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MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE

Roll 370

May 1-15, 1872



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1964

Mr Pratt



Department of Justice
Washington May 1. 1872.

Hon. Hamilton Fish,
Secretary of State,
Sir.

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, enclosing a copy of a translation of a note of the 22nd instant addressed to you by Admiral Jose Palode Bernabi, the Minister of Spain, announcing a purpose to take the deposition of A. E. Sheppard, formerly Captain of the Steamer "Virginus"

in regard to the ownership
of that vessel, and to other
circumstances connected with
her.

Agreeably to your request
I have this day instructed
the United States Attorney
at New York to appear before
the Commissioner during
the examination, and to
represent the interests of the
Government on that oc-
casion.

Very respectfully,

Yours

Your obedient servant,

E. H. Burton

Solicitor General, and

Acting Attorney General.

Office Am^r Press Assn.
1418 F. St

Washington DC May 10/77

Hon Hamilton Fish
Secy of State.

Dear Sir

The National Republican
of this morning contains an article
on the subject of our relations
with Spain, which has caused
considerable comment throughout
the city. I applied at the White House
this morning to find out something
on the subject & was referred to
you. I do not wish to visit any
questions on the subject, for fear
of being considered impertinent, but
I would ~~extreme~~ in a great favor
if you would give me any information
on the subject, that you deem
proper to make public & in such
shape as you wish to have it
presented.

Very respy
Yours

W. H. Clarke agent

ack'd
as in L
OK
Apr 2

Philad. May 1 1872
Hon. Charles Hale
Act. Secy. of State
Washington.
Sir.



I am in receipt of your letter
under date 27th ulto.

Inclosed you will please find attested Certificate of the Tax collector at Mount Joy Pa that -
Louis C Howard paid taxes there, and further certificate of the assessor at same place, that he was assessed and was duly registered as a voter, all which I trust will be found in order.

Respectfully

Yours obt. servt.
J C Howard

STATE OF PENNSYLVANIA,

County of Lancaster.

ss.

W. D. Stauffer
I, *W. D. Stauffer* Prothonotary of the Court of
Common Pleas of Lancaster County.

DO HEREBY CERTIFY That
whose name is subscribed to the Certificate or proof of acknowledgment
of the annexed instrument, and therein written, was, at the time of tak-
ing such proof or acknowledgment, *a Justice of the Peace* in and
for said County, duly elected and qualified, and duly authorized to take
the same: AND FURTHER, That I am well acquainted with the hand-
writing of such *Justice* and verily believe that the signature to
the said Certificate or proof of acknowledgment is genuine. I FURTHER
CERTIFY, That said Instrument is executed and acknowledged ac-
cording to the laws of this State.

In Testimony Whereof, I have hereunto set my hand, and affixed
the seal of said Court, at Lancaster, this

day of

April

A. D., 18/2
30th

W. D. Stauffer

Prothonotary.

Lancaster County, Ind.

On the 30th day

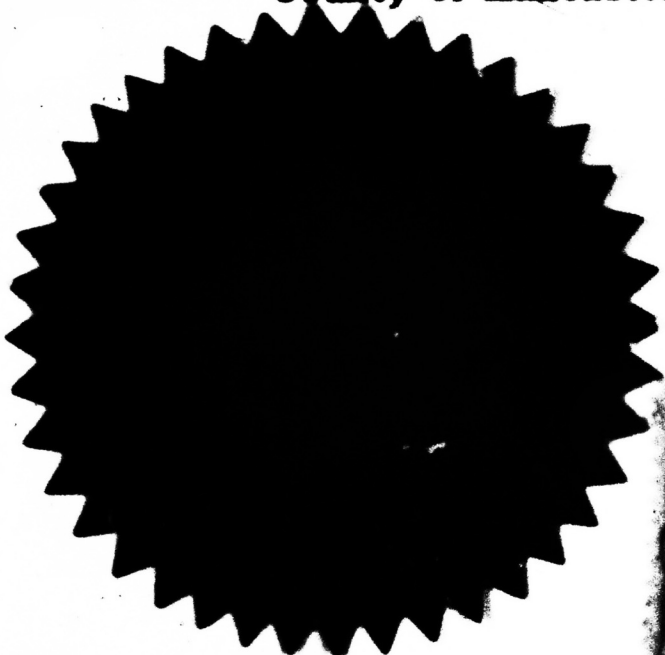
of April A.D. 1872. Personally appeared Jacob
Shelley, Tax Collector of the Borough of Mount
Joy, County of Adams, who after being duly
apprised according to law - doth depose &
say that Dr L. V. Howard, has paid his
Ind. tax, & County tax, while a resident
of said Borough, and further saith not.
appeared & deposed } Jacob Shelley doth
before me this 30th day
of April. 1872

Not a Feller.

JP

STATE OF PENNSYLVANIA,

County of Lancaster.



I, *W. D. Graff*, Prothonotary of the Court of
Common Pleas of Lancaster County,
DO HEREBY CERTIFY That *Wm. B. Wiley Esq*
whose name is subscribed to the Certificate or proof of acknowledgment
of the annexed instrument, and therein written, was, at the time of tak-
ing such proof or acknowledgment, *an Admoran*, in and
for said County, duly elected and qualified, and duly authorized to take
the same: AND FURTHER, That I am well acquainted with the hand-
writing of such *Admoran* and verily believe that the signature to
the said Certificate or proof of acknowledgment is genuine. I FURTHER
CERTIFY, That said Instrument is executed and acknowledged ac-
cording to the laws of this State.

In Testimony Whereof, I have hereunto set my hand, and affixed
the seal of said Court, at Lancaster, this

day of

April

30th
A. D., 187*8*

W. D. Graff

Prothonotary.

Laurel City Pa.

Before me, an Alderman, in and for said City, personally came, John R. Fitzgerald, who being duly affirmed says: - That he is the successor of the Borough of Mountjoy, Lancaster County, Pennsylvania, that on the assessment list of said Borough appears the name of

^{name} Howard L. G. - Dentist - ^{residence} H. B. Dunlap

That said assessment was made in the year 1871, and at the time, the said L. G. Howard was a resident of said Borough. And further, that the name of the said L. G. Howard appears upon the list of qualified voters of said Borough.

Affid. and Subscribed
before me, April 30.

John R. Fitzgerald

1872.

W. B. Riley
— 5 —

File
more under
Heman
May



U. S. Navy Yard, Washington,
Equipment Office.
May 3rd, 1872.

Hon. Charles Scales
Assistant Secretary of State.
Sir:

Your letter of May
1st, 1872, asking me for information
in regard to Dr. John Emilio Howard,
is received.

In answer I
have to state, that I was in command
of the "Penobscot," in 1869, and ordered
by Rear Admiral Hoff, to proceed to
Cienfuegos, in March 1869, to watch
over the interests of Americans and
their property, during that period of
disturbance from civil war. I
met Mr. For, our consul at Cienfuegos,
and I remember, distinctly, his speak-
ing to me of Dr. Howard, and other
Americans, as being at times annoyed
by the Spanish officials in many
little ways, and that they had,
through him, asked the Admiral to
sent

Send a man-of-war to Cinifuegos, for
protection, which I presume was
one reason for the "Penobscot" being
sent.

Very respectfully,
Your Obedt. Servt.
J. N. Eastman.
Commander, U. S. N.

Department of Justice.

Washington, May 2, 1872.

Hon. B. H. Bristow,

Solicitor General

and Acting Attorney General.

Sir:

I have duly considered the case of the American steamer "Edgar Stuart," upon which your opinion is asked by the Secretary of State in his letter of the 1st instant.

I do not think that the offence, as detailed in the letter of the United States Consul to the Assistant Secretary of State of the 15th ultimo, and which the

Secretary of State enclosed
to you, amounts to piracy,
and if it was technical
piracy, it would be unnecessary
to send the seamen home for
trial, as they could be tried
just as well at Kingston.

But it is very clear that
the Cubans, who, shipping
at New London as seamen,
afterwards forcibly took
possession of the vessel
and displaced the captain
from his command, were
guilty of mutiny, and,
therefore, are punishable
by the laws of the United
States. [See Act of April
3, 1790, section 8, 1 Stats. at

Large¹⁷⁸, as amended by the Act
of March 3, 1825, section
1, 4 Stats. at Large, 775.]

They should be sent home
by the Consul, and can be
tried in any district into
which they are first brought.
The case in its facts bears
very strong resemblance to
that of the whaling ship,
"Junior", the mutineers of
which were tried and con-
victed for murder and mu-
tiny in the Circuit Court
of Massachusetts, about
fifteen years since.

I have the honor to be,

Sir,
Very respectfully

Your obed't serv't ..
Hiram Hugh Hill
Assistant Attorney General

Approved

D. H. Bristow

Solicitor General &
Acting Attorney General

Refer to
case of May 4

Ans^d
May 6

M. Pratt

New York May 3. 72
Hon Hamilton Fish
Secretary of State
United States
Washington



Since receipt of your favor
of Dec 12 '71, ~~in which~~ you are pleased
to say you have presented the facts
of the case referred to therein, to the
Spanish Minister there; and request-
ed his intervention to put an end
to the delay in the repayment
of the amount exacted, since then
we have patiently waited hoping
to receive the amount, but hear
no word from it.

We are informed that other such
claims held here, occurring at the
same Port have been repaid

May we ask again that you
insist ~~that~~ on a termination of
the outrageous delay in this
matter, thus obliging
Yours

Very Respectfully
F. Talbot & Co

Note to Sp Min 12 Dec 1872.

A letter from recalled to care
with others May 6 1872

Compl. according to the usual form of May 7

Mr. Pratt

Mr. Wood

San Francisco May 9

RECEIVED
MAY 7 1872
STATE

Washington D.C. 6 May 1872

Honorable Hamilton Fish
Secretary of State.

ACKNOWLEDGED
MAY 11 1872

Sir,
I respectfully ask that you may cause to be transmitted to the office of the Secretary of the United States and Spanish Consuls under the agreement of February 12, 1871, all the papers on file in your Department relative to the seizure of the Brig Henry Lowell and her cargo by the authorities of the Spanish Government in the island of Cuba.

I have the Honor to remain

Your obedient servant

Thomas J. Durant
advocate W.S.



New Brunswick N.J. May 6th 1872.

Hon. Hamilton Fish
Washington D.C.

Dear Sir:

Your Department's letter of the 30th ult^o enclosing copy of the decree of the Captain General releasing the embargo on my property has been received and owing to professional duties outside of this city and consequent absence from it, was not answered before.

You will please accept my sincere thanks for the efforts of your Department in securing the release of said embargo and I remain

Your obedient servant
Joseph Hernandez



Waynesville, O. May 8, 1872

Hon Hamilton Fish
Dept of State
Washington.

Sir

I have yours of
the 3rd inst. And in reply would say,
that my time has been so occupied
since my return from Santo Domingo
that I have not been able to collect
and arrange my manuscripts.

The case of Alejandro Puyulo Gervidi,
came under my notice while in the
city of S. D. And I made a somewhat
extended record of it - one of the results
of which was, that Dr. Amos gave him
American protection, - on paper.

I have written much in Gervidi's
case, which I do not suppose will be
important in determining his

Citizenship; as for instance, his treatment by Bacz, and the bad faith of the latter towards him - Copies of letters - Conversations with Gantier - insults to Dr. Cuno &c.

If I can know the precise points in this case, upon which evidence is desired in your department, I will send you copies of what I have, which may be pertinent to the subject.

The N. Y. Tribune still has a part of these papers, which I have requested the Recd. to return to me without publication. They have garbled what they did publish, and refuse to pay for work which I was specially employed to perform - to tell the truth! - for which the Tribune has little use just now, in its relation to San Domingo matters.

I should have called it your

Sept' on my way home, about the
Case of Guise, but Dr Crane told
me he had fully represented the
matter to you, and all he rec'd
in return was a printed Circular,
which I saw, and which did not
seem to have any bearing on the
Case.

I should much prefer to see
talk with you, as I could answer
your questions without wasting
any time; But am not able to
go to Washington now. I expect
however to attend the Convention
at Phil^a - Should I
do so ~~will~~ ~~call~~ call on you
if desired.

I am most Respectfully
Yours Obedt Servt
E. Jacobs.

File
under Howard
Ct May 9



Bridgeport, Montgomery Co. Pa.
May 8th 1872

Hon. Charles Hale

Assistant Secretary of State

State Department, Washington D.C.

Sir:

The department's communication of the 1st inst., together with a document containing copies of papers relative to Dr. J. S. Howard, was not received until yesterday morning after my return from Washington.

I was attached to the U.S.S. "Albatross" at the time she visited Genoa in 1869, but have no distinct recollection of meeting Dr. Howard, and therefore, regret to say, can give no information in regard to him; but presume that Commander Theo. S. Eastman Esq., now on duty at the Washington Navy Yard, and who commanded the "Albatross" at that time, might be able to furnish some intelligence in regard to the citizenship of Dr. Howard.

I have the honor to be

Very respectfully your obedient servant,
F. S. Hale. Lt. Comdr. U.S.N.

U. S. MARSHAL'S OFFICE,

MASSACHUSETTS DISTRICT.

Boston, May 9th 1872



Hon^{ble} Hamilton Fish
Secretary of State
Washington D.C.
Sir,

Yours of the 7th enclosing President's
Warrant for the pardon of Francisco Mateo, has been received,
and I have the honor to report that the same has been for-
warded to the keeper of the jail at Dedham, where Mateo
was confined.

Very respectfully

Yours obed^t Serv^t

Roland G. Fisher

US Marshal
Main Dist

Adm. late copies of enclosure did go May 18
return the original with thank May 15 Mr. Payson



Navy Department.

Washington 10 May 1872

Sir.

I have the honor to submit
herewith two letters, dated the 23rd ult.,
from Lieut. Commander Edwin White,
commanding the U.S.S. Kansas, in
relation to the steamer Virginus,
and will thank you to return them
to this Department after you shall
have availed yourself of their contents.

Very respectfully
Yours, Robert

Secretary of the Navy

Hon.

Hamilton Fish,

Secretary of State.

Originals returned to Sec of Navy, May 18

U.S. Kansas, 3^d Rate.

Aspinwall, U.S.C.

April 23^d 1872.

Sir:

I have the honor to inform the Department of the arrival of the Kansas at this port on the night of the 20th instant, the object of my visit being for the purpose of procuring coal and supplies, sent from the United States for the use of the Nicaragua Expedition.

I desire to report that on the afternoon of the 18th inst., Command Hatfield made a successful landing at the mouth of the Colorado River, taking with him all the stores and

material intended, and that on the evening of the same day, I left the mouth of the Colorado for Limon Bay, arriving there the next morning.

In compliance with the orders of Comdr. Hatfield I sent a party composed of three officers and seven men in charge of Lieut. James M. Miller to commence the survey of the Harbor.

It gives me pleasure to state that the officers of the Rail Road in process of construction from that point, were very kind in providing cover for our officers and men, and of-
ficed me the services of Engineers

and Draughtsmen to assist in our work, which I accepted in case we should require them.

While at Limon Bay I was visited by the Governor of the East Coast of Costa Rica Don Federico Fernandez who proffered all the assistance in his power toward the promotion of our work.

All arrangements being satisfactorily made I sailed from Limon Bay on the afternoon of our arrival, encountering on the passage here light head winds and comparatively a smooth sea.

On my arrival here I found the Steamer Ingeniero

still in the harbor also the
Spanish man of war Pizarro.
On the morning after my arrival
I sent an officer on shore to com-
municate with the United States
consul who immediately came
on board. From him I learn-
ed that the Virginian is closely
watched by the Spanish man
of war, and as rumor says with
the avowed intention of prevent-
ing her departure from this port.

The consul also informed
me that within a day or two it
is supposed that the Virginian
will be able to settle all bills
against her and, that when that
was done he would give her a
clearance papers as a bona fide

1) American vessel and acting
that she should be protected as
such. On the same day General
J. A. Hurthut Minister Resident
of the United States, to the United
States of Columbia arrived at
Aspinwall. I immediately placed
myself in communication with
him and have since conferred
with him in relation to this
case upon two occasions.

I am informed by
General Hurthut that the United
States guarantees by treaty the
neutrality of this harbor. When
I last saw him he stated that
from what information he
could gain the Virginians would
upon the settlement of bills -

against her he entitled to clearance papers. He requests also that the Kansas be detained in this port until the arrival of the Wyoming or until intelligence shall have been received leading to the belief that she is not coming. This information and request has been communicated to me verbally, I have requested that he may communicate the same by letter, and should he do so in time, before the sailing of the Steamer, I shall have the honor to forward a copy to the Department.

Should the Virginian be furnished with proper papers and permitted by the Minister or Consul to clear from this port I shall

• deem it my duty to prevent her being molested while leaving this harbor, and should she be followed by the Pizarro I shall accompany them so long as I have any doubts regarding the intention of the last named vessel.

I have requested of the Minister that I be informed at least six hours before the delivery of clearance papers to the *Virginias*. I am unable to inform the Department definitely regarding the relative speed of the *Virginias* and *Pizarro*, but from what information I can gain I think the *Virginias* is much the faster of the two.

Trusting that the instructions
of the Commander of the Tigress
may not be of such a nature as
to cause any unpleasantness in
this port or vicinity, and af-
firming you that whatever may
occur I shall endeavor to act
with whatever judgment I may
possess, and venturing to hope
that such action as I may think
necessary to take may meet with
the approval of the department.

I have the honor to be

Your most obt. Servant,

Edwin White.

Lieut. Commander

Candg. U. S. Kansas.

To

Hon George M. Robeson,
Secretary of the Navy.

U. S. S. Kansas, 3^d Rate,

Aleximwall, U. S.

April 23^d 1872.

11.30. P. M.

Sir.

I have the honor to
forward enclosed a copy of
the letter of the U. S. Minister
to Colombia, referred to in my
previous communication.

Very Respectfully

Yours obedt. Servt.

Edwin White

Lieut. Comdr.

Comdg. U. S. Kansas.

Dear

George M. Robeson,

Secretary of the Navy.

Copy.

Consulate of the U. S.

Colon, April 23 1872.

Lieut. Commander

Edwin White, U. S. N.

Commanding U. S. Kansas.

Sir:

The *Virginian* an American merchant steamer lies in this port nearly ready for sea. It is understood that the Spanish man of war *Pizarro* is watching her and her commander is believed to have orders to detain her in this port or capture her in case of departure.

I have endeavored to ascertain definitely the offences alleged to have been committed

by the Virginians.

The only tangible matter capable of proof appears to be that she ran the blockade of Cuba with an armed party of Cuban Revolutionists and a cargo of munitions proceeding from some port in Tanguela and making a landing in the Eastern Department of Cuba.

This was during the past year. The law as I understand it is, that although the ship during such voyage was liable to capture and could not and would not be reclaimed by the United States, that such liability ceases when the unlawful voyage has been completed, and that

no baint attaches to the ship
which will in any way justify
forcible seizure and detention
by Spanish Cruisers.

In this state of affairs
if the ship presents herself in
a neutral port with her
papers in regular form, it
cannot be permitted that she
should be captured in such
neutral waters nor upon the
high seas for a past act of
blockade running.

Especially is this to be
considered the rule in the
waters of the Isthmus, for
by treaty between Colombia
and the United States we
guarantee the neutrality of the

Isthmus and the sovereignty of
Columbia over it", and Colombia
more than a year since acknow-
ledged the Cuban Revolution-
ists as belligerents.

- It is expected by Mr.
Perry, U. S. Consul in this place,
that instructions will reach
him by the next mail on this
question or perhaps earlier by
the Hyoming.

These instructions if re-
ceived will remove all dif-
ficulty.

- If however they should not
arrive before your departure, it
appears to me to be your duty,
if I may be permitted so to say
to see the Virginian clear of your

sible interruption from the Pi-
zarro, her papers being of course
in complete order, I do not
hesitate to say that the fact
of the long detention of this
steamer in Colombian Waters
under the surveillance of the
Spanish Navy has injured our
national reputation.

I do not admit it to be
an offence against the neutral-
ity laws of the United States
to charter a steamer for the
purposes named from Tenequela
to Cuba, it certainly is not
an offence for which Spain
is entitled to capture the
steamer except in the act.

Not is an American vessel

to be forcibly detained in neutral
friendly waters upon any mere
suspicion. When she is ready
for sea cleared in proper form
she is entitled to the protection
of the Navy from insult or
force. For these reasons in
case no instructions arrive
by the New York steamer, nor
by the Wyoming from superior
authority, I request you as the
senior officer of the Navy present
to see that the Virginian is not
subjected to any unlawful ex-
ercise of force on the part of
the Pizarro. At the same time
I recommend both to your-
self and Mr. Perry that she
be not permitted to leave there

• port until after the arrival at least of the New York steamer.

The commandant of the Pizarro states to me in a note that the Spanish Government has requested of the United States, to send this steamer home for trial before our Courts, a request, which will undoubtedly have been granted if any basis has been shown for the request and the answer to which if such request has been made must be due by the next arrival from New York.

As the Captain of the Virginian has appealed to me for protection, I feel compel-

led to give you my views as
above and to place the af-
fair where it properly belongs
in the hands of that service
whose paramount duty is
the protection of American
commerce.

I have the honor

Sir, Your obt. Servant

(Signed.) Stephen A. Carlisle

Min. Resdt. W. A.

W. L. Saffron
OFFICE OF THE

Commissioners of Claims,

Washington, D. C., May 10 1872

Reut H. A. 63 " 13 "

Will the Chief

Clerk of the Department of State kindly furnish the Commissioners with a certified copy of the late act providing for the appointment of special commissioners to take testimony and for other purposes; they having an immediate use for the authority conferred by that act -

Chas. F. Benjamin
Clerk.

Mr O'Connor May 11



Ad 2
May 24

Washington D.C.

May 10th / 1872.

Hon. Hamilton Fish
Secretary of State
Present.

Copy sent
Spain
May 23
H.S.P.

Mr Wm

Not sent
May 18.

Sir:-

I beg leave to submit to you, very respectfully, the inclosed communication addressed to me by Hon. Thomas J. Durant, the advocate of the U. S., before the U. S. and Spanish Joint Commission sitting at this city, - and also the power of attorney which accredits me as the representative of Mrs Magdalena Farres de Mora to whom said communication refers.

If you are good enough to read the letter of the learned counsel who represents this people before the international Court above mentioned, you will see that he states that "the question of the American citizenship of Magdalena Farres de Mora is a matter beyond all doubt, and so clear to his mind as to supersede all necessity." &c &c.

You will see also that the distinguished counsel for Spain, Mr. Carlisle,

concurred with Mr. Durant entirely,
and added that the point had been
already conclusively settled.

The American citizenship of Mrs.
Magdalena Farres de Mora being thus
unanimously recognized by the repre-
sentatives of the two nations:— shall
I not be entitled to expect that the
American Government will, without any
further delay, demand of the Govern-
ment of Spain the immediate release
of the property of that lady, and the
repeal of the decree placing an em-
bargo upon it?—

In the note addressed by you to Mr.
Lopez Roberts in June 9th 1870, I find the
best possible explanation of the meaning
of the 7th article of the treaty of 1795,
which forbids Spain to place any em-
bargo upon the property of American
citizens, much less when they are beyond
their jurisdiction of Spain. And in your
note n^o. 333 to Sen. S^{ickles}, November
25, 1870, I read these very important
words:— "if it shall appear that"

the claim to be a citizen of the United States is valid x x x it will be claimed and insisted that & &."—

According to these views, which are also the views of Spain, the preliminary question of the American citizenship is decided in this case. It appears that the claim of Mrs Magdalena Ferrer de Mora to be an American citizen is valid, and a matter beyond all doubt; and consequently the annulment of the embargo and the release of property is to be immediately demanded and insisted upon.

Spain has consented to release the property of all American citizens, whose citizenship appeared proved. Mr. Canova, Mr. Madan, Mr. Govin (Joseph), Mr. Ramo Mora, Mr. Rivas, and now recently Mr. J. de J. St. y Macias (on the express ground that he ~~was~~ an American citizen) have had their property restored. I do not see any reason why the name of Mrs Magdalena Ferrer de Mora is not to be added to that list.

In urging that release, besides doing justice, you will relieve Mrs Magdalena

James de Mora from many inconveniences,
and save her a great deal of money
and time. That also will prove, once more,
that whenever the rights of an American
citizen are well established, they are
rigidly ~~the~~ enforced and respected.

I request you, if consistent with
the regulations of the Department, to
return me the power of attorney:—and
in order to give you some more informa-
tion about the facts of the case,—if
required,—I beg leave to inclose a
copy of the printed memorial to which
Mr. Durant refers.

I am Sir with the highest
respect your obedient servant

J. J. Rodrigner
D. L. D.

No. 1412. H St.

Washington. D.C. 23 March. 1872

Mr. J. I. Rodriguez

Dear Sir,

In reply to your note
of 24th inst, and looking at the Copy of the Memo-
rial of Magdalena T. De Mora, you were
kind enough to send me, I beg leave to state
that the question of her American Citizenship
is a matter beyond all doubt, and so clear
to my mind, as to supersede all necessity
of making a preliminary argument on the
point. I mentioned the question to Mr.
Carlike, the advocate of Spain, Conversation-
ally, who concurred with me entirely,
and added that the point was considered
conclusively settled before the W. S. and
British Commission, where he is also advo-
cate of Great Britain. It seems to me, then,
You can proceed without any apprehension.
I am Yours, most respectfully
Thomas J. Durant

Date of naturalization - May 14, 1869.
Date of the embargo - October 25, 1870.

No. 49.]

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

The memorial of MAGDALENA FARRÉS DE MORA, the wife of ANTONIO MAXIMO MORA, an American citizen, respectfully represents:

That, in compliance with the rules of the Commission, your petitioner submits the following statement of the claim filed by her in the State Department of the United States, and referred by this to your Commission:

In the first place, your memorialist says that she was born in Havana, Island of Cuba, and that her full name is the above mentioned name.

Secondly, that she is entitled to enjoy all the privileges of the American citizenship, because, according to law, said citizenship has been vested in her by the mere fact that she is married to an American citizen. Her husband, Antonio Maximo Mora, (who subscribes his name to this memorial in testimony of his approval and consent, as far as it may be required by law, in regard to the present claim of your memorialist against the Government of Spain,) was admitted to be an American citizen on the 14th day of May, 1869, as it appears from his naturalization papers filed before this Commission in case No. 48, *Antonio Maximo Mora, vs. Spain*, to which your memorialist begs leave to refer. From the very moment of Mr. Mora's naturalization your memorialist, who is his wife, became naturalized. Such are the provisions, both of the law of the United States and of the law of Spain. Section 2d of the Act of Congress approved on the 10th of February, 1855, (10 U. S. Statutes at Large, 604,) provides that: "any woman who might lawfully be naturalized under the existing laws, *married*, or who shall be married to a citizen of the United States, *shall be deemed and taken to be a citizen*. And Section 5th, Cap. 1st, Part 1st, of the Spanish

Royal Decree of the 17th of November, 1852, respecting aliens, reads as follows :

"Aliens are :—

"5th. A Spanish woman married to an alien."

(See Report of the Royal British Commissioners for inquiring into the laws of naturalization and allegiance—page 29,)

Your memorialist further represents that the fact of her naturalization, as the legal consequence of her status of wife of an American citizen, was ratified and confirmed, as far as the own will of your memorialist is concerned, by the acquisition *bona fide* of a domicile in the United States by virtue of the declaration of intention she made under oath, before the Superior Court of the State of New York, on the 14th of May, 1869, as it appears from the certificate accompanied with first memorial. Your memorialist has also continuously resided in the United States, since the month of February, 1869.

Your memorialist further represents that her claim is preferred in her own name, and that the particulars of said claim are the following :

In the month of October, 1870, long after the naturalization of your petitioner and her settlement in New York, where she lived entirely devoted to her domestic duties, without mingling herself in politics, some persons, residing at New Orleans, La., and forming a so called "committee" to assist the revolution of the Island of Cuba, deemed it advisable to issue a circular calling for subscriptions and contributions in money or in articles for certain fairs they intended to hold, and suggested the public that said money and articles could be safely delivered into the hands of certain persons whom they designated by their names at the foot of said circular. A printed copy of this circular in Spanish, and its English translation are on record in this case.

In such a list of would-be receivers of the contributions asked for, (in which there is the name of a gentleman

who did not reside in New York, as stated therein, and who first has been acquainted with the honor conferred upon him by the so-called "committee" when he has examined now the papers of the present claim,) appears the name of Magdalena Farres de Mora.

But the gentlemen forming that committee were in such a hurry to carry their plans into operation that they forgot the very essential requisite of asking the consent of your petitioner to such an enterprise. They supposed and took for granted that she would accept the position they had deemed it proper to tender her; and, consequently, they printed and distributed the circular all over the country, sending a copy of it to your memorialist. This copy, (which is the one filed) was accompanied by the letter of the 17th of October, 1870, subscribed by the same gentlemen, and filed with translation with the other papers of the case.

When your petitioner received this letter, she was exceedingly surprised. She did not know anything about that committee. She had not been spoken to of that affair. Her pleasure had not been consulted nor her consent obtained. But the wrong had been consummated and the name of your memorialist appeared in print in a document of that kind.

The so-called committee were not unaware of the fault they had committed, and tried to offer an apology:—"The pressing character of the affair, they say, *has made us omit* the fulfilment of the duty of previously consulting your pleasure, and obtaining your approval."—(See letter on record.)

But your memorialist could not accept the apology, and much less the position in which she had been placed against her will. The proper reply was given to the gentlemen of New Orleans, in the letter of the 27th of October, 1870, filed with the papers of this case together with its English translation. The honor was emphatically declined, the connection with the enterprise refused, and the action of those gentlemen disallowed and censured.

But, unfortunately for your petitioner, New Orleans, La., is nearer Havana than New York; and the Spanish authorities of Havana saw the circular before your memorialist could have had any information about it. The authorities of Cuba were not in a less hurry than the committee of New Orleans, and issued the decree of embargo which has given origin to this claim. Said decree, dated on the 25th of October, 1870, is also on record.

Contrary to the general usage in such cases, the Captain-General of Cuba deemed it advisable to set forth the reasons he had had for such a measure, and said that the embargo was placed upon the property of your petitioner "because Magdalena Farres de Mora *subscribed her name to a circular in which an invitation was made to raise funds in favor of the insurrection.*"

The truth is that she had not *subscribed her name*. She had been merely designated by her name,—against her will and without her knowledge,—by the committee of New Orleans, La., and this is a very different thing. Had the action of these gentlemen been even a formal accusation of connivance of your petitioner with revolution, the Spanish authorities ought not to have proceeded in the way they did and taken so hasty an action as they took.

Your petitioner further states, according to the rules, that the general grounds on which her claim is founded are the following:

First. The notorious injustice of the embargo, since neither your memorialist subscribed her name to the circular in question, as stated in the decree, nor was she ever connected with the affair to which said circular refers. The name of claimant was used without her knowledge and before she had received the least information about the subject.

Second. The American character of your petitioner and her right to have the embargo raised and her property released; since, according to the treaty of 1795 between the United States and Spain "*no embargo or detention of property*

can ever be placed upon the property of American citizens," much less when they reside out of the jurisdiction of Spain and within the territory of the United States.

Your memorialist further represents that the claim now preferred is: 1st. For the restoration of the whole of the embargoed property of your memorialist and income received by the Spanish Government. 2d. For damages sustained in consequence of the unlawful detention of said property.

The embargoed property consists:—

1st. In a mortgage upon the sugar plantation "Horizonte," district of Sagua, for the value of three thousand dollars.

2d. In the eleventh part of the same sugar plantation, "Horizonte," and portion of income of the same, accrued and unpaid to your memorialist for several years.

3d. Several lots in the village of "El Calabazar," near the city of Havana.

Your memorialist states that the property aforesaid—the lots at "El Calabazar" being excepted—were after the death of the mother of your petitioner placed under the administration, first of Mr. Enrique Farres, and afterwards of Mr. Federico Fernandez Lans; and that both administrators used to pay your memorialist, in partial payment of the income and interest belonging to her, the sum of *sixty-eight dollars* every month. The Spanish Government directed the administrators to stop that payment and maintain at the disposal of the Spanish officials the aforesaid monthly payment of \$68.00, and "whatever sums might be due on that account." Consequently the Spanish Government ought to pay said pensions, amounting (since the date of the embargo to the first day of April,) to the sum of one thousand two hundred and twenty-four dollars.

Your memorialist further represents that she estimates the damages sustained by her, in consequence of the embargo of her own property, and of the property of her husband (in which, according to the Spanish law, she goes half with her husband) at the sum of fifteen thousand dollars, (\$15000.)

Know all Men by these Presents, That
We, Magdalena Farre de Mora wife of Antonio
Marcos Mora and said Antonio Marcos
Mora, both of the City of New York and Citizens of the United States
 have made, constituted and appointed, and by these presents do make, consti-
 tute and appoint Mrs. Jose' Ignacia Rodriguez of the City of New York
 our true and lawful attorney for us and in our name, place and stead
 to prosecute, conduct and terminate all and each of the
 claims which we have against the Spanish Government
 before any Court or Courts, Tribunal or Tribunals, Ma-
 gistrate or Magistrates or before any Department of the
 Government of the United States, or before any mixed
 Court or Commission now sitting at Washington, to
 hear and determine all claims in our favor arising
 out of the Civil war in the Island of Cuba, and to
 take any and all proceedings in and about recovering from
 the Spanish Government all or any sum or sums of money
 or lands and tenements and hereditaments or whatever other
 property which has been unjustly taken, seized or confiscated
 by the said Spanish Government and which rightfully belongs to
 us or in which we have any interest; to make all necessary and proper protest,
 claims and demands whatsoever, to present all kind of proofs and evidence
 giving and granting unto our said attorney full power and authority to do
 and perform all and every act and thing whatsoever requisite and necessary
 to be done in and about the premises, as fully to all intents and purposes, as
 we might or could do if personally present, with full power of substitution
 and revocation, hereby ratifying and confirming all that our said attorney
 or his substitute shall lawfully do or cause to be done by virtue hereof.

In Witness whereof, we have hereunto set our hands and seals
 the twenty first day of March in the year one thousand eight
 hundred and seventy two. Magdalena Farre de Mora

Sealed and delivered in the presence of

Antonio C. Gorgatz Antonio M. Mora

State of New-York.

City of New York

COUNTY OF New York

Be it known, That on the twenty first day
 of March in the year one thousand eight hundred
 and seventy two before me personally appeared
Antonio Marcos Mora and Magdalena
Farre de Mora his wife, known to me to be
 the individuals described in and who executed
 the foregoing Letter of Attorney and they severally

acknowledged the above Letter of Attorney to be their act and deed

In Testimony whereof, I have hereunto subscribed my name the
 day and year last above written.

Antonio C. Gorgatz
 Notary Public
 nyc

Antonio Massimo Mora
and Magdalena Faring
de Mora, his wife

TO

José Ignacio Rodríguez

POWER OF ATTORNEY.

Dated March 20th 1834.



Washington D. C. May 11th 1872.

Honorable Hamilton Fish
Secretary of State
Present.

Sir: I have the honor to inclose a true translation of the protest I entered on the sixth instant against certain measures taken or to be taken in Havana, island of Cuba, in connection with the division of the estate of my deceased mother.

By being deprived of my civil rights in Cuba, I am unable to defend myself before the Spanish Courts. I cannot be heard, I cannot have a representative, I cannot constitute an attorney. They can do with my property as much as they please, although I am an American citizen.

I beg you to cause this protest to be filed with the others papers of my case: and I also request you to secure the restoration both of my property, and of my civil rights of

which I have been unlawfully stripped.

I am Sir very respectfully your obedient servant.

Ramon Fernandez Brindley & Co.



Be it remembered by this public instrument
of declaration and protest, that I, Don Nanda Briado Gomez, a native of Guinea, is-
land of Cuba, but a citizen of the United States
of America, domiciled at the city of New
York, being informed that in the legal proceed-
ings instituted in Havana to divide the estate
of my deceased mother D^a Francisca Gomez de Don
Nanda Briado, some of my coheirs have taken
or intend to take some steps, for the purpose
of selling at public auction (remate) the whole
of the said estate or some part of it, or of doing
any other thing which might affect the status
quo of said estate at the time I left the
island, do hereby declare and say: That re-
lying on the ground that I was appointed
by the will of my said mother Administrator
of her estate, and that this character and ca-
pacity was recognized by my coheirs, and con-
firmed by the Judge who conducted the said
proceedings before the Public Notary L. D. Agus-
tin Valerio:—relying on my undeniable rights
as one of the heirs, which circumstance as well
as the preceding vest in me the right of object-
ing to or opposing any steps which my coheirs or
the Judge, might take and could injure my rights:
Considering that under my present circumstances
I am still unable to use this right vested in me,

since by virtue of the 3rd art. of the Decree of
the Superior Civil Governor of Cuba of the 20th
of April 1869, I have been deprived of my civil
rights, and cannot be given a hearing before
the Spanish Courts of Justice, nor constitute
and appoint an attorney either in law or in
fact who represents and defends me; Considering
therefore that every thing done under such a
state of things in the legal proceedings for
the division of the estate, or in consequence
thereof, will be done without my knowledge and
hearing, and without taking into account my
approval or disapproval: and considering finally
that such a complete want of defense, forced
and absolute, and the ignoring of all my rights
as Administrator and coheir, cannot but result
in the absolute nullity of every thing done or
attempted to be done in connection with these
matters; I ought to protest and do hereby pro-
test, once, twice, three times, and as many
times as might be required by law, that such
a public auction (remate) is null and void,
and that all other steps, and measures taken
without my knowledge and assent, in regard
to the division of the estate, are also null and
void: and that I reserve my rights to enter the
proper claim against one and all of the parties
who might cause me said injury or appear be-

benefited by it, and to demand of him or them
due indemnification for the damages I might
have sustained through such unlawful act.

Done at the city of Washington, D. C. United
States of America, this 6th day of May A.D. 1872.

"Signed" Ramon Fernandez Criado y Gomez.

Sworn and protested before me the undersigned
United States Commissioner for the District of Co-
lumbia the day and date above written.

Witness my hand and official seal

Signed = R.... C....

Commissioner of the U. S.

(Seal)

A true copy taken from the original sent
to Havana

Washington D. C. May 11th 1872.

Ramon Fernandez Criado y Gomez



NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

MISCELLANEOUS LETTERS OF THE DEPARTMENT OF STATE

Roll 371

May 16-31, 1872



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

Washington: 1964

for
Washington D.C. 15. May 1872
Hon. Hamilton Fish

Sir Secretary of State

DEPARTMENT OF STATE
RECEIVED
MAY 15 1872

In compliance with directions contained in your letter to me of 17th. I have read, at the Department, the letter addressed to you by the Spanish Minister and the accompanying report of Mr. Potholad, on the subject of taking depositions in the island of Cuba. I shall make it my duty to present the matter to the next meeting of the Commission on Saturday 1st June, and make efforts to have the proper steps adopted to carry out the design.

I am most respectfully

Your obdt. Servt.

Thomas J. Durant
Advocate U.S.

What is the present situation of the claim
May 21



Prato
M. Hood

Hon Hamilton Fish -

13. E. 35th St New York May 18th 1872:

Secretary of State, Washington

Dear Sir. I received your favor of 30th ult by due
course of mail, and read it with pleasure.

My client and friend Ramon Martinez Hernandez, a citizen of the
United States, has long suffered from the effects of the Embargo of his property in
Cuba, and is now greatly in want of the revenues produced by his property on that
Island.

As soon as your letter notified me that you had forwarded our
claim for "Restitution," to the Spanish Government in Madrid, I addressed
a letter to General Sickles, and informed him of its contents, and asked him
to make a demand upon the Spanish Authorities without delay for a formal
release of our property, from this unjustifiable seizure.

This property has not been confiscated, but, by the effect of the Embargo, we are not
permitted to receive our revenues, and thus the rights due to us as an American
citizen, are, and have been, wantonly violated.

We have informed General Sickles that we wave all claims for detention and
damages, and only request a "Restoration" of our revenues and the possession
of our property -

Will you be kind enough to inform me whether or not you have instructed
Gen Sickles to make a demand in the name of our Gov. for the Restoration of our
property. Respectfully Yours Obedt. Sec^r

Silas M. Stilwell



Mr. Wood
Navy Department.

Washington May 21.

Sir.



I have the honor to submit herewith a despatch dated the 10th instant, received from Commander John L. Davis, Commanding the U.S. Steamer Wyoming, relative to the case of the steamer "Edgar Stuart," which vessel he seized at Kingston Jamaica, under suspicious circumstances and sent to Key West.

When you return the despatch, I would be glad to know your wishes in this matter.

Very respectfully,
Leon Holmes
Secretary of the Navy

Honorable
Hamilton Fish }
Secretary of State. }

1-44
No. 30. U. S. Str. Wyoming (3^d Rate)
Kingston, Jamaica
May 10th 1872.

Hon. Geo. M. Robeson
Secretary of the Navy
Washington, D.C.

Sir:-

I have the honor to inform
the Department, that I arrived
here on the 5th inst. in obedi-
ence to an order of Rear Ad-
miral S. P. Lee, Commanding
North Atlantic Fleet, a copy
of which is herewith
inclosed.

The U. S. Consul, under
whose control the "Edgar +
Stuart" has been, since her
arrival

arrival here, has had the circumstances attending the conduct of this vessel, carefully examined into, and the papers relating thereto, he informed me, will be transmitted to the State Department by the Steamer which leaves here to day. He has kindly furnished me with copies, as well as copies of the ship's papers which I requested in view of the "Edgar Stuart going to Key West, the port on her coastwise clearance to which she should have gone.

I have placed on board, with advice of the Consul,

on

an officer and men, who are instructed to proceed in her to said port, not in charge but to protect her from molestation, and in case of a departure from such a course to assume the control of the vessel, and carry her into Key West and to report to the senior Naval Officer there, his arrival.

The vessel's papers are in several respects defective.

She sailed from New London at 12.30 at night, with a crew of about thirty six, one half of which are Cubans or foreigners, the other half Americans.

Instead of going to Key West,
the

the Coast of Cuba a thousand miles away was made, and an armed party landed, the master having been overcome by the Cuban element on board. Afterwards he assumed command again and brought the vessel to this port, in distress, and then resigned his command, the Consul appointing the mate his successor.

The American portion of the crew have made affidavit that they are in fear of their lives if the vessel departs from this port without the protection of the U. S. Government. Her cargo is arms and

ammunition.

The parties interested in ship and cargo are throwing every obstacle in the way of the Consul and myself: insisting upon ejecting the people, I have put on board - so long as this course is not objected to by the authorities of this port, I consider it manifestly my duty to keep them there, and should there be a request to withdraw them through our Consul, I would do so but would call attention to the suspicions I and the Consul have of the determination of those who are interested

with the least practicable delay
I earnestly hope the case of the
"Edgar Stuart" will be so deter-
~~mined, that I may, in a day~~
or two at the farthest, proceed
there without detriment to
the public service. I trust
my course will meet with the
approval of the Department
as I feel sure it would, if it was
acquainted with all the phases
of the case.

On the 6th inst. I sent by the
wires, the following telegram
to the Department viz: "The
U. S. Consul has communicated
with the State Department, re-
lating to the "Edgar Stuart."
Her character in my opinion,
is

is most suspicious - Shall I
send her to Key West, her port
of destination for adjudication.

Receiving no reply, I jointly
with the Consul, yesterday
informed you as follows,

"Waiting a reply".

I am sir,

Very respectfully

Your obt. servant

J. L. Davis

Commander Commanding.

District Attorney's Office.

NEW YORK, May 24th 1872

Hon Charles Hale
Att Secy of State

Sir

I have rec^d

Your telegram in reference to Guonidi
and answered it. The name in the record
is Alexander Angulo, & not Augusto
The Clerk made an error in
transcribing it.

I drop this note
lest by some accident my telegram
may not reach you - or reach you
incorrectly

Very respectfully
Wm. H. Smith

Telegram

New York May 24, 1872.

Hon. Jas. Hale,

Asst Secretary State.

The name in the
record is Alexandro Anguelo,
and not Alexandro Augusto.

Noah Davis.

U. S. Atty.

Is this
Anguelo

or
Anguelo

or
Anguelo

May 25. 1872. filed

Baltimore, Md.,
June 1871.

Hon. Hamilton Fish,
Secretary of State,

Dear Sir:

Allow me to call your attention to the case of an American seaman, who was, and probably still is, imprisoned in Sagua la Grande, in the Island of Cuba. The case is that of Harry Norris, of the Schooner "Mary Louise" of Portland, Maine. Some time in the month of April last the Schooner "Mary Louise" was lying in the harbor of Sagua la Grande. Harry Norris, who was a seaman belonging to the crew of the said schooner, went ashore, and being an American citizen, and unprotected, was pitched upon by some of the natives. He was thus compelled to defend himself, and for this offence was arrested, put in the stocks for forty-eight hours, and then imprisoned in the same prison I was in at Sagua la Grande. He was provided with nothing that was fit to eat, and I shared my grub with him, which I obtained at my own expense at a hotel, until I was released. When I left Sagua he had been imprisoned upwards of forty days, and no-

Chorris released July 12. 1871. and sailed for
Baltimore August 8th 71. See No. 517 from
Havana, dated Aug. 10. 1871

thing was being done towards procuring his release. His case has not received the attention it deserves, because he is a seaman and has no influence. I am advised that your Department is the proper one to address in the matter. I am not aware as yet of the said seaman having been released.

Joseph Griffin
Master Scho. Lillias.

State of Maryland }
City of Baltimore } to wit:

Be it known,
that I, James Scott, a Notary Public
in and for the City and State aforesaid, do
hereby certify that the Joseph Griffin
whose name is subscribed to the above letter,
addressed - Hon. Hamilton Fish, Secretary of
State, is known to me to be the person repre-
sented as Master of the Schooner Lillias.

In Testimony whereof
I have hereunto set my hand and affixed
my Notarial Seal this 13th day of June
A.D. 1871.

Scott
Notary Public.

2

advised
LOAN

and Co. minister
has made separate
to come thru
CH
Sir; May 28
1972
May 29
June 5

MAY
29
1972
STATE

Your letter of the 22nd instant enclosing a copy of a despatch of the 2nd instant from the charge d'affaires of the United States at Madrid relating to the financial irregularities of Sr. M. Cort, late Consul at Valencia, and desiring to be informed whether Mr Cort's official bond could not be held to cover his indebtedness for moneys advanced to him on what purported to be a draft on the Treasury for salary due to him as Consul has been received. In reply I have the honor to inform you that your letter was referred to the First Comptroller of the Treasury for report on the 23rd instant. Under this day's date the Comptroller makes his report

a copy of which is transmitted herewith.

It will be perceived that he decides
that the question is one which this De-
partment cannot authoritatively decide
or give an official opinion.

Very respectfully

Your obedient servant

Geo. B. Burnett
Secretary.

Hon. Hamilton Fish.

Secretary of State



Received
per CH May 8

Washington D.C.

May 31st 1872.

Ans. June 1

Hon. Hamilton Fish
Secretary of State.
Present.

Sir.

Permit me to call again your attention to my claim, against the Government of Spain. The circumstances under which I am at present, and the confidence I have in your upright feelings and character, make me to ask of you a moment of attention to my case.

In all claims against Spain, there are two points, entirely different, to be considered:— 1st the American citizenship of claimants?— 2nd the merits and justice of the claim itself.—

In your note to Sen. Sickles (Nov. 25 1870) you told:— "If it shall appear that (his) claim to be a citizen of the United States is valid, and that he has done no

"act to forfeit his rights as such, it
"will be claimed & X."—

Consequently, if it shall appear that
I am an American citizen, and that I
have done nothing to forfeit my rights,
—I must expect of you that you will
cause, — by all means, — my property to
be restored to me. American citizens
cannot have their property embargoed
within the dominions of Spain, accord-
ing to the treaty of 1795.

My naturalization papers state that
I was admitted to be a citizen of the
United States in April 15, 1869.—

Since that time I have not left the
United States. I have done nothing which
might injure my rights as such citizen.

The Spanish Government seized my
property after my naturalization—
The decree of embargo is dated on
the 4th of May 1869.— I was a
citizen of the U. S. at that time, and
consequently I was under the protection
of the treaty.—

The best proof, besides the date of the decree of embargo, - that my property was seized after my naturalization, is to be found at page 715 of "Papers relating to the Foreign relations of the U. S., 1871" - The Spanish Secretary of State set forth that my property had not been seized: - "a certain Don Lore Fernandez Criado is the only one embargoed." -

Therefore, it is a fact beyond doubt that I, Ramon Fernandez Criado, was embargoed after having been admitted to be an American citizen.

Will you refuse your protection and the protection of the Government to one who is under such clear circumstances?

The Commission sitting at Washington was established to adjust claims, and make or refuse awards: to grant or refuse money. But the question of repealing the embargo: the question of the restoration of the property, cannot be submitted to any arbitra-

tion, because it is finally settled by a treaty.

The embargo of my property implies according to the decree of the Captain General of Cuba, the deprivation of all civil rights. Now my brothers in Havana are engaged in the division of the estate of my mother; and I am unable to defend myself, because I am forbidden to appoint an attorney at law, or to do anything - I am civilly dead.

I beg you, again, to excuse me; but I pray you, relying in your own expressions, to take such steps as to secure the prompt release of my property.

I am, Sir, with great respect
your obedient servant
Ramon Fernandez Priado y Gomez

