

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 179

**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 379

October 1-17, 1872



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

Washington: 1964

Replied
Oct 4
asked to ask



W. B. Smith

American and Spanish Commission.
Washington. October 2.^d 1874.

Hon Hamilton Fish.
Secretary of State.
Sir:

I am desirous to obtain two Spanish flags of the dimensions of six feet by twelve, or as near that size as there may be found, to be used, with two American flags that I already have in decorating the offices of the Commission.

I have been unable to get them from the Spanish Legation, as there is but one in that office, but I am informed that they might be procured from the Navy Department by means of a request to that effect from the Department of State, directed to the honorable Secretary of the Navy.

If therefore you should deem it

proper, and it should be found at the
same time convenient to do so. I beg
that you will make the request for
them to which I have referred, and
which will be necessary in order
for me to get them.

Very respectfully.

your obedient servant

George Q. Moore
Secretary

Sub

Wish to see Gables
& request him to
con. the request
make to show that this
is some case



W. B. Hall

American and Spanish Commission
Washington, October 2^d 1872.

Hon. Hamilton Fish
Secretary of State.

Sir:

By an order of the Commission
of date the 28th ultimo, I am in-
structed to communicate to the
Department of State of the United
States the request of the honorable
commissioners to the effect
that the Department ask from
the government of Spain duly
authenticated copies of the fol-
lowing described documents, to
be used in evidence in the claim
of Paulina A. Meatre now pending
adjustment before the Commission
alleged to be now existing in the
archives of the proper offices of

the Spanish government in the island of Cuba. to wit:

- 1st The report of the Council of Administration in the case of Paulina A. Mestre.
- 2^d The decree of the Captain General declaring her to be comprised in the article first of the Circular of April 20. 1869.
- 3^d The drafts of the several orders issued from time to time by the Captain General, or Superior Governor, to carry said decree into effect.
- 4th The several notices or orders issued upon the executors of the wills of Don Gonzalo Affonso and Dona Merced Paez, father and mother of the claimant.
- 5th An account of all monies received from time to time from said executors by the Spanish government in Cuba, on account of the share or interest of Mrs

Meatue therein.

6th The publication of said several
papers and proceedings, and
the proof of such publications.

7th All other papers and documents
corresponding with the act or
instrument known as the
"Expediente de Embargo", or in any
way relating to the case of the
claimant.

I am, Sir, very respectfully,
your Obedient servant.
George O. Moore
Secretary.

Sir,

United States District Attorney's Office
Providence October 14th 1872

Sir:

I have the honor to acknowledge the receipt of your letter of the 18th inst. advising me of the discrepancy of my statement of account for services rendered as Counsel in the matter of the "Pine" to the Department of Justice, and of the statements to you by letter from the Acting Attorney General, concerning the same. —

What the Acting Attorney General means to convey by the statements as repeated in your letter, I cannot confess I do not quite understand. My claim certainly is under a clause of the law, to which he refers, which reads as follows, viz: "For the services of Counsel rendered at the request of the head of a department, of such sum as may be stipulated or agreed on". I know of no other law under which I am entitled to compensation for the services stated in the account, and I certainly desire no greater amount than such as shall, in accordance therewith, be agreed upon as just. —

The Acting Attorney General will concede

I think, that when a duty is not enjoined upon me by the law of my office, but is performed merely at the request of the head of a department, the legal compensation therefor, in the fee bill, is such sum as may be stipulated or agreed on. This appears to be the view pronounced since the enactment of the present fee bill in upwards of twenty published opinions of Attorney General, into which you are doubtless familiar; that in the case of *Wingate Hayes Esq*, District Attorney for the District, Vol 8 page 126, serving as an illustration.

Admitting that the copies of the letters and telegrams to me, and my telegraphic letters and reports to the State Department as well as the Department of Justice, will be referred to in connection with the account, I have to say that it will appear that the services in the first item stated were performed solely at the request of the head of the State Department, the Attorney General as stated in the request concerning; they had no relation to any suit or proceeding as none had been commenced, and instead of involving official duty, could manifestly have

been discharged by any attorney whom you might have chosen, under the authority vested in you, to employ. —

The second item is for each paid out, as expenses by me in performance of the service in said first item mentioned.

The third item is for services rendered, before the commencement of any suit, and before I had authority to commence any, at the request of the Attorney General, as in said item stated, and related to the facts which I have called upon to investigate by your request by telegram of July 18th 1872. —

By direction of the Attorney General, by letter of the 29th of July 1872, a Libel of Information, on behalf of the United States, for violation of U. S. Stat 147, was filed, on the 2^d of August 1872, against the "Pioneer". I am well aware that for any services which it was my duty to render by the law of my office in the prosecution of said libel, the sole compensation provided by the fee bill

inasmuch as it was not a prize case, is a docking
fee of \$20. - The fee of \$2.50 for taking a deposition
is not chargeable unless it is admitted in evidence in
the case, and travel at the rate of ten cents and
not be chargeable in attending to the taking of deposi-
tions. Under these circumstances I should in no case,
in the absence of instructions, deem it a part of
my official duty, before the necessity of taking
depositions, at all, becomes manifest by the ap-
pearance of a claimant in the case, to leave
my home and pay hotel bill and traveling ex-
penses to take depositions de bene esse.

On the absence of instructions, and of knowledge
as to what evidence the Department had in New York,
I did not feel in this case that it devolved upon me
to take any action until some claimant appeared,
and was governing myself accordingly, when on the
5th of August, copies of correspondence between your
Department and the Department of Justice were
shown me by the Marshall, which clearly indi-
cated to me that it was the wish of both
Departments to have depositions de bene esse taken,

and acting in good faith upon that belief, strengthened by a knowledge of the facts, as ascertained and reported to your department, without delay, I considered the services in the 4th and 5th items stated, the result of the report mentioned being a request to obtain the necessary evidence if possible -

What I have said above regarding the 4th and 5th items applies also to the 6th and 7th. The taking of Captain Norton's deposition, involving, as it did, the necessity and expense of being in New-York, by reason of his confinement in jail there, I respectfully submit was not a duty devolving upon me, without request, before the filing of claim in the case, and but for the Attorney General's letter of the 8th of August 1872, I should not have taken it. It is true it was taken, though never admitted as evidence, in a civil cause depending at the time of the taking, nevertheless it was at the request of the Attorney General and not as I hold by virtue of any duty imposed by law. -

The last item of service in the account
was rendered on request of the Acting General
by letter of 9th of Sept 1872, after the entry of
the decree of forfeiture in the Libel of Information,
and for reasons already given seems to me properly
in the account. —

I have said nothing of the care and labor
bestowed in these matters, during the most heated
time of the year, nor need I, as at present
advised, for if I comprehend the views of the Act-
ing Attorney General, as stated by you, his
position is as to my right to compensation
at all, or even the reimbursement of expenses —

It cannot be that upon examination
of the facts the Acting Attorney General will
be of the opinion that because a libel of in-
formation was filed in Court against the
"Pioneer", for the prosecution of which a fee
of twenty dollars is provided by the fee bill,
that, for all the other services, which I
have rendered relating to that vessel, and
transactions connected with her history,

independently of said bill, at the request
of heads of departments, since your
original request, I am entitled to nothing,
but our reimbursement of the \$44,23 which
I have paid out.

Wishing simply for justice in this
matter, according to law and established
usage —

I am Sir,

Very respectfully
Your obedient servant
John H. Andrews

Com Chas Hale U.S. atty R.I. Dist -
Acting Secretary of State
Washington D.C.

ack 10 Oct

W. B. Pratt

Del
Treasury Department,

Fifth Auditor's Office.

Washington,

Oct 5th



1872.

Sir:

Mr. John P. Hale late, United States
Minister to Spain, having

transmitted to this Office, for adjustment, his Account for time occupied
in returning home from his post

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

He charges ~~from~~ thirty days, 1871, ~~to~~ preceeding
482 June 1st 1871.

Respectfully, yours,

J. A. Elmer
Auditor.

To the Secretary of State,

Washington, D. C.

131
RECEIVED
OCT 12 1872
U.S. DEPT. OF STATE
American and Spanish Commission
Washington. October 5th 1872.

Wm Hamilton Fish.
Secretary of State.
Sir:

I have the honor to hereby acknowledge the receipt of your communication of date the 4th instant together with copies of the diplomatic and consular correspondence on file in the State Department, relating to the claims of Joaquin Garcia de Araya and Joaquin Delgado against the Government of Spain.

I am, Sir, very respectfully,
Your obedient servant.
George O. Moore
Secretary.

ans^d Oct 14

Washington Oct. 9th 1872.

to the
Honorable Hamilton Fish,
Secretary of State

Washington D.C.

Sir;

In the month of June 1824,
during his residence in the United
States as Agent of the Government
of Hayti, M^r J. Granville being
interested in the emigration of the
persons of African descent to that
Republic, addressed a letter to
the Secretary of State of the United
States, informing him of his mis-
sion and requesting to be informed,
whether it was not contrary to
the laws of this country to pro-
mote and encourage that emi-
gration.

I have been instructed to apply
for a copy of the answer sent
by the Secretary of State to Mr
Granville.

I therefore will thank you, Mr
Secretary, if not inconsistent with
the regulations of your Department
to furnish me with the above
for transmission to the party in-
terested.

I am, Sir, with great respect
Your obedient servant
Alfred Harribe

1422 New York Avenue

San D. of. 23d Nov 1879
San Diego Oct 15th 1879
ack'd Jan 7 to Mr
Hore A. A. Sargent, Sargent.

My dear Sir,
Will you please lay before
the Proper authorities, the
fact that the Monument,
marking the Initial point
between the Boundary of
the United States and
Mexico is being Defaced,
Broken, and Destroyed by
visitors. They do this to carry
away the pieces. Please have
an order forbidding it
published in the San Diego
Union, and a reward offered
for their apprehension if
there is no better mode.
We of San Diego feel this
deeply. By looking to this
immediately you will confer a

great favor on us.
Yours truly

A. D. Gary.

A. S. Grant & Wilson
all right here though
really needs you to help
him, but we will do the
best we can.
A

Oct. 16th 72

Memo

Letter of John F. Cahill.

dated at Genito

Porkatan Co. Va

Oct 16th 1872.

Referred to American and
Spanish Com^{rs}. 22^d Oct
and Unt^{rs} advised —

Philad^a Oct 7. 1872

Genl U S Grant.

President of the United States.

Hon Sir,

Impelled by a sense of duty and a warm sentiment of gratitude, I beg to convey to you my acknowledgement for the kindly interest that personally and in your highly official capacity you gave to my sufferings during my late imprisonment in Cuba and Spain, and until my final release was accomplished.

I can but feel prouder of my country that my claim to it for justice and protection, was so nobly responded to, by the action of Government in my behalf.

I beg to subscribe myself,
Very respectfully yours,

J. Emilio Howard.

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**MISCELLANEOUS LETTERS
OF THE DEPARTMENT OF STATE**

Roll 380

October 18-31, 1872



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

Washington: 1964

Ac.

Sub

Ac'd + letters mentioned herein
returned 22^d Oct.



Treasury Department.
Comptroller's Office.
October 18. 1872.

Hon Hamilton Fish.
Secretary of State }
Sir-

In the settlement of
the Salary account of Carl Schurz, late
U. S. Minister to Spain, a charge of \$894.87,
for Salary, from March 19th, to April 14. 1862,
was not allowed, for the reason that his
leave of absence expired March 18th, and
your letter to the Fifth Auditor on the
subject states that there is no evidence
in your Department that said leave was
extended beyond that date.

I enclose a copy of a letter from Mr
Schurz to Mr Seward. Mr Seward's reply
to the same, and a letter from Mr Schurz
to this Office, for your consideration,

and I will thank you to inform me
whether in your opinion said salary
can be allowed.

Be pleased to return the enclosed
with your reply. Did so 22 Oct,

I am Sir.

Very respectfully yours.

R. W. Taylor
Comptroller.

Three enclosures

Ex 1244 Oct 21 1872

Mr Wood



New York October 18th 1872



Horatio Hamilton Fish
Secretary of State
Washington D.C.

Sir
Referring to my communication
of last month transmitting
Interrogatories and Letters
Rogatory from a State Court
in Florida for taking testimony of
witnesses in Cuba and South
America I beg leave respectfully
to renew my request to be informed
of the receipt of the communication
and to be informed whether it will
receive the action asked for respect-
ing it - A reply will reach me ad-
dressed to the care of Missy Earle Perkins
136 Pearl St New York - Respectfully
E M L'Engle

Letter from L. Eagle, Sept 17 Enclosed letters re: a.

long and direct testimony taken in
Havana & New Granada in case of
Sanchez vs Sanchez

Letter was received 19th - It cannot
be found.

E a R

20 Spanish M^{ns} 30 Oct New York October 23^d 1872

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



Sir,

After a protracted discussion, which lasted more than two years, the Spanish authorities of Cuba consented to release my property and issued to that effect the Decree of the 17th of May 1872 which was transmitted to your Department by the Spanish Minister.

The aforesaid release, undoubtedly pro forma, was submitted however to the approval of the Government of Madrid.

But the Secretary for the Colonies, in anticipation (en prevision) of a Royal Decree which was not issued until the 31st of August ultimo, suspended the case and did not take any action, either in favor or against the aforesaid release of my estate. This is the reason why I have spoken of the retroactive effect given to said Decree, which affected my case two or three months before being issued and published.

Now, I know through positive and reliable information from Havana, that my papers had arrived in that city by the mail steamer of the 4th inst., and that my case is again sub judice, before a certain Punta which is to be established there and will revise all the cases of embargo of property without any exceptions.

As an American citizen, recognized as such by the Spanish authorities themselves, I cannot in any manner agree to such proceedings.— My case is a decided one, and I protest against the submission of it to new revisions and discussions.— As an American citizen I cannot submit to the decree of the King of Spain, dated the 31st of August, and I demand the faithful fulfillment of the treaty of 1795.

I therefore, request you, very respectfully, to address a note to the Spanish Minister in that city, asking of him the immediate execution of the decree of the 17th of May 1872 by which the Spanish authorities of Havana ordered the release of my property, since my case cannot fall under the jurisdiction of the Junta newly created, nor is it liable to new revisions or discussions.—

I request you, Sir, to take into consideration, that although I am an American citizen whose national character was never doubted, I have been for nearly three years deprived of my property and subjected to live in the most reduced circumstances.

Such an injustice, if not stopped by an action like that which I have requested before, threatens to be continued for an indefinite time. The members of the Junta are not appointed yet, and their proceedings will necessarily be long and protracted.

I recommend myself to your justice.

to your patriotism, to your zeal in behalf of Americans and
American interests; and I remain, Sir,

Your most obedient servant.

Martin Muskes.

W

Office of GEO. W. BROWN,
 Ship Broker and Commission Merchant,
 No. 82 Wall Street.

Special attention given to the Purchase and Sale of Vessels.

New York, Oct-25th 1872

His Excellency
 President U.S. Grant—
 Sir

I have the honor to enclose
 to you a copy of the "Weekly Report"
 dated Havana Oct-19th 1872, and
 respectfully call your attention
 to the marked lines respecting the
 "War". With what nation is the
 Government of Spain at war?
 What war disturbs the tranquility
 of the Island?

Is not the official report of
 the Captain General sufficient
 proof that a war exists on the
 Island?

I have the honor to be

Your Obt. Servant
 Geo W Brown

General Intendancy

Your Excellency:

RESOLUTION

7th.—All the taxes and extra charges named in the previous articles, will be considered as merely transitory, and will be enforced on and after the 1st January 1873.

200	200
150	100
75	50

INCORPORABLE CLASSES

HAVANA.											
\$.	Cts.	\$.	Cts.	\$.	Cts.	\$.	Cts.	\$.	Cts.	\$.	Cts.
Matanzas, St. Jago and other ports of entry having over 2000 inhabitants.		1000	200	500	200	400	200	300	200	200	100
Towns having over 2000 inhabitants and ports of entry having over 1000 and not over 2000.		1000	500	400	200	300	200	200	100	200	50
Towns having from 1000 to 2000 inhabitants, and ports of entry of not over 1000.		1000	400	300	200	200	100	200	100	200	50
Towns of from 600 to 1000 inhabitants.		1000	300	200	100	200	100	200	100	200	50
Towns of less than 600 inhabitants.		1000	200	100	100	200	100	200	100	200	50

GENERAL TABLE OF THE INDIVIDUAL QUOTA PER FOLLOWING BASIS OF POPULATION.

STATEMENT of the present war subsidy, the increase proposed and the total to be levied on and after January 1st, 1873, on the following articles of export.

ARTICLES.		PRESENT SUBSIDY.		INCREASE PROPOSED.		TOTAL ON & AFTER 1st Jan'y. 1873.	
		\$	Cts.	\$	Cts.	\$	Cts.
Per	Box sugar	75	75	1	50		
	Hhd. ditto	1 50	1 50	3	00		
	Pipe rum	1	1	2	00		
	Hhd. molasses (120 gallons)	50	50	1	00		
	Ditto Honey (each gallon)	2½	2½				
	Kilo white Wax	2	2				
	Ditto Yellow ditto	1½	1½				
	Ditto leaf tobacco	3	3				
	Ditto Scraps	2½	2½				
	Millie Cigars	75	75	1	50		
	Millie Packets Cigarettes	50	50				

Havana, October 11th 1872.— *Mariano Cancio Villaamil.*

Compliments of
Geo W Brown

DEPARTMENT
RECEIVED
30
1872
OF STATE.
Executive Mansion.

*From Genl. W.
N.Y. City*

*Press extract from "Weekly Report"
translated from "Gaceta Oficial".*

Respectfully referred to the Secretary of State.



By direction of the President:

Oct. 28th 1872

O. G. Sabers

Secretary.

Copy.

Graham, North Carolina
October 18th 1872.

Hon Henry D. Barrow,

Fifth Auditor

Treasury Dept, Washington,

Sir:

I have the honor to report that I was relieved by my
successor, Edmund Johnson Esq of Va, on the 6th of last
month. I availed myself, on being relieved, of the first
opportunity of returning to the United States; and on
the 18th of last month obtained passage on board of a
Spanish Steamer for Havana; from Havana to New
Orleans by the Steamer Hudson; and from New Orleans
to Memphis Tennessee by Steamer Glencoe; thence by
Rail Road to Graham N Carolina my place of
residence, where I arrived on yesterday, the 17th inst -

I am, very Respectfully,

Your Obedt. Servant,

(Signed)

Henry A. Badham,
Late U.S. Consul General



Ack'd 15 Dec 71 - B. Gordon

New York, Oct. 31. ⁴/₁₁

To the Hon.

Hamilton Fish,

Secy of State

Washington D. C.

Sir,

I beg leave to inform you that my ^{chiquito} father Santa Rosa, who is, still imprisoned at Havana has sent me a communication in regard to some facts which he wished to be submitted to the State Department, the translation of which is as follows:

I was sick at Ciego de Escobar when on the 29.th of June 1871 I was attacked by a guerrilla belonging to the forces of under Colonel Gab. Marín. I fled and escaped, the attacks were renewed until the 7.th being always fortunate enough to escape safely. On the 8.th of July, at nine o'clock in the morning I received a letter from Col. Marín in which he made me the proposition to surrender myself and insuring me a complete amnesty; he was not, certain, however, whether the government would allow me to remain in the country, or whether I would be exiled. At three o'clock in the afternoon of the same day I surrendered. On the following day in the morning

Having given me a safe conduct without any limitation in regard to time, he sent me to the insurgent Camp to carry some written communication. I became so ill on account of exposure to the rain that I was found by three men near a forest in an insensible condition; they took me to their hut where I remained a month and a half escaping death most miraculously. At the end of August, I do not know on what day, there came a guerrilla from the Spanish encampment named San Gerónimo and they took me there with thirty six other persons who were with me at that place. In said encampment they took from me the written communications that had been entrusted to me: the safe conduct and the letter directed to me by Col. Mearin in which he proposed to me to surrender; and I was detained until the 28th of September when I was sent to Puerto Prieta as a prisoner under the escort of a company of the S.^m Quintin regiment. On the 29th day of Sept. I arrived in Puerto Prieta and the military governor of that place discharging me from custody as soon as the officer believed me to him and I remained free until the 30th of November. I was then imprisoned again; an army Captain was appointed military attorney to prosecute me; he interrogated

me about the events of the Cuban insurrection
and the capture of the Steamer Comandante
I answered every question without attempting
to conceal the truth, and several persons were
also examined as witnesses. All the documents
were sent to the Captain General Casimiro Sal-
maseda and on the 14th of March 1872 I was
released by his order. I began then to work at
my trade so as to get money enough to pay
for the expenses of my trip back to my fa-
mily and I continued to do so until the 9th
of July 1872. I went on that day to ask the
Commissary of Police for a permit to go to Ha-
vana which he granted, stating in the back
of that document that said city was my per-
manent residence. I went to Havana on the
10th on the evening of the 11th I sailed on board
of the Steamer Barcelona and on the 13th
in the morning I landed in Havana taking
lodgings in the Western Inn. I reported myself
to the Commissary of Police of that Ward; and
at midnight that functionary accompanied
by three other policemen and an army officer
went to my room, searched my baggage and
the room, and afterwards they took me to the
barracks of the mounted Police or La Vanguardia
and on the next day the 14th I was carried
through the streets with my arms tied be-
hind to the public jail. I was there put in

'close confinement (incommunicado) in a dungeon (barracón) where I remained fifty four days. The Admiral of the Spanish navy went on his customary visit to the prison and I presented myself to him stating my case; he told me he had sent to Puerto Principe for 'some information and statements that were necessary; that if it was true I had been pardoned, as I said, he would release me; but if I had only been pardoned as an insurgent, I would then be tried as a pirate before a 'Court martial for the capture of the steamer 'Comandante.

'They want to make two indictments against me; one for rebellion and one for piracy; but I was fully pardoned for both offences as can be proved by my trial and discharge when I was imprisoned at Puerto Principe.

The above translation evidently shows the dangerous situation in which my father is at present, and therefore, I earnestly request your attention on this case, which is a matter of life and death to my unhappy father and a source of grief and affliction to all his family.

I have, Sir, the honor to be
Your obedt servant

Bartholomew Santa Rosa
Office of Vickot & Co 76 Pine