairs into the room of said Petitioner: Upon reaching said room, and unlocking the door, two other persons suddenly appeared, and all three of said strange persons intruded themselves into said Petitioner's room, fastened the door on the inside, and announced themselves through one of said persons - who acted as an Interpreter, that they were officers of the Police force of the City & County of San Francisco; They showed said Petitioner their stars, or insignia as policemen, and - declared "that they came there to arrest said Petitioner, at the request of the Spanish Consul, and to send him said Petitioner back to the Island of Cuba: That said Petitioner was a thief and a deserter, and that he must accompany them

to the office of
Mr. Canillo Martin, the recognized
Consul of Spain, for the Port of San
Francisco. They then moved the Petitioner
to unlock his trunks and baggage, and
compelled him by force and threats to
do so. Petitioner did not understand
one word of the English language, but
demanded from them, through said forced
acting as an interpreter, their authority,
and papers, for the perpetration of
this act of wrong and violence? They
then replied, that they had no pa-
pers, but acted by order of the Consul
aforesaid, and that unless said petitioner
quietly submitted, they would at once
use force, and compel him to yield.
Whereupon fleeing for his life, he delivered
up the keys to his said trunks, and baggage;
that thereupon said agents and
employees of the Spanish Government, (as
more fully appears hereafter) proceeded
to search said Petitioner's baggage, and
took violent and forcible possession of
the following money and property, be-
longing to the said Petitioner: to-wit:
First the full sum of eight thousand
three hundred (8300) in gold coin;
Second the further sum of eleven thousand
and

(11.300) Dollars, in Bank Notes of the Bank of Havana, in the said Island of Cuba, of the full value of eleven thousand three hundred Dollars in U.S. gold coin;

Third One Draft or Bill of Exchange, Consisting of the 1st, 2nd and 3rd parts, drawn by Messrs. Ferrer & Co., in favor of Plaintiffs, on Paris, Berne, &c. of Geneva, in the Kingdom of Spain, for the further sum of eight thousand (\$8000) Dollars, of the value of eight thousand Dollars, in U.S. gold coin - said Drawers, being Merchants, in the City of Santiago de Cuba, aforesaid. Fourth Also a like Bill of Exchange for the further sum of two thousand Dollars:

Fifth A Receipt signed and executed by Felix Las Casas, aforesaid, in favor of Plaintiffs for the further sum of five thousand Dollars, in gold, of the full value of five thousand Dollars: said paper being dated at Panama aforesaid, and being the receipt of the sum so advanced to said Las Casas, for the joint adventure in trade, heretofore mentioned: Sixth One gold mine bird singing Box, of the value of four hundred Dollars.

Stolen from the Archive of Dr. Antonio R. de la Cova
http://www.latinamericanstudies.org

Sept. 11th. The private Pocket book, and
Port folio, containing most of the private
papers, and valuable of said Petitioner.
All together, being of the aggregate
value or amount of thereby four thousand
and (\$35,000.00) Dollars in current coin
or money of the United States of America.

That after taking forcible possession of said property, and money, said persons, announced, that Pettibone must accompany them at once, into the presence of said Benito Martin, the said Spanish Consul, and on said Pettibone refusing to do so, being afraid of being abducted, and kidnaped, and sent in chains to Cuba, as a deserter, they threatened force, and thereupon said Pettibone, was led from his said Room and placed in a close Carriage, which said persons had in readiness for that purpose, near the front door of said Hotel, and by force driven, first to the residence of the ^{Consul} Copartener, of said Benito Martin, an ~~amercant~~ ^{amercant}, thence to the residence of said Benito Martin, and thence to the City Hall, in the said City and County of San Francisco.

and finally im-
prisoned in said City Hall, in the private
office of one Potuck Crowley Chief of
Police of the City of San Francisco:
That whilst being forcibly dispossessed
of his property and effect, at his room
in said Gaillard's Hotel, one of the
acquaintances ^{of said Potuck} on hearing the threat was
against said Potuck, so desired to
obtain access into said Room, but
said policemen, refused to admit
him, and drove him away from the
Room door.

That on reaching the residence of
the said General Marcha, Spanish
Consul, one of the said policemen
in the said carriage, pointed out to said
Potuck the Spanish Coat of Arms over
the door of said Consul, whilst the
other officers entered said house, and held
a private interview with said Consul,
and after for a few minutes, re-
entered said Carriage, and drove Potuck
as ordered to the City Hall: that the
Common prison is in the basement of
said City Hall, and in full view from
the said private office of said Chief of
Police.

That on arriving at the office of said

Chief of Police. The Petitioner was conducted
into an inner office, and the doors securely
fastened; that he had remained there only
a few minutes, when the said P. Conley
Chief of Police entered, and shortly after
towards Camille Martin, the said Spanish
Consul. That thereupon, the said Consul be-
gan to question said Petitioner, and all
the said money and property, was
taken out of a carpet sack, in which
the said police men had placed it,
counted by the said Spanish Consul,
and taken possession of by him,
that said Consul procured a paper
to be drawn, setting forth, "that he
tho, Petitioner had stolen the said
money from a Battalion fund of
Santiago de Cuba, and had eloped with
the same; that said Consul told said
Petitioner, that unless he signed the
said paper, he the said Consul would
send said Petitioner back to Cuba,
where he would be at once executed
as a deserter: and that if he
did subscribe said paper, he would
pay petitioner 60. 03: in gold, and
he might leave on the ^{with} morning ^{trip} to
16th of September on a Steamship for
Panama; That said Petitioner utterly

of the said paper, containing
a false admission on its face, that he
Petitioner was a thief. That then the
said Officer threatened to send Peti-
tioner to prison, and put him in a cell
and keep him there until he would
consent to surrender up the said prop-
erty, and afterwards to send him in
vance to Cuba. That upon the
suggestion of the said Counsel, the
said Attorney Chief of Office approved,
gave another paper in English, and
stated to the Petitioner that it was
entirely different from the first paper
which had been drawn. That Peti-
tioner still refused to sign any paper,
and was kept a close prisoner
until after midnight, all the said
persons, doing all they could by threat
to force the said Petitioner to surrender
up his property.

That Petitioner had been for a long
time in delicate health, and at the
time of said outrage and imprisonment
was under the effects of the operation
of medicine prescribed by a physician.
That he was weak and trembly exhausted
in body and mind, and was unaware
of his rights as a domiciled resident

of the American flag, and Panamanian law.
And that rather than be sent to prison
and thence as a close prisoner to Spain
or Cuba, he finally did subscribe
some document written in English, but
which he never read, nor heard read,
but which he supposed was a surrender
of a part of his property. That therefore
the sum of 60,000 in Spanish gold,
and a part of Pettibone's ~~own~~ money
was refunded to him, upon condition
only of his promising to leave on
the steamer which sailed on the
next morning for Panama, and he
Pettibone was permitted to return to his
lodgings.

Pettibone further represents that
on the next day whilst abed, sick, and
unwell, one of the same physicians
forced himself into his said room,
and ordered Pettibone to follow him.
That he rose and draped as rapidly
as possible, and accompanied said
physician to the Bank of Colombia,
where the draft taken from there
the night before had been left by the
opened conspirators, and there he was
ordered to receive one of the said

Draft. that he was taken into a private Room at said Bank, where he found the other prisoner who had originally plundered the trunks of said Pithonier, and in order to escape from the clutches of robbers, and sufferees, he did exchange all of the said Bell, by exchange to one J. W. Lees, who was acting on behalf of the Spanish Government, as fully appears by the sworn statement of said Lees, and also by the Deposition of Hippolyte de Albiade, the Consul General of Spain Resident at the City of New York, in the State of New York, a copy of whose Deposition is hereto appended, and marked Exhibit "A".

And said Pithonier further reports, that so soon, as he sufficiently recovered his health, as to enable him, to lay the said case before Counsel learned in the Law, he, on the advice of his acquaintances employed and retained attorneys to commence legal proceedings for the recovery of his said property, and demand gratification for the detention.

On the 17th of September 1871 -
he brought a civil suit against the said
Camilo Mañá, and the other persons en-
gaged in said act of speculation. Turret,
the said P. Crowley, Chief of Police, and
one J. W. Lees, a Captain of Police in
San Francisco - supposing of
the time that the said act, was simply
a civil injury, and of private injus-
tice alone; that at the time of the
institution of said suit, neither the said
petitioner, nor his said attorney, were
aware of the fact, that afterward
known, by the deposition of the said
Urquiza, that all the ships taken by
the said Camilo Mañá, and said J.
W. Lees, and P. Crowley, had been previous-
ly instigated and set on foot, by the
said Spanish Government through its offi-
cials; the said Urquiza, the Spanish
Minister at Washington, and the Cap-
tain General of Cuba; and that petitioner
only ascertained that fact, after the
said suit had been brought, and the
testimony of said Urquiza, taken up
the solicitation of Defendants by Coun-
selman only sworn out, and executed
and the sworn answer of the said
J. W. Lees and P. Crowley; ~~after the~~

~~the following extract from the~~
said answer of Lees, being a part thereof
to wit: "And this Defendant (meaning
the said J. W. Lees) now holds the
said property for and subject to the
orders of the Spanish Government, which
has only recognized, ratified and con-
firmed all and singular the acts and do-
ings of the said Defendant - Lees - in
the premises."

That on being served the said Amable
Martin, plead his comarader privilege
to be sued only in the District Court
of the United States, and obtained a
writ of habeas corpus, as against the,
for that reason alone, and that there-
upon said Petitioner brought a new
action for false imprisonment against
said Martin in said District Court
of the U. S. That said last mentioned
cause was tried before the said Court,
commencing on the 23 day of May 1872,
and ended on the 1st day of June 1872 -
but resulted in a hung jury: six of
the eleven, of whom said Jury was composed,
being in favor of the conviction of
said Martin for the said offence.
And Petitioner further represents, that

and that he said action, if op-
posed for the first time officially that
the Spanish Government, through its
approved officials, and agents, had
fully authorized and sanctioned the
illegal steps taken against him, on
American soil, and prohibited by the
American flag. And that as soon as
this fact fully appeared, he said pas-
sionately abandoned the said Civil action,
and by the advice of his Counsel,
has taken the prompt step, for in a
history the Government of the United
States, to prevent the insult offered
to its authority, and to aid him in
the recovery of his said property, and
for full reparation for his losses.
And your Deftness further informs,
that on the trial, and during the proceedings
in the said U.S. District Court, against
said Camillo Martin, he caused a sub-
poena to be issued, for said Martin, with
a duces tecum clause, - a copy of
which is hereto appended, - requiring said
Camillo Martin to appear, and bring
with him with him, Copies of all the
Correspondence he may have had with
the Spanish Government, or with any of
its Councils, Ministers, agents, or officials.

...the said Petitioner, taken gratis,
said Petitioner; and the arrest and false
imprisonment of said Petitioner, and
the spoliation of his property in Mexico
before mentioned. That said Subpoena was
served and legally served upon said C.
Martin, and said Martin came into
Court, and through his Counsel, objected
to the production of said Correspondence
on the said trial, on the ground that said
Correspondence was privileged Communication
with his Government, and could not be
lawfully produced by order of Court; which
said objection was sustained, as the Peti-
tioner believes illegally by the presiding
Judge, who had the said cause - thus
leaving Petitioner remediless in the
Court.

And Petitioner further represents, that
he is entirely destitute, and has no
means further to prosecute the said
Spanish Consul, agents, and officials
in the Courts; that they have plundered
him, and taken all that he possesses,
and now are using his said money
and property, to litigate in the
Courts against him. That he has
been ordered in the full amount of
one hundred thousand dollars, by

of the said Spanish government
its officials, spies, and agents; as follows:
twofold:

1. Value of money and property taken
thereby five thousand dollars;
2. Interest on same for ten months
at 1. per cent per month, the current
rate in San Francisco: three thousand
five hundred dollars;
3. Injury to his business, by depriving him
of his entire capital fifty thousand
dollars;
4. Personal injury resulting from false
imprisonment eleven thousand five hundred
and dollars;

Total \$102,000.

The above does not include any damage
done to him as a domestic resident
under the flag of the United States
and for which he ought to receive an
indemnity.

And Peterson further represents that
after being robbed, and imprisoned
and deprived of his property by said
Spanish government, its agents and
officials, and upon his return to ^{the United States}
on the said 16th of September 1876,
as said agents demanded and required
they the said officials and agents of the

Spanish Consulate - set apart upon
said Petitioner, with the view of
kidnapping and abducting said Per-
son from American soil, and sending
him back a prisoner to Cuba.
And Petitioner further represents, that
on the 30th day of December 1871, he
publicly renounced all allegiance to
the King of Spain, and before a
Court of competent jurisdiction, before
the District Court of the 12th Judicial
District of California, he duly declared
his intention of becoming a citizen
of the United States, and made
the declaration of said Petitioner.
A copy of which said Declaration of
Intention is hereto appended and made
a part hereof.

Subscribed and sworn to
before me this 25 day
of June AD 1872

D, *San Francisco*.

J. M. Beebe
Deputy Clerk

U. S. Circuit Court

U. S. Commercial
California.



The Superior Court of the
Fourth Judicial District of the State
of California, in and for the City and
County of San Francisco.

Buenaventura Pineda
Plaintiff
vs
Carmillo Martin,
P. Crawley, and
J. H. Lees,
Defendants

Interrogatories to be pro-
pounded to H. W. Davies
of the City of New York
a witness to be produced,
sworn and examined,
by and on behalf of the
above named Defendants
in the above entitled
action, by virtue of the
Commission hereto annexed.
First Interrogatory.

What is your name, age,
occupation and place of residence?
Second Interrogatory.

If you shall state in
answer to the first Interrogatory
that you are so connected in
business with a Detective agency
or Bureau, state the name and
title by which it is called and your

Superior Court of the
Fourth Judicial District of the State
of California, in and for the City and
County of San Francisco.

Buenaventura Pineda
Plaintiff

vs

Carmillo Martore,
P. Crawley, and
J. W. Lees,
Defendants

Interrogatories to be pro-
pounded to H. W. Davies
of the City of New York
a witness to be produced,
sworn and examined
by and on behalf of the
above named Defendants
in the above entitled
action, by virtue of the
Commission hereto annexed.

First Interrogatory.

What is your name, age,
occupation and place of residence?

Second Interrogatory.

If you shall state in
answer to the first Interrogatory
that you are so connected in
business with a Detective agency
or Bureau, state the name and
title by which it is called, and your

in connection with it
and for how long a time you have
been connected with the same.

Third Interrogatory.

State whether or not you
at any time had any communication
with any officer Civil or Military
of the Spanish Government in New
York respecting the subject of an
alleged robbery or larceny said to
have been committed in the Island
of Cuba, and respecting a supposed
perpetrator or perpetrators of such
alleged robbery or larceny.

Fourth Interrogatory.

If in answer to the last
Interrogatory you shall state that
you did communicate with any
Official of the Spanish Government
in New York respecting the matter
in said Interrogatory mentioned,
state who such Official was, and
in what official position he was
acting at the time, and what steps
if any, you took in the premises.

If you made any investigation
in the matter state, particularly
what you did.

Fifth Interrogatory.

Do you know J. W.
Lee, one of the Defendants, either
personally or by correspondence,
or otherwise?

Seventh Interrogatory.
If you shall state in answer to either of the foregoing Interrogatories that you took any steps to discover the whereabouts of any alleged or supposed perpetrator of any alleged or supposed robbery or larceny reported to have been committed in the Island of Cuba, state by what name or names the person or persons were known or called, respecting whom you made any inquiry or investigation.

Seventh Interrogatory.
In consequence of any information communicated to you respecting said alleged robbery or larceny, and respecting the alleged supposed perpetrator or perpetrators thereof, state if you communicated in any manner, and how, with any person or authority in San Francisco or elsewhere? If yea, with whom did you communicate and by what authority, and by what direction, and at what times, and at what place or places.

Eighth Interrogatory.
Look upon the photograph likeness accompanying the annexed commission and say if you have ever seen the original of that likeness. If yea, when and where, and by what

Do you know he known or called
Fourth Interrogatory.

State whether or not you
have at any time, and when for the
first time seen the same photographic
likeness.

Fifth Interrogatory.

Do you know any other
matter or thing touching the matters
in controversy in this action
of benefit or advantage to the
Defendants? If you state
the same fully and at large as
though you were particularly
interrogated thereto.

{Endorsed} Filed Jan'y 26th 1872
W^m Harney Clk
By Jas. E. Ashcom
Dep Clk

San Francisco District Court of the
Fourth Judicial District of the
State of California in and for the
City and County of San Francisco

Buenaventura Pereda.
Plaintiff

vs
Carmello Martin,
Crawley, and
J. H. Lees.
Defendants

Interrogatories to be propounded
to Hypolite de Mriante, of
the City of New York a witness
to be produced, sworn and
examined by and on behalf
of the above named Defendants
in the above entitled action
by virtue of the commission
hereto annexed.

First Interrogatory.

What is your name,
age, occupation and place of residence?

Second Interrogatory.

Do you hold any
appointment under the Government
of Spain? If yes, what position
do you hold and how long have
you occupied it, and where do you
exercise your official duties?

Third Interrogatory.

shall state no answer to the foregoing Interrogatories or either of them, that you are acting Spanish Consul for the Port of New York, state if in your official character, you received any communication from the Spanish Government in the Island of Cuba, or from any Officer of that Government, civil or military, giving you any information concerning Buenaventura Pereda, or in relation to an alleged robbery or larceny of money and valuables said to have been committed at Santiago de Cuba.

Fourth Interrogatory.

If in answer to the last Interrogatory you shall state you received any information at any time concerning the said Buenaventura Pereda, or concerning any alleged robbery or larceny committed at Santiago de Cuba, state the time when you received such information, from whom you received it, and what steps, if any, you took in the premises to discover the whereabouts of the said Pereda?

Fifth Interrogatory.

If you shall answer that you did not receive any communication or information from

Government or authorities, civil or military, in the Island of Cuba, State if you received it at all, and from what source, and in what way or manner, and at what time.

Sixth Interrogatory.

If in answer to either of the foregoing Interrogatories you shall state that you took any steps to discover the whereabouts of Buenaventura Pereda, State the time when and the place where, and with whom you communicated on the subject.

Seventh Interrogatory.

Do you know H. W. Davies, of Pinkerton's Detective Agency in New York? If yea, did you communicate any thing to him on the subject, and what did you communicate, and about the time when you so communicated with him.

Eighth Interrogatory.

If in answer to the last Interrogatory you shall state that you did communicate with H. W. Davies in the matter of and with the view to discover the whereabouts of said Pereda, State what, if anything you directed to be done in the matter.

~~Tenth Interrogatory~~
Do you know the said
Buenaventura Pereda? If yea, when
and where did you see him, and when
and where did you last see him?

~~Tenth Interrogatory~~
Look upon the Photograph
likeness annexed to and accompanying
these Interrogatories and say whether
or not you recognize in the same
the likeness of any person, and if
yea, state whom.
Eleventh Interrogatory.

Do you know any other
matter or thing touching the matter
in controversy in this action of
benefit or advantage to Defendants?
If yea, state particularly and at
large, as though you were particularly
interrogated thereby.

Patterson Irvine & Shaw
& Sharp & Lloyd
Atty's for Defs.

{Endorsed}
Filed Jan'y 26 '1872
Wm Harney Clk
By Jas. E. Ashcom
Dep Clk

Pareda

vs.

Crowley and Spes.

1. Cross Interrogatories to be propounded to H. W. Davies on behalf of Plff.

First Cross Interrogatory

If in reply to the third Interrogatory you shall say that you have at any time had any communication with any Officer of the Spanish Government, State - whether or not that communication was in writing, if any of the correspondence ^{on the subject} was in writing? Also state the name or names of the persons with whom you have held any communication or correspondence and how you know they were in reality Officers of the Spanish Government?

State who told you they were and where your informant got such information?

2. Cross Interrogatory

How do you know that such pretended Official was in reality the Spanish Consul in New York?

Who introduced you to each other?

Do you know the Spanish Minister at Washington?

If so give his name and state what correspondence if any ever took place between you on the subject of the alleged Spanish Rottboy in Cuba and give copies of such letters. Also give copies of all the Letters, orders and Commands you ever received from the person purporting to be the Spanish Consul at New York.

4. ² If you reply to the 5th direct Interrogatory that you do know J. W. Lees of San Francisco by correspondence, annex to your answer to this question copies of all the letters you ever wrote to him, all the letters he ever wrote you, all the telegrams sent by you to him, and all sent by him to you on the subject of the said Spanish Robbery in Cuba or the subject matter of this controversy?

4. Fourth Cross Interrogatory

If you reply to the seventh direct Interrogatory that you did communicate with any one in San Francisco upon said subject, state whether such communication was in writing or by telegraph or otherwise. If in writing or by telegraph give copies of such written communications and also copies of the replies received, and also state from whom you received the information respecting said robbery and if in writing annex a copy thereof to this answer and give the name or names of all persons furnishing said information.

If you reply to said Interrogatory also by stating by what authority, give the letter of your instructions by copy annexed to this question and reply.

5. Fifth Cross Interrogatory

State whether any portion of the amount of money seized in this case has been promised to you or paid to you? If you and J. W. Lees, in this case are not not hired as Copartners to work up the case?

If you have not been promised that in case the Defendants recover against the Peff. Bonds you shall be liberally paid or paid something?

7. Do the Cross Int.
Do you know that the Spanish Consul in New York is acting in this matter for the Spanish Government? Who told you so? and give copies of all papers you may have in your possession on that subject?

7. Seven the Cross Int.

Give a description of Pareda his height and weight color of hair and eyes, and age and state if he has any limp if so on which foot or leg. and if there be any defect in either of his eyes if so in which one. Also state fully the reason why said Pareda was not arrested by you in New York and why you permitted him to leave that City

8. Cross Int.

Have you furnished or exhibited to or permitted Vidal Garcia Olmo or Variante to see within the past 3 months any copy of what purports to be a Photograph of Pareda and at what time did J. W. Lee first send you a Copy

W. H. Rhodes

Atty for Plff

In District Court 4th Jud^l District
City and County of San Francisco

Pareda

Crowley & Lee

Cross Interrogatories to be propounded to Hypolite de Variante on behalf of Plaintiff

Given and sworn to by W. H. Rhodes
Deposition of W. H. Rhodes

Fourth Direct Interrogatory

Give Copies of all documents in your possession proving your assertion, that you are the person and Officer you pretend to be.

2 If in reply to the 2^d Direct Interrogatory you shall state that you have any communication from the Spanish Government in the Island of Cuba or from any Officer of that Government in relation to Paridas, or an alleged robbery in Santiago de Cuba annex to your answer to this interrogatory all the telegrams letters, documents and writing of every description you have ever received on that subject?

3 If you do annex such writings and documents to your last answer, state whether such documents are all that you have ever received on that subject of every kind and description whatsoever?

4 Fourth Direct Int.

If in reply to the 6th Direct Interrogatory you shall state that you took any steps for the purpose thereof in at forth give Copies of all the Correspondence you ever had with H. W. Davies, J. W. Lees and Camille Martin by telegram or otherwise on the said subject.

5 Fifth Cross Ex:

If in reply you state in your answer to the 8th Direct Interrogatory that you authorized any one to act in the matter, state from whom you derived your own authority to act, or to employ others and give a Copy of your letter of instructions from the King of Spain, or the Spanish Minister at Washington or any other Official from whom you profess to have derived authority?

6 If you give such letter of instructions in your reply to the last preceding question state whether

fully all your power in the premises from whom
derived and when

7. Seventh Cross Int.

Have you ever employed any one else to act for you
or the Spanish Government in Cuba. If so state
who that person or those persons are, and give
copies of all your appointments, letters of instructions
to Davies and all other persons whatever.

8. Did you or the Spanish Government through you
ever employ Camillo Martin or P. Crowley or J. H.
Lees or either of them or ever authorize either of them
together or singly to arrest and imprison one
Buenaventura Parida? If so give a copy of
your instructions or authorization to them or to either
of them?

W. H. Rhodes

Atty for Plff

The foregoing interrogatories propounded by Plaintiff
are settled and allowed

San Francisco Jan 26th 1872

Ratterson Irvine & Stow
& Sharp and Lloyd

Atty for Deft

(Endorsed) filed January 26. 1872

John Harvey Clark

by W. E. Adams

Dep. Clerk

Office of Charles Callahan
City of New York in the City County and
State of New York April 6th A.D. 1872.
No'clock A.M. Present The before
named Counsel for the Plaintiff and
Defendants and the witness Henry
William Davies named in the said
Complaint. The Taking of
further testimony in pursuance of
the annexed Commission is now resumed
as follows, viz.

Henry William Davies of No 106 Bank
Street in the City & County of New York
in the State of New York a Detective
by occupation aged Twenty Seven years
and upwards being duly and Publicly
sworn pursuant to the directions
hereto annexed, and examined on the
part of the Defendants doth depose and
say as follows viz

First Int. To the first interrogatory he says my
name is Henry William Davies, my age
is Twenty Seven years, occupation Detective,
and I reside at No 106 Bank Street
in the City of New York

Second Int. To the Second Interrogatory he says
I am the New York Superintendent
of Pinkerton's National Detective Agency.
I have been connected with the same

I have been Superintendent nearly four years -

Third Int To The third Interrogatory he says I did have a communication with the Spanish Consul General at New York City with regard to a robbery a larceny said to have been committed in the Island of Cuba and respecting one Buenaventura Pareda alias "Pedro Gomey" alias "Ramudo" who was charged with being one of the parties to it -

Fourth Int To The fourth Interrogatory he says The person with whom I communicated was Hypolito de Ministe, Consul General of Spain at New York City, acting upon the instructions received from the Spanish Consul General I endeavored to find Pareda in New York City - I found that a man who answered the description given of him by the Consul had arrived in New York City from the Island of St Thomas either in the months of April or May 1871. I do not now recollect which month - He arrived in New York City under the name of Pedro Gomey, I think and stopped at the Fifth Avenue Hotel in this City under the same name - He stayed there one day I think and then went to Banitas

to No. 11 West 11th Street
in this City and there he was known
as Pedro Gomez. From there he went
to the Prescott House in this City and
there he registered his name as Raphael
Bermadez. He stayed there only
about one half day and then disappeared
and for a time I could get no trace
of him. I afterwards learned that
he had left New York City two or
three days before I commenced to
search for him. I ascertained
that he had exchanged Spanish Bank
Notes of the Bank of Havana with
Hagen & Bellings Exchange Brokers
corner of Wall Street and Broadway
in this City. We also tried to get
them to cash some drafts upon
some parties in Spain. They
referred him to a Spanish Banker
named Ceballos at No. 29 Broadway
in this City. As to these matters
I have stated I made a personal
investigation. I heard that he
had rented a house of prostitution
in this City in Eighth or Ninth Streets.
I now forget which Street it was.
I went to the house and was there
told by the inmates of the house that
he had kept a girl there and had spent
money there very freely.

After a lapse of three or four months
I was informed by the Consul that the

Bartolome Ceballos had received a letter from this man Pareda taken at San Francisco and asked me to take steps to have Pareda found at San Francisco and the money recovered from him which said money belonged to the Spanish Government - I then telegraphed full particulars of every thing regarding Pareda his description and Aliases to Capt J. W. Lees, at San Francisco California.

Fifth Int. To the Fifth Interrogatory he says - I do know J. W. Lees one of the defendants in this action. I know him by correspondence only.

Sixth Int. To the Sixth Interrogatory he says - I made investigation as to one person only and that was Buenerventura Pareda alias "Pedro Gomez" alias Rafael Bermudez.

Seventh Int. To the Seventh Interrogatory he says - I communicated with Captain J. W. Lees at San Francisco - He is a Captain of Police - I communicated with him by telegraph and by letter the facts relating to this case of Paredas by authority of the Spanish Consul General in New York City - I cannot give the exact date without reference to my books -

Examination in place
only between New York City, and
San Francisco

Eighth Int To The Eighth Interrogatory he says - I have looked at the Photograph likeness attached to this deposition - I never saw the original of that likeness to my knowledge -

Ninth Int To The Ninth Interrogatory he says I never saw this Photograph likeness until it was shown to me by the Commissioner now taking my deposition.

Tenth Int To The Tenth Interrogatory he says I do not know of any thing further to my knowledge.

11th Int To The first Cross Interrogatory he says - My Communications with the Spanish Consul were both verbal and in writing - I had communication and correspondence with Hippolyte de Ariate Consul General of Spain in New York and with Capt J. W. Lee at San Francisco. These were the only parties - I know Hippolyte de Ariate because he was introduced to me at New York City as such officer by Mariano Lopez Robles the then Spanish Minister at Washington -

Mr. Roberts where Mr. Roberts
got his information that Urearte
was Consul General

2^d Croft Int. To The Second Croft Interrogatory
he says. I know it by business
transactions with him and by the
general reputation to that effect in
the business community of New York.
The Spanish Minister Mr. Roberts
introduced me to him. I am
acquainted with Mr. Roberts. I
never had any communication with
him on the subject of ~~this robbery~~.
The communications of the Spanish
Consul to me were all verbal.

3rd Croft Int. To The Third Croft Interrogatory
he says. J. W. Lees at San Francisco
never communicated to me in
writing on this subject. I received
one telegram from him. I cannot
furnish a copy of it. I cannot
furnish a copy of the letters or
telegrams which I sent to him.
I don't know whether I have them
in my possession or not.

4th Croft Int. To The Fourth Croft Interrogatory
he says. My communication with
J. W. Lees at San Francisco was by
Telegraph and letter both. I cannot

type copies of such communications
I cannot tell without looking over
my books whether or not I can give
copies - I am so much pressed
with business that I am not willing
to take the time to look over my books
I never received but one reply from
J. H. Lees on this subject, and that
was by telegram. I cannot give a
copy of that dispatch - I received
my information respecting this alleged
robbery from Hippolyte de Unaste
in a verbal manner or the person
gave me information about the
robbery - My instructions in this
matter were verbal -

Fifth Copy Is the Fifth Interrogatory he says
Not one cent of the money which
has been seized in this case has been
promised or paid to me nor do I
even expect to receive a cent of it -
Mr. Lees and myself are not copartners
or hired as copartners to work up
this case - I have not been
promised by the defendants in
case of their recovery against the
plaintiffs to be paid any thing.

Sixth Copy Is the Sixth Cross Interrogatory
he says - I know that the Consul
General of Spain in New York City
is and has been acting for the Spanish
Government in this matter from the

him. He says on this subject
I have got no letters or papers -

Seventh Conf. To The Seventh Conf Interrogatory he
says I never saw him and decline
to attempt to give any description of
Pareda - I did not arrest Pareda
while in New York because I found
on investigation that he left this
City before the matter was brought to
my notice.

Eighth Conf. To The Eighth Conf Interrogatory
he says - I never had a Photograph
of Pareda and never exhibited a
photograph likeness of him to any
one - It was never sent me a
photograph likeness of Pareda.

Examination then continued by
writing and by the witness
subscribed in my presence
and sworn to this 5th day
of April A.D. 1872 before me.

Charles Nettleson

Commissioner &c

Henry W. Davies

The taking of further testimony in pursuance
of the annexed Commission in the before
cause is now adjourned until next
Monday the 8th day of April now current
at the hour of 11 o'clock A.M. at the office
of the Commissioner - This adjournment
is made with the consent of the Counsel
for the Plaintiff and Defendants now
present.

Charles Nettleson
Commissioner &c

Charles A. Nelson
No. 117 Broadway in the City and County
of New York in the State of New York
April 8th A.D. 1872, 11 o'clock A.M.

Present The Same Counsel as before
for the Plaintiff and Defendants
and the witness Hippolito de Urquiza
named in the annexed Commission.

The taking of further testimony
in the before mentioned cause in
pursuance of the annexed Commission
is now resumed as follows viz -

Hippolito de Urquiza of the City
County of New York in the State
of New York Counsel of Spain in
the City of New York in the United
States of America aged Forty three
years and upwards being duly and
publicly sworn pursuant to the
directions hereto annexed and examined
on the part of the Defendants doth
depose and say as follows to wit

First Int. To the first Interrogatory he says
my name is Hippolito de Urquiza
I am Forty three years of age - I
am the Counsel of Spain at New
York City and I reside at said
City of New York

Second Interrogatory he says -
I hold an appointment of the Govern-
ment of Spain of Consul at The
City of New York - I have held
that position since the 14th of
October 1876 and exercise my official
duties at The said City of New York -

Third Int To The Third Interrogatory he
says - I did receive communications
from The Captain General of Cuba relating
to a robbery & larceny of money and valuables
of The San Quentín Battalion at Santiago
de Cuba said to have been committed by
Benaventura Pereda -

Fourth Int To The Fourth Interrogatory he says -
It was in the months of April, or
May 1877. I am not sure of the exact
time that I received a telegram in
relation to this robbery from The Captain
General of Cuba - I then communicated
my information I had received in relation
to this matter to W. H. Davis Superintendent
of Pinkerton's Private Detective Agency
in this City of New York - My commu-
nication to Mr Davis was verbal and I
ordered Mr Davis to discover the whereabouts
of the said Pereda -

Fifth Int To The Fifth Interrogatory he says -
I did receive a communication from the

Captain General of Cuba

Sixth Int To The Sixth Interrogatory he says -
In the months of April or May 1871,
in the City of New York, I communicated
the information which I had received
from the Captain General of Cuba in
relation to this robbery to A. W. Davies
the Superintendent of Pinkertons
Private detective agency in this City
and asked him to ascertain the
whereabouts of Buenaventura Pereda.

Seventh Int To The Seventh Interrogatory he says -
I do know A. W. Davies of Pinkertons
detective agency in New York, I com-
municated to him the information
which the Captain General of Cuba
had forwarded to me in relation to
this robbery - The information was
that a robbery had been committed
of money and valuables belonging
to the San Quentin battalion stationed
at Santiago de Cuba - That one
Buenaventura Pereda a Soldier who
had deserted and gone to New York
under a false name of Pedro Gomez
was the robber. The said Communication
gave a description of the person of the
said Pereda and asked that measures
should be taken for his arrest and the
recovery of the money.
This information I communicated to

Mr. W. H. Davis April or May 1871.
I do not remember the exact date

Eighth Int. To The Eighth Interrogatory he says -
I directed W. H. Davis to ascertain
the whereabouts of Pareda in order to
procure his arrest on the charge of said
Robbery and to recover the money and
valuables which had been stolen

Ninth Int. To The Ninth Interrogatory he says -
I do not know Buenaventura Pareda

Tenth Int. To The Tenth Interrogatory he says
I have looked at the photographic
likeness attached to this deposition.
I do not recognize it as that of
any person I know.

Eleventh Int. To The Eleventh Interrogatory he says -
Three or four months after I had
communicated with Mr. W. H. Davis
Mr. Jose Ceballos a Banker and Merchant
of this City doing business at No 29
Broadway, showed me a letter signed
"Buenaventura Pareda" post marked
at San Francisco California. I immediately
sent for the said Davis showed him
the letter and named him to take steps
for the arrest and persecution of
Pareda at San Francisco. I told
him if it was necessary for him to
go himself to San Francisco to go -

The witness Hippolyte
de Kanda further testifies as follows,

First Conf. Int. To the first Cross Interrogatory he says -
I have been recognized by the President
of the United States as Counsel for
Spain in the City of New York and
the Official Papers showing my appoin-
tment and recognition as such officer
are on file in the State Department
at Washington, and I must refer
you to the State Department at
Washington for Copies of these papers.

Second Conf. Int. To the Second Cross Interrogatory
he says - I have answered already
that I received my instructions from
the Captain General of Cuba and
I have sent all the original papers
I have received on this subject to
Mr Camilo Martin the Vice Consul
of Spain at San Francisco - I have
no copies left to annex hereto.

Third Conf. Int. To the Third Cross Interrogatory he says -
I have sent all the papers to Mr.
Camilo Martin.

Fourth Conf. Int. To the fourth Cross Interrogatory he says -
All the papers I had are in San

have before stated -
with regard to Mr. Wares, I had no
written communication with him
my communications with Mr. Wares
were all verbal - I had no communication
with J. N. Lees either verbal or written
I have no letter or telegram from
Camilo Martin which has any parti-
cular bearing on this matter.

Fourth Corp To The Fifth Corp Interrogatory he says
my only instructions relating to this
case came from the Captain General
of Cuba and those I have sent to
Mr. Camilo Martin at San Francisco.
My authority to act on the matter
I have by virtue of my Office as
Consul of Spain in New York

Sixth Corp To The Sixth Corp Interrogatory he says
I have no letter of instructions to annex
hereto. all my power to act on this
matter I derive from my Office as
Consul of Spain and all the instructions
I have received from the Captain General
of Cuba.

Seventh Corp To The Seventh Corp Interrogatory he
says I never employed any one
else to act for me or the Spanish
Government in this matter except
St. W. Wares - My instructions to him
were verbal -

Eighth day of the Eighth Cross Interrogatory he says
 On knowing that Pareda was in
 San Francisco I transferred to Camilo
 Martin as Vice Consul of Spain this
 whole matter, and all the papers
 in my hands relating to it for him
 to act on the matter in his Official
 Capacity as Spanish Vice Consul
 at San Francisco according to his
 own Judgment and discretion.
 He derives instructions and authority
 from the same source that I do -
 I gave him no orders myself for I
 had no right to do so - to arrest or
 imprison Pareda - I do not know
 P. Crowley or J. W. Lees, and never had
 any communication with them what-
 ever.

Hipolito de Urarte

Examination taken reduced
 to writing and by the witness
 subscribed and sworn to this
 Tenth day of April A.D.
 1872 before me.

Witness my hand & Official Seal

Charles Nettleton

Commissioner &c



"Endorsed" Filed April 27 1872

Wm. H. Army, Clerk

B. J. E. Schenck, Esq.

UNITED STATES OF AMERICA.

In the District Court of the United States for the District of California.

S. Pineda

vs.

C. Martin

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To Camello Martin and bring with
you all the correspondence between yourself and
Señor Uriarte Spanish Consul at New York and with the
Captain General at Cuba and any other Spanish official with
regard to the plaintiff herein or any other person accused of hav-
ing been privy to the alleged robbery of the funds of the San Antonio
Baptism in Santiago de Cuba in the year 1871.

GREETING:

C. Mendez, M. C. Sen. Doctor D. Olvera
You are hereby Required, That all and singular business and excuses being set aside,
you appear and attend before

the District Court of the United States for the District of
California, to be held at the Court House of said Court, in the City of San Francisco, on
the 23^d day of May A. D. 1872, at 11 o'clock, A.M., then and there to testify in the above entitled cause, now pending in said
Court, on the part of

Plaintiff

I, EDWARD B. COTTER, Clerk of the District Court of the United States
for the District of California, do hereby Certify the foregoing to be a full true
and correct copy of a subpoena now on file and re-
cording of record in my office in the cause
entitled, Juan Antonio Pineda vs Camello Martin
No 31

pl of
rely.

file
date

Level
not of

Attest my hand and seal of said District
Court, this 25th day of June
A. D. 1872

Edw B. Cotter Clerk.

By a. J. Deane, Deputy Clerk.

6

2

In the District Court of the United States for the District of California.

D. Pereda

VS.

C. Martin

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To *Camille Martin* and bring with you all the correspondence between yourself and Señor Uriate Spanish Consul at New York and with the Captain General at Cuba and any other Spanish official with regard to the plaintiff herein or any other person accused of having been privy to the alleged robbery of the funds of the San Antonio Battalion in Santiago de Cuba in the year 1871.

GREETING:

H. Mondero, Jr. C. West. Doctor D. Olimaria

You are hereby Required, That all and singular business and excuses being set aside, you appear and attend before

the District Court of the United States for the District of California, to be held at the Court House of said Court, in the City of San Francisco, on the *23^d* day of *May* A. D. 1872, at *11* o'clock, A.M., then and there to testify in the above entitled cause, now pending in said Court, on the part of

Plaintiff

And for a failure to attend, as above required, you will be deemed guilty of contempt of Court, and liable to pay to the party aggrieved all loss and damages sustained thereby.

Witness, the Hon. *OGDEN HOFFMAN*, Judge of the District Court of the United States for the District of California, and the Seal of the said Court, this *23^d* day of *May* in the year of our Lord one thousand eight hundred and seventy- and of our Independence the ninety-

Edw. A. Heister Clerk.
W. G. Grimwood Deputy Clerk.

Declaration of Intention



UNITED STATES OF AMERICA,

State of California,

District Court of the

Third

Judicial District,

OF THE STATE OF CALIFORNIA,

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.

I Buenaventura Pereda,

do hereby swear that it is bona fide my intention to become a Citizen of the United States of America, and to renounce forever all allegiance and fidelity to all and any foreign Prince, Potestate, State and Sovereignty whatsoever; and particularly to

The King of Spain.

Subscribed and Sworn to

this 30th day of Decr. 1871 } signed:
before me.

J. A. Ruggley,
Notary Public.

Buenaventura Pereda

Office of the Clerk of the District Court of the

Third

Judicial District

IN THE STATE OF CALIFORNIA, IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.

I, WILLIAM HARNEY, Clerk of the District Court of the *Third* Judicial District of the State of California, in and for the City and County of San Francisco, said Court being a Court of Record, having common law jurisdiction, and a Clerk and Seal, do certify that the above is a true copy of the original Declaration of Intention of *Buenaventura Pereda,* on his application, to become a Citizen of the United States, remaining in my office, upon the records of said Court.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court this 30th day of December in the year of our Lord, one thousand eight hundred and seventy-one, in the year of our Independence the ninety-sixth.

WILLIAM HARNEY, Clerk,

By

J. A. Ruggley

Notary Public.

Stolen from the Archive of Dr. Antonio R. de la Cova
http://www.latinamericanstudies.org/

Washington D.C. 1st
July 19th 1872

To His Excellency Ulysses S. Grant
President of the United States
Sir.

Believing that the Petition of
Buenaventura Pereda, to which I had the honor
of calling your attention on Monday July 15th Inst.,
had been referred in accordance with the assurance
you were then pleased to give me, to the Honorable
Secretary of State, I, to day called on him with
the original papers in the case, and in a note
addressed to him, formally asked to have them
placed on file in the State Department.

After listening to a very brief statement
of the case, the Hon. Secretary informed me, that
Pereda, the Petitioner, being a foreigner, his petition,
in order to be considered, must come through the
accredited representative of his native Country; that

though he has filed his Declaration of Intention
throw off all allegiance to the King of Spain, and
come a citizen of the United States, he must still
look to the Spanish Minister for protection against
wrong and outrage, even though he suffers that wrong
and outrage on American soil and under the shadow of
the American flag - If the proposition of the Hon.
Secretary is law, then why can not the Spanish
Minister, if it so pleases him, throw this man
Prada, into a prison or condemn him to death? In
either case, if he asked the protection of the American
Government, by petition addressed directly to the
Executive, the Hon. Secretary could not consider it,
because it did not come through the Spanish
Minister. And should he petition through the
regular channel, as required by the Hon. Secretary of
State, most assuredly, it would never pass the
threshold of that functionary's office. If that is
law, not only the property already taken, but the

Stolen from the Archive of Dr. Antonio R. de la Gova
http://www.latinamericanstudies.org

if also of this man is in the hands of the Spanish
Minister. Indeed each foreign power will soon
have its corps of spies and detectives spread over
the Country and through our cities, hunting and
arresting persons who have sought the shelter of our
flag, and if by chance, the voice of one of these dis-
graced wretches should reach the ear of the Govern-
ment, the Executive can not heed it, because it
will not come through the office of the very Minister
who instigated the unholy proceedings.

The Hon. Secretary further said that the Petitioner,
was not arrested and deprived of his property
by the Spanish Consul for New York, but by an
American Citizen, and therefore the Petitioner's remedy
was an action at law against the said citizen. Now
the citizen referred to is, one J. W. Lees, the detective
named in the Petition and who was promised by
the Spanish Consul for New York, twenty per cent
of whatever sum he might take from Perea, as a

ward for apprehending and despoiling him.
And the same citizen, Detective Lees, swears that
he now holds the said property (meaning that taken
from Pereda) for and subject to the orders of the
Spanish Government which hath duly recognized,
ratified and confirmed all and singular the acts
and doings of the said defendant Lees in the premises
Page 8, printed petition on file in State Dept.).

The Spanish Consul for New York, has also
sworn that he himself ordered one Davies, a detec-
tive to correspond with the said Lees and direct
him to take steps for the arrest of the said Pereda.
It appears, therefore, that Pereda was arrested and
deprived of his property by order of the Spanish
Consul of New York; and that he employed as his
agent, an American Citizen to make the arrest,
and seize the property. It is not claimed that any
warrant or legal process whatever issued in this
proceeding, merely the literal execution of a foreign

ment's orders. Lee is undoubtedly guilty of violating
the law of the land, but a fortiori, the French
consul at New York has outraged both American and
international law, and grossly insulted the govern-
ment which receives him, for "qui facit per alium
facit per se".

The Hon. Secretary was also pleased to say
that had the Petitioner been a citizen of the United
States, the case would be different, than the Govern-
ment in such cases might interfere. In other words
the personal rights of a resident foreigner are pro-
tected by the same laws which secure and protect
native born citizen.

These ideas once obtained to a limited extent
this country but that was long ago. I cannot
think that the Hon. Secretary will seriously advance
this proposition; for if he can sustain it, not only
political refugees but all those resident foreigners
who have made their declaration of intention to become

American Citizens, are, indeed, in an unhappy situation. Having renounced all allegiance to their former sovereign, they find themselves abandoned without of their adoption.

After some further conversation the Hon. Sec. clearly said he would receive a written argument of the case; but I do not think any argument can more forcibly show the necessity for Executive Interference than a plain statement of the facts set forth in the Petition and accompanying papers on file in the Department of State.

The apology for this letter, is my warmest desire that your Excellency shall know from my standpoint, precisely what I have done to secure my clients rights because the Chief Magistrate of the Country only can secure those rights assailed by a powerful and unscrupulous Kingdom.

I have the honor to be your Excellency's

Most respectful and obedient servant
Johi B. Moore

Of counsel for

Buenaventura Pareta.

ational Hotel

Washington, D.C.



Washington, D.C.,
July 20th 1872.

ans. as here
5th
July 23

Dis. as
23 July

The Honorable Hamilton Fish,
Secretary of State:

Sir:

In compliance with
the requirement of the State Department, as com-
municated in a recent letter from Mr. Hale, I
have the honor to transmit a power
of attorney from my client Mr. Hernandez
and to renew my request for the authen-
ticated copy referred to in my former
note to you.

Yours obedient servant,

Edwin Stanton.

from the hands of the said, and acknowledge
the foregoing power of attorney to be his
act and deed for the purpose therein
expressed, this 17th day of July 1872.

In testimony whereof, I have hereunto
set my hand and affixed my Notarial Seal
the day and year aforesaid.

H- F. Schenck

Notary Public

Adm. on 22 July copy Deposition taken on 2 May.
Office of the District Attorney of the United States, July 22

For the Southern District of New York Mr Payson

New York July 20 1872

ackd July 24th



Sir

On the second of May last
the District Attorney at the
request of the Attorney General
attended the examination of
Captain Shepherd formerly
master of the Steamer *Virginian*
whose deposition as to the
circumstances connected with
the voyage of that vessel from
New York to Venezuela was
taken at the instance of the
Spanish Legation.

A copy of his deposition was
prepared but by our oversight in
this office has not been forwarded

to the State Department until
now.

I now enclose it and beg
leave to express regret for the
delay.

Respectfully
J. D. Davis
and W. H. H. H.

Wm. Hamilton Fish
cc cc

~~Thomas E.~~ Shepherd being duly

sworn deposes & says:

First. That he is a resident of Warrenton in the State of Virginia, and was master of the steamer 'Virginis' from the first week in September, 1870, to the 12th day of November in that year when he left the said steamer at Porto Cabello in Venezuela.

Second. That he has read the affidavits of Thomas Anderson & George W. Miller annexed to this his deposition, and that the same are true except that portion in which the deponents state what happened in the cabin of the said steamer 'Virginis' after taking on board the cargo of the 'Billy Butts'. The amount of money referred to in the said depositions as placed in the hands of this deponent for the crew was \$200 in gold, and a draft on Sonnings Ruz of New York by Emanuel Zue-sada for the sum of \$2000. In other particulars the said depositions are true.

Third. That this deponent was employed by J. K. Roberts of the City of

New York in the month of Sep-
tember, 1870, to navigate and com-
mand the said steamer "Virgin"
alias "Virginus", from the Navy
Yard at Washington, in the District
of Columbia to the Port of New York,
which service he rendered during
the month; that this deponent was
afterwards informed by the said
Roberts that he had purchased
the said steamer from the United
States government as agent of certain
Cubans among whom he named
Jose A. Mora of the City of New
York, and the aforesaid General
Zuecra, that the said Cubans
including the said Mora and Zue-
cra furnished the money for the
purchase of the said steamer, and
also to pay for the repairs and sup-
plies which were subsequently
put thereon, that the said Mora
subsequently exhibited to this depo-
nent receipts signed by the afore-
said Roberts or one J. F. Patterson
for the ^{said} purchase money and dis-
bursements aforesaid.
Fourth. That the aforesaid steamer
thus purchased by Roberts, as the

agent of the said Mora, Zuesada and others was formally placed in the name of the said J. F. Patterson, and so registered in the Custom House at New York.

Fifth That about two weeks after the arrival of the said steamer in the harbor of New York from the Navy Yard at Washington, the said Roberts informed this deponent that the said steamer was owned by the aforesaid Mora & Zuesada with other Cubans and that she was about to embark in the business of running the Cuban blockade and other things in behalf of the Cubans, and the said Roberts asked this deponent if he would be willing to take command of her in such business, that this deponent then enquired of the said Roberts particularly in regard to the precise character of the business in which she was about to engage, and was told that he, the said Roberts would introduce this deponent to the said Mora and Zuesada which he did on that night.

On the 17th of this deponent thereupon on that evening had an interview at the house of the aforesaid Mora in the City of New York, with the aforesaid Mora, Quesada, Roberto and Patterson and a number of other Cubans who were present; that at said interview the said Quesada and Mora fully admitted their ownership of the said steamer, and finally an agreement was entered into by which this deponent was to retain the command of the ship under the directions of the said Quesada; that at said interview the said Mora and Quesada first suggested that the said steamer should proceed in ballast from New York to Fernandina in the State of Florida; there take on board the said Quesada, his military staff and a small quantity of arms, proceed thence to La Guayra, Venezuela, subsequently taking on board more arms and munitions of war; that at Porto Cabello soldiers were to be taken on board and conveyed to the Island of Cuba in aid of the insurrection, but at the

of this deponent the voyage was changed so that no landing would be made at Fernandina, but the vessel proceed direct to the island of Lewis and Clark.

Seventh. That this deponent further states that at the aforesaid interview at the said Mora's house, and subsequently in the City of New York before the departure of the said steamer on her voyage the said Mora in speaking to this deponent in regard to arrangements for his undertaking the risk of the voyage stated that doubtless there would be opportunities for this deponent to make a good deal more than the sum agreed upon for his compensation through the probability of his being able to capture and confiscate the cargoes of any Spanish merchant vessels that he might fall in with on the cruise. This possibility was more than once referred to by the said Mora in speaking to this deponent, and this deponent did at that time understand and believe that it was among the purposes of the said Mora and the said Quesada

to meet the said steamer to capture or destroy Spanish merchant vessels on the high seas 'Eighth. That the said steamer departed from the port of New York as is set forth in the aforesaid affidavits of Anderson & Miller, took on board the aforesaid Zuesada & his party as therein described, and proceeded to the Island of Curacao, and arrived there at the time stated in the aforesaid affidavits; that when not far from the Island of Hayti, the said steamer came near a sailing vessel the nationality and character of which could not at first be discovered, soon after said vessel was seen, General Zuesada, through his interpreter, Doctor Verona, suggested to this deponent the propriety of capturing the said vessel should she turn out to be a Spaniard, that this deponent only formally objected to the proceedings, stating that in order to do so the said Zuesada with his party would have to

the said vessel taken forcible possession of the ship, by pulling this deponent and the first officer in view, which plan was agreed upon, but it turned out that the vessel in sight was English and not Spanish.

Fourth. That this deponent left the said steamer at Porto Cabello on or about the middle of November and within two months there after arrived in the city of New York where he had an interview with the aforesaid Patterson and Mora, that at such interview the said Patterson complained to said deponent that he as captain of the said steamer had not taken advantage of the formal paper title of the said Patterson and brought the steamer to New York, that this deponent represented to the said Mora the said complaint of the aforesaid Patterson, and thereupon the said Mora denied that the said Patterson had any real ownership in the steamer and exhibited to this deponent receipts for the purchase money thereof, and for

the supplies and repairs put
thereon in the Port of New York
before her departure.

Tenth. That this deponent did
not regard the *Virginias* as a
cruiser or privateer though it
was suggested to this deponent
by the said Zuesada as before
stated to use her to capture Spanish
merchant vessels should she fall in
with any, but that the principle
object of her service and for which
this deponent was employed was
to land troops and men on the
Island of Cuba.

Eleventh. That this deponent can-
not at this late day enumerate
correctly or specify particularly the
receipts referred to as shown him
by the said Jose A. Mora, but
from the conversation this de-
ponent had with the said Mora
regarding the purchase money
and the disbursements of the said
steamer together with the receipts
shown him by the said Mora
this deponent was informed be-
yond a doubt in his mind that
the said steamer "*Virginias*"

was the property of certain Cubans together with and represented by the said Mora and the said Zúñiga and the said Manuel Ruiz, and that the said Mora informed this deponent that such was the case and moreover explained to this deponent in part the manner in which the funds were raised for the purchase of said steamer, and the disbursements of her voyage and enterprise.

The deponent having made the foregoing declaration he was examined by H. E. Davies, Jr. Esq. Assistant District Attorney for the Southern District of New York who appeared in behalf of the Department of State of the United States at Washington, and deposed as follows:-

The vessel called by me the "Virgin" and "Virginius" are identical, both referring to the same vessel; my first employment for this vessel came from Mr. Roberts who is an American citizen; he told me he had a vessel at Washington which he wished me to bring to New York; there in-

She was given to me in New York; I then went to Washington for the vessel and I found her at the Navy Yard, Mr. Roberts accompanied me and I went on board and took possession of her by virtue of consent obtained by him from the officers of the Navy Yard; I shipped a temporary crew in the District of Columbia, and in a few days thereafter I sailed the vessel to New York; the vessel was not cleared at the Custom House at Washington, but left under a letter from the Treasury Department, she having been bought from the Government; on arriving at New York I took her first to Hoboken, and a few days thereafter to the Dry Dock in the East River in New York in which she remained about two days; then took her to the Knickerbocker Ice Company's wharf, North River where she lay until ready for sea; on reaching New York, I discharged all the crew that I shipped in the Dis-

of her registered ownership, except about three. The first knowledge I had of her registered ownership was on the day of taking out the papers at the Leustein House, which was the day of sailing; one J. F. Patterson was then and there registered as her owner. I found him so registered. I know Mr. Patterson, he is an American citizen. Mr. Roberts did not mention the names of the parties who owned the vessel, but said to me previous to her departure from New York that she belonged to them, meaning certain Cubans, but that she would have to be in his name as they, meaning certain Cubans, could not own an American vessel, and also to prevent interference on the part of the United States authorities. Mr. Roberts told me that the vessel was to be engaged in running the Cuban blockade and in other things; he did not specify anything besides running the blockade. Mr. Mora intimated to me while speaking to me about my pay that in case I fell in with a Spanish merchant vessel, I would

...a great deal more than what
my pay itself would amount to -
Mr. Mora was the person with whom
I made my bargain, and with
whom I agreed upon the terms
under which I would go. Mr. Ro-
berts brought me to Mr. Mora. Mr.
Mora gave me no instructions to look
out for Spanish ships and capture
them. I did not regard that as a
thing I would do, or as anything
that I had been ordered to do by
the owners of the vessel at the time
of sailing. When we cleared from
New York, that is, I mean when
we left the wharf we had nothing
on board but coal and provis-
ions and about twenty empty tierces
and three thousand feet of plank
and scantling. I took on board
General Zuecada inside of Sandy
Hook with some eighteen or nine-
teen others; they came as passengers
intending to go to Cienfuegos, that being
the point to which the vessel was
cleared; they had a small quan-
tity of arms in five or six boxes
which contained pistols, ammuni-
tion and a few rifles. We proceeded

then went to Curacao. General Quesada while on board of the vessel generally communicated with me through an interpreter. When Quesada proposed to me to capture a vessel supposed to be a Spanish vessel. I objected. I declined to take any part in the proceeding. The steamer was not armed when she left New York, had no guns on board nor any equipments of war as a cruiser, she was provisioned beyond what was necessary for her own crew and the passengers we took on board. I mean with respect to the staple articles such as bread and meat. We had about 100 barrels of bread I think, and about a dozen barrels of Pork we put these into the fore peak separate from the ship's provisions. We reached Curacao about the 12th or 13th of October. While in that port we took on board nothing of a warlike character. did not add to our equipment in any way. When we took on board supplies from the Billy Butts we took no ship's guns, no

from the four brass howitzers mentioned in the annexed depositions. After getting these goods on board the men demanded to know the object of the voyage. I consulted with Zuesada and then informed them that the ultimate object was to land men and arms on the Island of Cuba. These were the only specified objects of the voyage. I told them we were going to La Guayra before reaching Cuba, and that they could be discharged there and sent home if they so wished. We first went to La Guayra after leaving Leuercas and there General Zuesada and a portion of his staff. We then went to Porto Cabello which is about 50 miles from La Guayra. About three weeks after arriving at Porto Cabello, I resigned command and left the vessel. At the time of resigning I wrote a letter to the Consul at that place stating what is contained in the copy of a letter hereto annexed marked A. The statements contained in that let-

ter were all true. From Porto
Leabelle I returned to New York.
Here I met Mr. Patterson the
owner of the vessel. He com-
plained that I had not protected
~~to~~ his rights in not bringing
the vessel home to the United
States. My reason for leaving
the vessel was that it was in-
timated to me by General Que-
zada that she was to go into the Ve-
nezuelan service, and from the
preparations ordered by him
to be made such was clearly
indicated. At Porto Leabelle
the voyage ended, Quizada in-
sisting on a new enterprise, and
one not contemplated by the
owners or myself before we
left New York, and the charac-
ter of which Quizada refused
to divulge to me. I therefore left
the vessel and also the seamen,
leaving on board the firemen &
engineers.

Subscribed & sworn to before J^{ts} T. E. Sheppard
on this 2 day of May, A.D. 1872.

J^{ts} Joseph Gutman Jr.
United States Commissioner
Southern District of New York.



Hon. Hamilton Fish - New York City, July 28th 1872

Secretary of State, Washington.

Dear Sir. My two letters of the 18th May
and 8th of July directed to you at the Department
of State remain unanswered -

Please order an answer to be sent to me,
- I am very anxious to have those letters answered,
because, I feel confident you will call the
attention of our Minister at Madrid to my
applications as soon as you have time to consider
my request.

Respectfully & Truly

Your Obedt

Silas M. Stilwell



Newport July 20th 1872

Sir:

I have the honor to report that on Thursday, the day of Captain Norton's arrival here, the officers of the Pioneer, who had previously abandoned, resumed their uniforms; and much less dissatisfaction is reported by the officers of the "Moccasin", since Captain Norton's visit. Captain Norton is said to have left that night for New York, the powder of the "Pioneer" much to his relief as stated, having been removed to a place of safety before his departure. -

I enclose copies of statements of Charles Hamby, Charles Potson, and Andrew De andrad, subscribed by each respectively and reduced to writing by one in presence of Captain Deacy and Lieutenant Smith; also copies of statements of Lieutenant Smith and Chief Engineer Whitaker of the "Moccasin", and Samuel Blair of Newport. -

The freight agent of the Steamboat Company.

who met the man who signed for the provisions,
referred to in the last two statements, when de-
livered, has been discharged by the company and
is absent from the City. The Agent of the com-
pany has sent for him and I hope to get his
statement. — The agent has also sent to New
York for the Bills of Lading, which will probably
give some information as to the shipments and shippers
though I apprehend that with regard to these and
some other matters investigations in New York will
be necessary. —

I am unable to ascertain that any material
facts can now be obtained here, excepting the
statement of the said Steamboat Company's Clerk, and
the Bills of Lading. An examination, which would
require an interpreter, of the foreigners shipped as
crew at the West Indies, it does not appear to me
could develop any further material facts. —

Being in doubt as to your wish concerning

The investigation of facts elsewhere than in the District, I go to Providence to await instructions from you, with the understanding that the Collector will notify me when the Steamboat Company's Clerk arrives. —

I am very respectfully
John A. Gardner
U. S. Atty R. I. District

Wm Hamilton Fish
Secretary of State
Washington D. C.

J. M. W. Thatcher Chief Engineer of the *Myocine*
state that last week some time I asked Mr. Hathrick
of the *Pioneer* why they did not take on board the
water tanks which were at the Steamboat landing
in Newport and which belonged to them.
He replied that they wanted to wait until after
they got through the trouble before they touched
them. He then asked me if I would look at
them and see if they needed any repairs,
as there would be a good chance to repair them
before they took them on board. I told him
I would look at them.

This morning (July 20 1871) I had a
talk with Chadwick about them. I told
him I saw them last evening. He asked me
what I thought of them. My reply was that
I thought them rather light, and of a very
good size. He said we got them cheap
in New York, that they cost seventy five
dollars a piece and they are four feet
square each way and hold about 480
gallons ^{each} and four of them gives us plenty of
water. I asked him if he had been down
to the landing to see them, and he said he had
not. I asked him where such tanks
could be bought, and he said, we bought
them in a second hand store in New York.
I asked him why he did not take
them on board the *Pioneer*, and he said
time enough when we get settled.

Statement of
J. M. W. Thatcher

...have measured them and they are four
feet square, are of light iron, painted red on
the outside, and probably rusty inside.
Each of the four has the direction on the
outside "N. L. Newport R.I." They are
second hand, and such as would be used
for bread or water on board ship.

They are arranged on seven covers but did
not see any covers with them. Examined
the way bill of the Steamer Providence of
the Narragansett Steamship Company (Tide Water
Line) dated July 4th 1872 which arrived here
in Newport on the 5th of July and the copy of
the same on the books of that company here
and find on each as follows.

Consignee

{ "Lumber" " "	{ " "	"McLumbert 6 Bbls Pot, 1 do Beef 5 do Bread"
		" " 9 " 2 Hf do 6 bass 3 Smaller Fish

"N. L. 4 Tanks"

and on the copy on the book was written against the
two first entries what appears in brackets above
in pencil - The freight carried out on the way bill
against the first two items was \$4.16 and \$4.60
and against the Tank \$3.60. - All except the
the tank I am informed were delivered to the
man who signed the Company's Book in
pencil; and he paid the freight. The Tank
I am told has not been called for, and the
freight has not been paid.

Newport R.I. July 20th 1872
signed F. H. H. Whitaker Chief Engineer A.R.

I Charles Peterson state that I am twenty two years of age, being in Sweden. have followed the sea five years, first came to America a year ago last June. Has been in New York but about ten days when I shipped ~~on~~ ^{and} board the "Resolute" one of our old shipmates lent me down to the vessel. I saw Capt. Weston at the vessel and shipped to go to the West-Indias. She was lying in the stream near Jersey City. The shipmate was Denmark Johnson I went in a boat with him & shipped, went ashore got my clothes & then back all in the same day and the vessel sailed in that day. I don't know what was on board the vessel, nothing came on board the vessel after I got there. First went to the West-Indias. I helped land the cargo at St. James Bay. There was no ballast in the ship. There were guns in the ship, but guns, some we have an electric maw. The guns were laying under the cabin and I don't know exactly what was down there, I don't know whether there was any shot or shell there, or powder. I have seen shot, shell, and powder taken out from under the cabin since, that is from the place where the guns were. Never saw since we left New York any shot, shell or powder placed in that place. But all that I know it was all there when we left New York. We landed and cargo at St. James Bay. The next place we stopped at was Port-au-Prince, and the next was St. Marks. These were the only places we stopped at. I went on shore one day at Port-au-Prince and there was the only time I was on shore except at St. James Bay.

Was absolutely all the time, never sick. I never
saw anything brought on board at any time except
Water & food provisions. We stopped at lay on at Times Bay
and in scum in Port of Prince. They were all the men
we shipped after leaving New York. I never had any
who have left us, or any at all except - those on board
now. I think we have one gun which was put on board at
the West Indies but I did not see it put on board. There
is no other article that I think was. I can't tell whether
everything else except that gun was on board when
we left New York or not. I don't know when the gun
carriages first came on board, I first saw them
when we left St. Marks. I never saw the flag we
- have, the United States flag, flying until 5 or 6 days after
we left St. Marks. The first that I heard about being
a war vessel was at Port of Prince. The men
aboard the vessel were talking about it. The Captain
never told us in New York we were going for fight.
- We never talked it over, and we did not know
whether we were going for fight or going to be a
War Vessel. The Captain and Officers didn't tell
us anything about it. I never was told, and
I never heard any of the men told that the Resolute was to
become a War Vessel or that we could go ashore
or be sent home if we did not want to go, or anything
to that effect, before the guns were taken up on deck or after.
The guns were taken on deck 3 or 4 days before
the flag was hoisted. Captain Norton came out to
the Resolute with a sail boat twice while

the "Hocassah". He had the same man with him each time. The first time I don't remember, think a little after the fourth of July. There was a day interval between the first time he came and the second. The first time he brought Bundles of Provisions Bundles of pots, Bread etc, all in such a way as to hide. He brought nothing the second time. The first time they both came on board. The second time neither came on board. The Captain gave orders the second time but I did not hear what they were. The Officers of the Pioneer appeared to know the man who came off with the Captain but I don't know who he was. Never have signed any Shipping Articles since leaving New York except those of the Resolute which I signed when six or eight days ^{and} after we left New York.

I never had any place assigned me at the Guns. None of the crew had places assigned them at the Guns and no duty at the Guns. I did not see firing there when they were fired every time. I hauled on the side tackle. I saw the ^{at} Exploder fire once and the Captain once. None of the men were regularly stationed at the Guns. The last deck was built after we left St. Marks Bay and while on the way to Port au Prince. The state rooms in the Ward Room were built before I went and heard the Resolute and general cargo was stowed in the Ward Room and the passage out. The last time Captain Norton and the other men came off was the day we were brought in here.

Witness
J. H. May Jr.
Joseph J. Smith

Charles ^{his} Petersen
man

First Lieut. & Assistant of the Furmen
Steamer "Moccasin" states that, on the 15th day
of July inst, while in charge of the "Pioneer" in
obtaining stationery, to address a letter to
Captain Kitchin, he was referred by Mr. Hattick
to a drawer in the cabin table of the "Pioneer"
for said stationery; that the drawer was
unlocked; that he drew it out to obtain
the stationery while Mr. Hattick sitting
at the same table, and that he did not
notice anything except stationery in it.

Thinks if there had been any ship
papers there he should have noticed them
as he pulled the drawer out to full view.
The drawer was unlocked and there was
no key in it.

On the 18th instant when Captain
Horton's key was passed to me to go for the
papers I went on board the "Pioneer" and
went into the cabin with Lieut. Chauncey,
giving him the key, with which he unlocked
the same drawer from which I had taken
the stationery as above mentioned. The
Shipping Articles which I brought to the
"Moccasin" for Captain Horton, were exposed
to full view when the drawer was pulled
out, and were lying on the stationery, from
which I took the above mentioned.

The one half of the Register was also taken
from the same drawer at the same time.

looking the drawer again? I returned the
key, with the papers on board the "Moccasin".

The present birth
deck of the "Pioneer" is not located the same
in the hull as the birth deck where he was
a butler, it having been dropped about
15 or 18 inches lower, which cuts off the
space in the hold to the same extent. I
am of the opinion, (without careful examination)
that the change has been made since the
vessel could have carried a heavy general
cargo. The lowering it would make more
head space on the birth deck.

The Ward Room is
refitted with staterooms, (formerly with berths
only). There is also a large hatch cut
through the deck over Ward Room, which
would admit of the loading of a general
cargo, or of such guns as she now has on
board. The guns must have gone through
this hatch, and ward room floor deck,
now a flying deck (formerly a solid deck)
if stored in the after hold or lazarette.

The Executive Officer stated
to me in reply to my question as to how he could man &
work his guns with the present crew, who
did not speak English, or any language spoken
by the Officers, that the gun crews for the
vessel could all speak English, very many

121
but that they were away from the vessel
at the time of the Combaracion. He would
not state where they were, or where they
were landed, but that they had not been
on board the vessel since her seizure,

Newport R.I. July 20th 1872
Joseph Smith
1st Lieut U.S.M.

Republic
of
Cuba

Summers Warrant

Know all men whom it may concern,
that under and by virtue of the authority
conferred upon me, by Carlos Manuel de
Céspedes President of the Republic of Cuba
I hereby appoint Charles Hamburg
a Gunner in the Navy of the said
Republic with the same salary
as that paid a Gunner in the Navy
of the United States.

Given under my hand on
board the Cuban Schooner of War
Pioneer

A true copy June the sixth 1872
Charles Hamburg (signed) Francis L. Boston
Captain of Fleet Command-
ing the Cuban Navy

Charles Hattcock states that he was born in Sweden and is twenty five years of age. That he has followed the sea since fifty nine, in vessels of nearly all nations and in new manner of the "Pioneer" as appears by the warrant which he produces. A true copy which he presents. Has spent seven or eight ^{alleged} years in the United States. He saw the "Pioneer" until after I signed the article of the - he declines to state what the name of the vessel was when he signed the article, as being told say he will answer in court. On being told that it ^{is} for him to judge whether he will answer or not, he says her name was the "Resolute" went on board about twenty four hours after signing the shipping articles. She was laying between New York & Jersey City at the time I went on board, with cargo all on board, and hatches down. I saw Mr. Hattcock after I signed the shipping articles, at the Pier in New York City where his vessel was laying. Hattcock was standing on the dock near the vessel I did not speak to him. It was after I had signed the article but I did not know that she was the vessel I was going in. The shipping master first spoke to me about going in her. The only man I knew was the man over in the vessel they call "Torr"; and I did not know that he was to ship into this vessel at the time I shipped. Going out from New York I am sometimes took observations with Captain Norton and Hattcock they all way took the observations together. I am now sometimes on deck in service and but I was not in his watch.

had ^{any} ^{of} ^{the} ^{intention} ^{to} ^{convert} ^{the} ^{Resolve} ^{into} ^a ^{war} ^{vessel} I helped discharge the cargo and was there when the last of the cargo was taken out at St. Ann's Bay. When it was all taken out there was nothing left in the hold of the vessel. There was no ballast underneath the cargo. There was ballast on board when she left New York consisting of two old rusty guns - don't think she had anything else. There were no shot or shell that I know of - I was not down where the two guns were ^{lying} ⁱⁿ ^{the} ^{lazareth}, which is the after compartment of the vessel and is under the Cabin. That is the place where the guns were. I might have seen the guns there before we arrived at the West Indian. I can't tell when I first saw them. I don't remember of seeing any shot or shell there before we left St. Domingo. I was ^{down} ⁱⁿ ^{this} ^{place} ^{after} ^{provision}, I don't remember either it was before we got to St. Ann's Bay - it was before we got to St. Domingo and saw these guns. The provisions that is store for the ship were on top of the guns. Don't know whether I told anybody that I saw them there. Did not ask anybody what they were there for. I thought they were there for ballast. They were two of the three mounted guns now in the deck of the "Pioneer." The first time I knew there were any shot or shell there was after we left St. Domingo. I had not seen any shot or shell put in there.

up to the time we left St. Domingo, but saw some there after
 we left ~~St. Domingo~~ ^{there} I was on shore in liberty some twenty four
 or thirty six hours at St. Domingo ~~but~~ ^{do} not remember the
 name of the point. Saw nothing except provisions taken
 in at that port. Saw nothing except food & water taken
 in at any port or place where we stopped - we only stopped
 at two places after we landed on. Cargo. St. Marks was
 the last one. So far as I know all the ^{arms} guns, ammunition
 gun carriage & equipment came on board at the first
 place we stopped at after leaving St. ~~Mark~~ ^{George}. The gun
 carriage were placed in keels in boxes, I don't remember
 neither the guns which came on board at Port au Prince
 nor port helter with the others or whether it was kept on
 deck I asked no questions about them and heard no
 one say anything about them. Two more men had their
 liberty with me at Port au Prince for the same length of
 time I did (Johnson and the one they call Tom, the French
 master) - a good many people came on board at Port au Prince
 but I don't know Captain Nelson's brother. He came on board at
 St. Marks and nothing brought on board there except water
 everything (except the water and some ~~things~~ ^{things}) which came
 on board after we left St. Anne's Bay came on board at
 Port au Prince. I think we had the flag which we have
 set now (the flag of the Republic of Cuba) flying at the
 time a Spanish Man of War passed on in the Caiman
 Channel. I am not sure that it was flying when the
 Spanish Man of War passed on. I am not sure, it
 might have had ^{the} American flag that was flying

The Spanish Man of War. I think I
saw this Cuban Republic flag flying before we went
into Port Au Prince. If the flag of the Republic was
not set at the time a Spanish Man of War passed
it was not set at all until she was made a Man of
War, which was some days after we left St Marks.
I did not know anything about her becoming a War
vessel until she was made one and did not care. Was
perfectly willing to serve on her as a War vessel. First
stopped in the United States ^{Coast} off Charleston to send the
second Lieutenant on shore - The City Belle, a sail boat
belonging here ^{ing} the harbor came off to us with some pro-
visions from this place before we were brought in by
the "Mercurio." The Captain was on her and another
man whom I did not know. Captain Cair put Captain
Norton on shore with our boat and Cair came back with
it alone. Our boat had a sail - should think Cair was
gone two or three hours. We were about the same distance
off shore as when taken. Should think more than a
mile from Coates's Reef light ship. The Captain did not
come off that day with the City Belle, but the day after.
He brought flour, beef & potatoes. That is all I know.
I helped take it on board. I ~~did~~ ^{don't} know whether
the man who came with Captain Norton came on
board or not.

They did not stay more than five or ten minutes - long enough to get out the provisions only. Both went back to Newport ^{together} in the City Belle and I did not see the Captain again until yesterday - I am sent one on shore off Montauk Point. I was gone one day and came back the next I think. I was detained by the fog. The Captain fired a pistol as a signal. He brought off a man with him when he came who stayed on board about two hours when I am set him on shore again. We were sailing while this man was on board. No boat ever came to us except the City Belle off the coast, and excepting the occasion when she came off us I have stated, no person came off to, or went from, the "Pioneer" except those I have mentioned as going and coming in our boat. I had nothing to do with the firing of the large gun at sea. I was never in a man of war and never fired a great gun in my life. I loaded and fired the ~~gun~~ 18 lb gun once or twice. I do know that we took on board any water, ^{or} provisions off Montauk, and am sure we did not take any provisions

Charles Hamberg

Samuel Carr of Newport State had a new
sail boat "City Belle" that on the sixth of July
a man of dark complexion, dark eyes, and black
hair, ^{name} giving his name, Capt. Lambert of New York came to
me and said he had some things at the long
wharf which he wanted to take off to a vessel
outside and wanted to hire my boat to take them
off. I asked him if he wanted a man & he
said no, that he knew all about a boat &
could sail her himself. This was about 10 AM.
He wanted her ^{for} till about 4 PM. I let her
for \$4.00 - He wanted went up toward the
Long Wharf, ^{Dock} Steamboat Wharf, and afterward
I saw her at the end of the Long Wharf, Steamboat
Wharf, well loaded down with barrels, & saw
the Capt. Lambert & other men on the
dock - He came back with the boat about
8 PM. and paid her \$2.00 for the additional
time - On Monday the 8th of July the same man
with another of about the same size (They
looked like brothers) came about 2 O'clock
PM. and said they were going off to get
the vessel off, & send her away, and
wanted my boat again. I let them have her
and they started out, and were gone about 3 hours
and paid \$1.50 to my man. I did not know either
of the men. The first time I told Captain
Lambert that he was a stranger to me, and
that I usually required some reference of
strangers. He said he belonged in New York

and that it was all right, and paid
me the \$4.00 in advance.

(Report July 19th 1872

Signed, Samuel Curr

Samuel Curr

I solemnly swear and state that I am 33 years
of age and a Portuguese by birth, born in
Madeira. I have followed the sea off
on for fifteen years. Made New York my home
since 1864, was formerly Waiter at Dr. Dimin
Clarks, Delmonicos & the New York Hotel.

First knew the Resolute when she
was at dock in New York at Pier 7 or 8
East River. I was going along engineering
at the vessel for a Steward's berth.

I met the watchman on board the Resolute
and he said they had no Steward yet.
That there would be a chance for me.
He left that day backed out, and I
have not seen him since. I wanted
to see the Captain He said (the watchman)
he did not who was going Captain.

Captain Norton called I asked him
for \$50. per month. He said too high,
but for me to ship at \$40. and if he found
it worth \$50. he would give it. He told me
going out it was \$30. He gave me \$35.

~~in advance and I used it for the use of~~
~~the ship as Steward.~~ I went to work
that day April 8th 1872. She had no
Carp on board then. Was there when
it was put in. I went home nights
to sleep and had to be away the best
part of each day getting utensils &
fixings as Steward. I saw some

of the ship, but I don't know what
was put on board. Saw none of the
ballast put in, and did not know what
was on board when we sailed. We went
to the North River near Jersey City.
Laid there two or three days. I used to go
home from there nights. Have acted as
Steward from first to last. We landed
at St. Ann's Bay Jamaica first - Saw
nothing taken on board there. Stopped
at Port au Prince first after
leaving St. Ann's Bay - Next at St. Marks
- next off Charleston - Never saw the
first thing come on board after leaving
New York except water, which was
taken in at Port au Prince - We had
no Tank - Thunk took water also at
St. Marks, all in Casks. We took water
a Cabin Boy at St. Ann's Bay & six men
as crew at Port au Prince. That is all
the addition we have had to our crew since
we left New York. The first time I knew
that we had any guns, shell, arms, ammuni-
tion, powder, or anything of the kind
was after left St. Marks when I saw
them commenced to draw the guns on deck
and make preparations. If I had
known she was going on the business
she is going in I would have staid
at home. —

* Saw nothing placed on board there

I know Captain Norton's brother. His name is Lambert. I never knew the Captain or his brother until after I shipped. I saw Mr Lambert Norton about there, both while we were there at the Pier and while in the stream. I saw him Lambert Norton again at Port Au Prince. He was there with his brother. They were about there together, sometimes on shore and sometimes on board of the vessel.

Lambert Norton came on board two or three different times after we came off this coast. I am sure of twice any how. One time when he came on board he called out Steward (down in the Cabin) and said how far you got anything to drink, I went and brought him a glass of wine and water - I brought the decanter - Captain Norton and his brother came out with provisions on board (no one else with them) on the sixth July - both came on

off and went back together in the same boat
On Monday the 8th of July Captain Norton
came off alone again in the same boat,
but didn't come on board, I suppose he
gave some orders I did not hear them as I
was in my Galley, I only signed shipping
articles once, in South Street, opposite to Pier
17 East-River, up stairs a liquor store man-
nearby I don't know exactly where the flag
which we now fly was set. It was after the
guns were out and mounted. When I found
Mr Cheaveau was going to leave off Charleston
I notified the Captain to get another Steward
so that I could go ashore when he returned -
The first time that Lambert-Norton came
off to the Pioneer on this coast Captain Norton
was on board the Pioneer and Lambert-Norton
came off into Cain who had been to the shore
with our boat. Captain Norton's brother was
always called "Mr Lambert". He was called so
at New York at Port-Ar Prince and when
he came on board. When Lambert-Norton
came on board Capt Norton Cheaveau and all the
Officers would occasionally, not always be down in the
Cabin with him

Newport-July 20th 1872

signed Andrew Dandred

Dated July 20th 1872.

Recd July 20 - 7²⁵ PM

126 - 725P

HND FIVE. NEWPORT RI. JULY. XXTH. HON. HAMILTON FISH.

SECY. OF STATE. WASHINGTON D.C. I SEND YOU

LETTER AND DOCUMENTS BY MAIL TONIGHT AND GO

TO PROVIDENCE. JOHN A. GARDNER. U.S. ATTY. R. I.

DIST. XXIX COLECT. B. GOVT. RATE SPOTS IS.

HOLD IT MINLT.

WESTERN UNION
TELEGRAPH.

PRINCIPAL OFFICE,
COR. 14th ST. and PENN. AVE.
OPEN DAY AND NIGHT.

18 Auxiliary Offices in all parts of the U.S.

For *Hon. Hamilton Fish*

Secy of State

126 chg

July 21st 1872
W. M. Dickinson
24 July 1872
City of New York 1:30 Exchange Place
J. N. H. Excellency

Hamilton Fish, Secretary of State

Washington City.

Sir Your acceptable favor of the 20th Instant addressed to Silas M. Stowell Esq., has been read by me; in which you say: "With reference to that part of your letter, in which it is stated; 'We ask for no damages, we ask only restoration of possession.' I have to request that you will obtain and forward to the Department a statement under the hand of M^r Hernandez to that effect."

I hereby state to your Excellency that I have and hereby do, relinquish and renounce all claims or claims for damages from Spain, for the seizure, Embargo, and detention of my property on the Island of Cuba, by the Authorities on the Island, and ask only for a restoration of the possession thereof, as full compensation for the losses I have sustained.

Respectfully, Your Excellency,

Obt humble servant,

Roma Martinez
Martinez

EMIGRANT LANDING DEPOT,

M: B: 206

OFFICES of the Commissioners of Emigration,
OF THE STATE OF NEW YORK.

Castle Garden, New York, July 22nd 1872

Charles Hale Esq
Acty Secy. Department of State.
Washington D.C.

Sir: I beg leave to acknowledge receipt
of your communication under date of the 11th inst.
in which you request to be referred to the statutes
of New York which relate to the entrance at the ports
of this State of "Political convicts or paupers,
or infirm emigrants; or, authorizing the return
of such persons to the countries whence they
came."

By the laws of the State of New York,
(a compilation of which I send you), so far as they
refer to the landing here of alien passengers
from foreign ports, the Comm^{rs} of Emigration
are authorized to demand bonds as per Sec 3. on
Page 3. for certain specified persons who may

become a charge within a period of five years
from the date of their landing. The laws
however do not authorize the return of the charges
of emigrants specified except of their own free
will.

Such parties are frequently on application
by them to this Department, sent back to
their own country at the expense of either the
ship by which they came or of the fund
under the charge of the Commissioners of
Emigration.

Respectfully yours

Samuel Cassedy
Jr.

The Statutes of the State of New York, so far as
I know, have no reference to or bearing on Political
Convicts or Paupers.

Post Office Department.

Washington, D.C. July 23^d 1872

Hon. Hamilton Fish
Secretary of State
My dear Sir

This will be presented
by Doctors J. F. Moore and
J. F. Cahill of Baltimore
Who desire the aid of your
Department in the prosecution
of a claim against the Spanish
Government. They are gentle-
men of high standing, socially
and professionally, and the ut-
most confidence may be placed
upon the statements.

I commend them
to your kind attention.

Very truly Yours

Wm. J. Crelwell

Treasury Department,



Fifth Auditor's Office,

Washington

July 24

1872

Sir:

Mr. Richard Spencer, United States
Vice Consul at *Valencia*, having
transmitted to this Office for adjustment, his account for time occupied
while at his post of duty

I have the honor to inquire for what period I am to credit him therefor?
He charges from *April 3*, 1872, to *June 14th*
1872 *63* days.

Respectfully, yours,

[Signature]
Auditor.

To the Secretary of State,

Washington, D C

4A.15
Admiral Bismarck
20 July 1872

Treasury Department.

Office of the Secretary.

July 23rd 1872

Sir:

I have the honor to transmit
herewith copy of a letter this day
addressed to Mr. Marshall, Collector
of the Port of New London in reference
to the clearance and sailing of the
Edgar Stuart in March last from
that port.

Very respectfully,

Geo. S. Bismarck,

Secretary.

Hon. Hamilton Fish,

Secretary of State.

Treasury Department.

Office of the Secretary.

July 23^d 1872

Copied

~~2~~ Enclosure

Sir:

I think it the duty of the department to call your attention to the circumstances attending the clearance of the "Edgar Stuart" from your port in March last. While the investigation exonerates you from positive blame in the matter I think it proper to say that the circumstances which appear to have been known to you - by rumor at least - were such as would have justified you in making further

George T Marshall, Esq., and
Collector of the Port
New London Ct

and careful inquiries.

This letter is not designed as
a reprimand but as a suggestion
to you that in any similar case
that may arise in the future
the department will expect you
to exercise greater vigilance in
ascertaining the facts.

Very respectfully
(Typed) Geo S Boutwell
Secretary

Counselor and Attorney of U. S. Supreme Court

And District Courts, Solicitor of Claims, &c.

Washington, D. C., July 24

1872

Hon Hamilton Fish

Secretary of State

I address the State Depart-
ment a letter on the 1st inst. acknowledged in
return on the 6th. I have now the further
honor to enclose as suggested in my former
letter. The deposition of William A. Miller of
New London Conn. is seaman on board
the Edgar Stuart. - drugged on board of a
brig by his representatives, - left on the Island
and of Cuba by force & trickery - abandoned
with his companion William Brewster to land-
lordships - distress and terrible sickness, proving
fatal to his companion but from which he
has recovered. He now seeks compensation for
the Edgar Stuart, and will file a further
statement of damages which he estimates at

Three thousand dollars, which he apparently
intended to have filed with this paper but
which he has failed to forward.

With great Respect

Yours Obedt Servt

J. Chatter.

of Counsel for Plaintiff

William H. Miller of the town
of County of New London, State of Connecti-
cut, having been duly sworn as before
and say: That I am eighteen years
old and am the son of William F.
Miller of said New London, that on
or about the 18th day of March, 1872, I
shipped as a seaman on board the steamer
Edgar Stuart at New London; I was in-
formed by the master of the Edgar Stuart
that she was bound on a voyage from
New London to Key West, thence to some
port on the Spanish Main thence back
to any port in the United States, the
voyage not to exceed three months,
he said that the voyage was lawful
one, that the crew would be pleased
with the voyage, that there was
nothing out of the way in it &
that they would be landed back
safely in the United States; I was
to receive thirty five dollars per
month; about the 21st day of said
March, I think, we sailed from
New London, the steamer went directly
to Gardiner's Bay & anchored, on the
next day a steamer came there with
a lighter loaded with ammunition
which was put on board the Edgar

refused to take us ashore on the
ground that he had no place to
put us until the masters of all
the American vessels lying there came
to him and threatened to report him
to the Consul General, we were then
taken ashore and on the second
day after we landed Brewster died.
I remained there on shore twelve days
when I was sent to the United States
on board the Schooner "Samuel McCowan"
of Boothbay, and arrived in New
York about the tenth day of June
last, and have been sick with the
fever and ague ever since my return.
The Spaniards did not know that
we came from the Edgar Stuart
but supposed that we had been
shipwrecked. The only money
I have ever received for my services
in the Edgar Stuart was five
dollars paid to me when I shipped.

William H. Miller

Given & subscribed on this 22nd day of July.
A.D. 1872, before me

Jno. P. Ballantine
Justice of the Peace.



Robt. Note to Span Min^r
Aug 2

New York July 25th 1872.
Honorable Charles Fiske
Assistant Secretary of State.
Washington D. C.

Sir:

I have to acknowledge the receipt of your note of the 5th instant, relating to my protest, sent through your Department to the Spanish authorities of Cuba, against the division of the estate of my deceased mother.

Although the Spanish Minister said to you in his note of the 29th of June that the Captain General had "laid the protest before the Audienzia and the Intendencia of Havana", I am afraid that the authorities of said Island are endeavoring to sell at public auction or otherwise the sixth part of said estate belonging to me, in order to procure the money (be it what it may) and meet the liabilities, increasing day by day, of the Treasury of the Island.

I cannot conceive what the Audienzia has to do with my protest. The Audienzia is a Court of appeals and nothing else. The Intendencia is the Treasury Department of the Island, and I cannot

in either the necessity of asking its opinion to file a more potent protest of mine against certain proceedings which I consider are injurious to my rights.

In a letter of the United States Consul General of Havana, dated July 2nd of this year, I see that, ^{according to the information he had} "the Captain General had put an endorsement on the protest that I was outlawed there, and had no civil rights." - I had sent said consul a copy of the protest, written in Spanish, and duly authenticated by your Department and the Spanish Minister, for the purpose that it might be notified to my heirs.

The grounds of my protest is precisely the strange fact of an American citizen being outlawed by the Spanish authorities and deprived of his civil rights.

The Department requested the Spanish Government to release my property: and notwithstanding that - months have elapsed since that request was made, the property remains retained, and what is even worse, it is about to be sold.

More prudence advises in ordinary suits not to dispose of the whole or any part of the property in question during the judicial controversy. Then -

that you are maintained until a final decision is reached. The Spanish authorities, therefore, would incur a very heavy responsibility both moral and civil, by selling said property notwithstanding that the United States Government requested them to release it from all restrictions.

I beg leave to call again your attention to this fact. I do enter the most solemn protest against said sale, division, or anything affecting the data que of the property whose restoration the United States Government requested of Spain; and I pray again that the State Department may be pleased to adopt such an action as necessary to secure the prompt restoration of my property, and the enforcement of the will and rights of the United States Government officially set forth in this case.

Now, after having written what precedes, I have received the inclosed letter of the United States Consul General (July 9th) marked A, and inclosures B, and C, an English translation of the latter being also accompanied, marked D. - It appears from these papers that the Spanish copy of my protest, (intended for family purposes), remains into the hands of the Captain General. And it appears also, - and

I beg to invite your attention to it; - that the Captain General officially acknowledges my American citizenship, since when speaking of me he says: "el ciudadano de los Estados Unidos D^o Ramon Fernandez Briade": "the citizen of the United States D^o Ramon Fernandez Briade".

If my American character is so plainly acknowledged: what reason can be alleged not to comply with the request of the United States Government and finally release my property?

I am, Sir, very respectfully your obedient servant.

Ramon Fernandez Briade y family

P. O. No. 1397.

Care of Messrs Taylor & Co.

New York

El Gobierno Superior Político de la
Isla de Cuba = *trayendo de Política*

He dado cuenta al Excmo. Sr.
Intendente Político de la comunicación de V.S.
fecha de ayer, incluyendo una protesta
del ciudadano de los Estados Unidos
Don Ramon Fernandez Criado *ya muy*
en voluntad de que se protestase
en una exhibición pública, y pidiendo
V.S. se remitiese al cuerpo competente
S.E. me encarga acusar a V.S. visto
de dicha comunicación como luego
al *fin* de verificarlos, agregando
que la expresada protesta queda
en este Gobierno.

Dirigí a V.S. m^a a^a
Habana 9 de Julio 1872

El Secretario
(firmado) Ramon de la Cruz y Aguiar

Sr.
Consejo General de los Estados Unidos

(Translation of inclosure C.)

1st) Office of the Superior Political Governor of the island of Cuba = Bureau of Political affairs.

I have laid before His Excellency the Superior Political Governor your communication of yesterday, inclosing a protest of the citizen of the United States D^r. Ramon Fernandez Criado y Gomer, and requesting that it should be recorded at a Notary Public and sent to the proper officer. His Excellency directs me to acknowledge the receipt of your communication, as I have the pleasure to do it, and to tell you further that the aforesaid protest remains in this office.

May God preserve you many years.

Havana July 9th 1872.

The Secretary

(signed) Ramon M^{te} de Armas y Qui
To the United States Consul General.

R. N. C. Gent.

Marana, July 9/12

Mr. Ramon Fernandez.

Dear Sir

I wrote you a
short time since about
to your protest and a
few days ago I read
your telegram and I
forwarded the protest in
my possession to
the Capt. Gent. with

the letter a copy
of which is enclosed.

Very truly
your friend
R. R. Lockhart
C. S.

P.S. I have just
received an answer
from the Court, ^{copy of} which
I enclose. Lockhart.

Copy
U. S. Consulate General
Havana July 5th 1872

His Excellency
Don Ramon M^{de} Arce y Aguiar
Political Secretary
No 4

Mr Excellency

I have received the accompanying protest from Ramon Hernandez Criado y Gomez, a Citizen of the United States with the request that I would have it filed or recorded at a Notary Public, and I have the honor to request that you will have it sent to the proper officer.

I am Sir,

Very Respectfully

Mr Excellency's Obedt Servant

(Signed) A. L. A. Torbert

Consul General



Department of Justice
Washington July 26 1872.

Hon. Hamilton Fish,
Secretary of State.
Sir:

I have the honor to acknowledge the receipt of your letter of the 24th instant, enclosing, by direction of the President, a printed copy of a petition submitted to him by Buenaventura Pereda of San Francisco, relative to certain injuries alleged to have been sustained by him at the hands of the Spanish Consul at that place.

In pursuance of the instructions of the President, I have transmitted the petition to the United States Attorney for California with directions to, at once, make a thorough examination of all the facts in the case and report them to this Department.

Very respectfully,
G. D. Williams
Attorney General.



Department of Justice
Washington July 27 1872.

Hon. Hamilton Fish,
Secretary of State,
Sir.

I have the honor to return
herewith, the papers in relation
to the case of the "Pioneer", trans-
mitted to this Department in
your communications of the 18th,
20th, 22nd, and 23rd instant.

Very respectfully,
Your obedient servant,
G. S. Sullivan
Attorney General.



District of Rhode Island
U.S. Marshal's Office
Providence July 29, 1872

Hon. Hamilton Fish
Secretary of State.

for

Pursuant to order received from the State Department I did on the 27th take possession of a vessel called the "Pioneer" at the Port of Newport, in the waters of this District & have such vessel in my possession. I have deemed it advisable to employ the U.S. Revenue Cutter "Moccasin" to prevent the departure of this vessel to sea.

By taking the "Pioneer" to the wharf & dismantling her, her escape will be rendered impossible & the cutter will be released to pursue her ordinary duties, but the officers and crew will escape & their usefulness as witnesses lost. I would therefore ask for such instructions on this point (if any) that the

Department may deem expedient to
be issued to me. Waiting such instructions
I shall hold said "Pioneer" under the
warrant of the cutter.

Very Respectfully
James A. Coggeshall
U.S. Marshal